

## The role of the judiciary in resolving the plea of unconstitutionality under Organic Law 22-19

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### Abstract:

The Algerian constitutional founder, under the 2020 amendment, enshrined the right of individuals to access the Constitutional Court in a manner that guarantees their constitutionally protected rights, as stipulated in the provisions of Organic Law 22-19. This was achieved by involving the judiciary, both lower and higher courts, through a process known as "filtering," aimed at preventing the Constitutional Court from being overwhelmed with frivolous cases via the mechanism of raising a constitutional objection. The study aims to explore the limits of judicial jurisdiction through the filtering process, in a procedure originally assigned to the Constitutional Court as an independent institution responsible for ensuring respect for the Constitution.

**Keywords:** Constitutional Objection, Filtering, Constitutional Oversight, Constitutional Court.

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### Introduction:

The Algerian constitutional legislator, through the provisions of the 2016 constitutional amendment, adopted the mechanism of raising unconstitutionality as a means enabling individuals to approach the authority tasked with ensuring respect for the Constitution, with the aim of protecting their constitutionally guaranteed rights and freedoms. This mechanism was further consolidated in the 2020 constitutional amendment within the provisions governing the work of the Constitutional Court, an independent constitutional institution replacing the Constitutional Council. The amendment also expanded the scope of this mechanism to include regulatory provisions in addition to legislative texts.

The Organic Law No. 22-19, dated July 31, 2022, and published in Official Gazette No. 51, established the rules and mechanisms for submitting cases to the constitutional court. This law includes mechanisms for addressing and filtering claims related to the mechanism of raising unconstitutionality, as detailed in its second chapter. It abrogated Organic Law No. 18-16, which had laid down the requirements and processes for applying the mechanism under the provisions of the 2016 constitutional amendment. The new law adopts a two-tiered filtration system to limit frivolous claims that might burden the Constitutional Court and impede the course of justice.

The mechanism of raising unconstitutionality does not allow individuals to directly approach constitutional courts. Instead, these courts adjudicate such constitutional disputes after the claims have been filtered and examined, following two distinct approaches. Some countries adopt a single-tier filtration system to ensure swift resolution of constitutional disputes, while others adopt a two-tier system to enhance the effectiveness of constitutional courts. In the latter system, judicial bodies examine the seriousness of the claims after verifying compliance with formal and procedural requirements, a process referred to in legal theory as "filtration." This approach balances the individuals' rights with facilitating the work of the constitutional judge without addressing the constitutionality of the contested provisions.

Undoubtedly, one of the judiciary's fundamental tasks—shared with constitutional oversight bodies—is the preservation of individuals' rights and freedoms by performing its constitutionally mandated functions in adherence to the principle of separation of powers.

### **Study Problem:**

This brings us to the following research question:

#### **How has the Algerian legislator addressed the role of the judiciary in filtering claims of unconstitutionality under Organic Law No. 22-19?**

To answer this question, the study is structured into two sections. The first one addresses the mechanism of filtering claims of unconstitutionality between unification and duality, while the second section examines the filtration system in Algeria in the context of the 2020 constitutional revision.

## **1. The Mechanism of Filtering Claims of Unconstitutionality Between Unification and Duality**

Countries vary in their approaches to filtering claims of unconstitutionality. Some, like Germany, Italy, Tunisia, and Egypt, have adopted a single-tier filtration system, while others, like France and Algeria, have implemented a two-tier system. Despite these differences, both systems rely on the judiciary during the filtration process. To clarify, this section will address the concept of the mechanism for filtering claims of unconstitutionality (First), then explain the single-tier filtration system (Second), and finally discuss the two-tier filtration system (Third).

### **1-1. The Concept of the Mechanism for Filtering Claims of Unconstitutionality:**

Constitutions, followed by legislations, regulate what is known as the filtration of claims of unconstitutionality. This process is undertaken by bodies and institutions tasked with overseeing the constitutionality of laws in systems that recognize individuals' right to challenge unconstitutionality—whether such bodies are judicial or political in nature. This mechanism is indirect,<sup>1</sup> aimed at preventing oversight bodies from being overwhelmed with frivolous cases, which could hinder constitutional justice.

While granting individuals the right to protect their constitutionally guaranteed rights and freedoms through the mechanism of raising unconstitutionality reflects the embodiment of the

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1- Oukil Mohamed Amine: "The System of Filtering Constitutional Objections in Comparative Law and Its Prospects for Application in Algeria," *Sawt Al-Qanun Journal*, Issue 8, Algeria, 2017, p. 11.

rule of law,<sup>2</sup> this right must be exercised within limits and under certain conditions. One of the key conditions is that individuals exercise this constitutional right indirectly through the judiciary's contribution under the filtration mechanism.

As such, the filtration process is typically entrusted either to the judiciary—most commonly—or to a committee formed within the constitutional oversight body, whether it is political or judicial in nature. This committee, before the constitutional oversight process begins, screens and purifies the claims raised without ruling on their constitutionality. Instead, it examines procedural, formal, and substantive requirements, as well as the seriousness of the claims, before they are referred.<sup>3</sup>

Based on this, we can propose the following definition of the filtration of claims of unconstitutionality:

*"It is a constitutional mechanism whereby the judiciary filters and purifies claims of unconstitutionality raised by individuals during legal disputes, under the restrictions and conditions set by the Constitution, to ensure the efficiency of constitutional justice."*

### **1-2. Features of the Filtration Mechanism:**

From the proposed definition, several key features of the filtration mechanism become apparent:

- Constitutionally Established Mechanism: The filtration mechanism is constitutionally established, aiming to screen and purify claims to prevent the constitutional oversight body from being overwhelmed with frivolous claims.
- Judicial Responsibility: The filtration process is inherently judicial, carried out either by lower or higher judicial bodies, depending on the constitutional and legally stipulated conditions.

Several countries have adopted the single-tier filtration system, also referred to as self-filtration, wherein claims of unconstitutionality are filtered internally by the constitutional court itself. For instance:

- Germany: A committee of three judges, derived from the Federal Constitutional Court, handles the filtration of claims. This approach allows the constitutional judge to maintain exclusive oversight of the entire process without external interference, thereby promoting constitutional justice.<sup>4</sup>
- Italy and Spain: The judiciary verifies the procedural and formal requirements, as well as the seriousness of the claim, before referring it to the constitutional court. The judiciary then rules on the validity of the claim.
- Tunisia: Article 65 of the Basic Law on the Constitutional Court stipulates that<sup>5</sup> courts referring claims of unconstitutionality must forward them directly to the Constitutional Court without any appeal against the referral decision. Tunisian courts neither verify the claim's compliance with formal or procedural requirements nor assess its

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2- Hadadi Samir: "The Constitutional Court's Oversight of the Constitutionality of Laws and Its Role in Establishing the Rule of Law," PhD Thesis, Guelma University, 2023, p. 4.

3- Laidi Kheira, Wafi Haja: "The Constitutional Objection Before the Judge of the Case," Journal of Real Estate and Environmental Law, Vol. 7, Issue 13, University of Mostaganem, 2019, pp. 56-57.

4 -Menasria Samiha, Imad Zabih Daman: "Filtering Objections in the Algerian Constitutional Court: A Prospective Vision," p. 3.

5 -Organic Law No. 50 dated December 3, 2015, concerning the Constitutional Court, Official Gazette No. 98 dated December 8, 2015.

seriousness. Instead, the Constitutional Court forms a specialized committee to ensure the claim meets formal and procedural conditions before referring it for a ruling on constitutionality.<sup>6</sup>

- Egypt: A self-filtration system is also adopted. The judiciary, after verifying the required conditions and the seriousness of the claim, may suspend the proceedings for up to three months, during which the claimant must submit their case to the Constitutional Court. Unlike Tunisia, the judiciary does not directly refer the claim; the responsibility lies with the claimant.<sup>7</sup>

### 1.3- Characteristics of the Single-Tier System:

- The constitutional judge solely oversees and examines the raised claim, ensuring comprehensive assessment without involving other bodies.
- While the system ensures adherence to the principle of separation of powers and supports constitutional justice, it risks overwhelming constitutional courts with frivolous claims, potentially disrupting judicial operations and delaying justice.

### 1.4- The Two-Tier Filtration System:

The two-tier filtration system involves the judiciary in the filtration process without encroaching on the constitutional oversight body's role, adhering to the principle of separation of powers. Under this system, individuals raise claims of unconstitutionality at lower judicial levels. After an initial assessment of procedural, formal, and substantive requirements (the preliminary filtration), claims are forwarded to higher judicial bodies for further filtration. Only then are they referred to the constitutional oversight body. Countries employing this mechanism include France, Morocco, and Algeria.

#### 1.4.1- France:

The system was introduced by the constitutional amendment of July 23, 2008, through Article 61-1, establishing the *question prioritaire de constitutionnalité* (QPC).<sup>8 9</sup> The Organic Law of December 10, 2009, further outlined its procedures.<sup>10</sup>

- First Tier: Filtration begins with the trial judge in ordinary or administrative courts.
- Second Tier: The claim is reviewed at the apex judicial level—either the Council of State or the Court of Cassation. The claim must be submitted to the Constitutional Council within three months. The Council then rules on the matter within an additional three months after both judicial levels ensure compliance with legal requirements, particularly the seriousness of the claim.<sup>11</sup>

#### 1.4.2- Morocco:<sup>12</sup>

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6 -Oukil Mohamed Amine, op. cit., pp. 12, 13, 14.

7- Aliyan Bouzyan: The Mechanism of Pleading Unconstitutionality and Its Impact on Activating Constitutional Justice, Constitutional Council Journal, No. 2, 2013, pp. 77-78.

8- Article 61-1 stipulates: (When a party, during the consideration of a case before a judicial authority, raises an objection ..... shall decide within a specified period).

9 -Oukil Mohamed Amine, op. cit., pp. 19-20.

10- Article 23-1, Organic Law No. 2009-1523, dated December 10, 2009, pertains to the implementation of Article 61-1 of the Constitution.

11- Ailan Bouziane, op. cit., p. 69.

12- Regarding the functioning of the Constitutional Court and its procedures, see: Boulakwas Sana, "Judicial Oversight of the Constitutionality of Laws and the Enforcement of the Constitutional Rule: A Case Study of Morocco," Academic Journal of Legal and Political Research, University of Laghouat, 2020, pp. 391-392.

The 2011 constitutional amendment granted individuals the right to raise claims of unconstitutionality under Article 133.<sup>13</sup>

- First Tier: Trial courts examine compliance with formal requirements within eight days of the claim being raised.<sup>14</sup>
- Second Tier: The Court of Cassation assesses the claim's seriousness and either dismisses it or refers it to the Constitutional Court with a reasoned decision.<sup>15</sup>

### **1.5- Advantages of the Two-Tier System:**

- The judiciary plays a vital role in screening claims, ensuring compliance with legal standards without addressing the constitutionality of the provisions themselves.
- This process prevents frivolous claims from disrupting judicial proceedings and facilitates the work of the constitutional judge.

In summary, while both systems aim to preserve constitutional justice, the two-tier system emphasizes judicial participation to preclude misuse and streamline the work of constitutional oversight bodies.

## **2. The Filtration System within the context of the 2020 constitution revision in Algeria:**

The Algerian constitutional amendment of 2020 enshrined individuals' right to raise claims of unconstitutionality through Article 195, as part of post-enactment oversight to safeguard rights and freedoms.<sup>16</sup> In Algeria, the filtration process operates in two stages under the provisions of Organic Law 22-19. Initial filtration is conducted by lower judicial bodies (First), and, if the claim is accepted, secondary filtration is carried out by higher judicial bodies (Second).

### **2.1- Lower Judicial Bodies as the Gateway for Raising Claims of Unconstitutionality**

The 2020 constitutional framework adopted a two-tier filtration system, similar to those in France and Morocco. This process involves the judiciary at two stages to reduce the burden on the Constitutional Court from handling initial claims, which could overwhelm it. This system ensures individuals' right to constitutional justice indirectly, beginning with lower judicial bodies (A) under constitutionally and legislatively defined conditions (B), which result in specific outcomes (C), such as referral to higher judicial bodies or rejection of the claim.

#### **2.1.1- Judicial Bodies Involved in Filtration:**

Pursuant to Article 195, paragraph 1, of the 2020 Constitution and Article 15 of Organic Law 22-19, claims of unconstitutionality may be raised before ordinary or administrative judicial bodies. These claims are incidental, arising during the consideration of a dispute before the courts.<sup>17</sup> They are regulated by the procedural rules of civil, administrative, and

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13- Article 133 of the Moroccan Constitution stipulates: (The Constitutional Court is competent to examine any objection related to the unconstitutionality of a law raised during the consideration of a case if one of the parties claims that the law to be applied in the dispute infringes upon the rights and freedoms guaranteed by the Constitution.)

14- Menasria Samiha, Imad Zabih Daman, op. cit., pp. 8-9.

15- Article 05 of Draft Organic Law 15/86 concerning the conditions and procedures for the application of Article 133 of the Constitution.

16- Onissi Linda: The Constitutional Court in Algeria: A Study of Its Composition and Jurisdictions, *Judicial Ijtihad Journal*, Vol. 13, No. 28, Mohamed Khider University of Biskra, Algeria, 2021, p. 115.

17- Article 17 of Organic Law No. 22-19.

criminal procedures and are not considered a matter of public policy. Therefore, they cannot be raised automatically by judges, public prosecutors, or state commissioners, although the latter two may submit written observations on the raised claim at the request of the Constitutional Court.

This mechanism positions trial courts, appellate courts in ordinary jurisdictions, administrative courts, and administrative appellate courts as entry points for individuals to exercise their right to raise claims of unconstitutionality. Unlike the previous legislation (Organic Law 18-16), the new law permits raising claims before initial criminal courts under Article 16 of Organic Law 22-19. It also allows the indictment chamber to consider such claims during investigations.<sup>18</sup> Consequently, all lower judicial bodies in civil, administrative, and criminal jurisdictions are now involved in this mechanism, providing additional guarantees for individuals.

### **2.1.2- Conditions for Accepting Claims of Unconstitutionality:**

Given the importance of this mechanism in protecting individual rights and freedoms, particularly as a post-enactment oversight tool, and to prevent frivolous claims from overburdening the Constitutional Court, the constitutional legislator and the Algerian legislature have established specific conditions regarding its scope, parties involved, and nature.

### **2.2- Scope of application and parties involved:**

Legislative or regulatory provision form the core of claims of unconstitutionality when they infringe upon constitutionally guaranteed rights and freedoms. Any aggrieved party in the primary legal dispute may raise such claims.

### **2.3- Scope of Application of claims of Unconstitutionality:**

Regarding to the states of article 195, paragraph 1 of the 2020 Constitutional revision , It is clear from this that the plea of unconstitutionality is a form of subsequent oversight, primarily limited to the fields of legislation and regulation.

- Legislative Provisions: Legislative provisions refer narrowly<sup>19</sup> to laws enacted by the legislative authority within a state as defined by its Constitution. Accordingly, all laws enacted by the legislature—both chambers of Parliament—are subject to claims of unconstitutionality if they infringe upon constitutionally enshrined rights and freedoms.

#### **2.3.1- Regulatory Domain:**

While legislative provisions pose no significant issues, ambiguity arises regarding what is meant by "regulatory provisions." Does it refer solely to decrees issued by the head of the executive authority-President of the Republic- in the exercise of regulatory authority as stipulated in Article 141 of the 2020 constitutional amendment? Or does it extend to include decrees issued by the Prime Minister or the Government Leader, depending on the context, when applying laws within the regulatory domain? The prevailing interpretation is that the regulatory domain pertains primarily to presidential decrees, considering that the

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18- Article 15 , Ibid.

19- Fatima Zahra Jadda: Introduction to Legal Sciences – Theory of Law, Dar Balqis, Algeria, 2017, p. 33.

independent regulatory authority granted<sup>20</sup> by the Constitution to the President of the Republic organizes matters beyond those explicitly reserved for the legislature. Executive decrees, on the other hand, are not subject to constitutional oversight but rather to administrative judicial review for legality.<sup>21</sup>

#### **2.4- Parties to the Case:**

Referring to Article 195 of the 2020 constitutional amendment:

"... when one of the parties in a trial before a judicial body alleges..." and Article 15 of Organic Law 22-19.

A claim of unconstitutionality can only be raised by individuals through an incidental plea during an ongoing primary legal case. The term "one of the parties to the case" encompasses any individual connected to the judicial dispute, regardless of their legal standing, provided they have a vested interest.<sup>22</sup>

#### **2.5- Conditions Regarding the Nature of the Claim of Unconstitutionality:**

##### **2.5.1- Substantive Conditions:**

Article 21 of Organic Law 22-19 outlines the substantive conditions for raising a claim of unconstitutionality, which include:

- Existence of a Primary Case: A claim of unconstitutionality can only be raised in connection with an ongoing judicial dispute—referred to as a primary case—before ordinary or administrative courts. The aggrieved party, whose constitutional rights or freedoms are allegedly violated, must raise an incidental plea contesting the constitutionality of the statutory or regulatory provision upon which the outcome of the dispute depends.
- Dependency of the Outcome on the Contested Provision or Its Basis for Prosecution: This condition is pivotal, requiring the trial judge to establish a direct link between the contested provision and the resolution of the dispute at hand.
- Non-Prior Declaration of Constitutionality of the Contested Provision: The contested legislative or regulatory provision must not have been previously upheld as constitutional by the Constitutional Council or the Constitutional Court unless circumstances have changed.
- Seriousness of the Claim: The trial judge must verify the seriousness of the claim and the genuine intent behind raising it to prevent frivolous claims from overwhelming constitutional courts or disrupting the progress of ongoing disputes.

##### **2.5.2- Formal Conditions:**

According to Article 19 of Organic Law 22-19, the aggrieved individual must present their claim in a separate, written, and well-reasoned memorandum. The memorandum must detail all relevant facts, circumstances, and the grounds upon which the claim is based.<sup>23</sup>

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20- Said Boualchour: The Algerian Political System: An Analytical Study of the Nature of the Governance System in Light of the 1996 Constitution, Vol. 3, University Press Office, Algeria, 2013, pp. 82–92.

21- Ibrahim Tounsir: The Mechanism of Activating the Control of the Constitutionality of Laws Through the Plea of Unconstitutionality Under the 2020 Constitutional Amendment, *Noumeros Academic Journal*, Vol. 4, No. 2, Maghnia University Center, Algeria, 2023, p. 59.

22- Farid Deboucha: The Constitutional Court in Algeria, House of Ideas, Algeria, 2023, p. 82.

23- Lalaoui Marouane, Mouloud Didane: Rules for Pleading Unconstitutionality in Algeria, *Judicial Ijtihad Journal*, Vol. 14, Laboratory of the Impact of Judicial Ijtihad on Legislative Development, Mohamed Khider University of Biskra, 2022, p. 448.

### **2.5.3- Effects of Lower Judicial Bodies' Oversight of Claims of Unconstitutionality:**

Articles 22 to 26 of Organic Law 22-19 address the effects of lower judicial bodies' review of claims of unconstitutionality raised before them. These include:

- The possibility for any interested person to intervene in the procedures by submitting a written memorandum under the conditions specified in Articles 19 and 21.
- The judicial body does not adjudicate the claim itself but instead decides whether to refer the claim for further review.

The subsequent procedures are as follows:

#### **A- In Case of Acceptance:**

- According to Article 23 of Organic Law 22-19, a decision to forward the claim of unconstitutionality to the Supreme Court or the Council of State, as applicable, must be issued. This decision includes the parties' pleadings, their memoranda, and the decision to forward the claim. It must be sent within 10 days of issuance, communicated to the parties, and is not subject to appeal.
- The judicial body suspends its decision on the primary case—the suspensive effect—until it receives a decision from the two domes of the judicial pyramid, or the Constitutional Court. However, as stipulated in Article 25 of the Organic Law, this does not preclude the continuation of investigations or the implementation of necessary precautionary measures.
- Under Article 26 of the Organic Law, the judicial body may suspend its decision for two reasons:
  - When the individual involved is deprived of their freedom unless they object.
  - When the law mandates a decision within a specific time frame or in urgent cases.

#### **B- In Case of Rejection:**

If the lower judicial body rejects the forwarding of a claim of unconstitutionality, the decision is issued as per Article 24 of Organic Law 22-19. This decision must be communicated to the parties within three days of its issuance. It is not subject to appeal except in cases where it is challenged along with the decision resolving the primary dispute or part of it, under the same formal conditions as before. The judicial body continues to adjudicate the primary dispute.<sup>24</sup>

A problematic issue arises, as the legislator does not require notification of the rejection decision and its reasons to the Constitutional Court, the body inherently responsible for ruling on claims of unconstitutionality. This oversight represents interference by the judiciary in the Constitutional Court's jurisdiction.

### **2.6- Handling Claims of Unconstitutionality by Higher Judicial Bodies:**

the two domes of the judicial pyramid are the higher judicial bodies responsible for the second stage of filtration. However, claims of unconstitutionality can also be raised directly before them. In such cases, these bodies must prioritize the submission of the claim to the Constitutional Court within two months. As the second filtration stage, these bodies are tasked with initiating practical procedures stipulated in Organic Law 22-19 (A), which lead to effects, either by notifying the Constitutional Court or rejecting the claim (B).

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24- Lalaoui Marouane, Mouloud Didane, *Ibid.*, p. 447.

### **2.6.1- Practical Procedures Assigned to Higher Judicial Bodies:**

Upon receiving the decision to forward a claim of unconstitutionality, the concerned higher judicial body verifies compliance with the conditions outlined in Article 21 of Organic Law 22-19. This includes:

- Seeking the opinion of the Attorney General or State Commissioner, as applicable.
- Allowing the parties to present written statements.
- Deciding on the referral of the claim of unconstitutionality within two months of receiving the decision.

This decision is issued by the two domes of the judicial pyramid, depending on the case, with a justified ruling. The decision is made by a panel headed by the president or their deputy and includes three advisors appointed by the president of the concerned judicial body.

#### **A- Effects of Decisions by Higher Judicial Bodies:**

- In Case of Acceptance: After confirming compliance with the formal and substantive conditions, the higher judicial bodies issue a decision to forward the claim to the Constitutional Court within two months. This decision includes the memoranda and pleadings of the parties and results in:
  - Suspension of the decision on the primary case until the claim of unconstitutionality is resolved. Exceptions include:
    - Cases where the concerned party is deprived of freedom unless they object.
    - Cases aimed at depriving the party of freedom.
    - Legal obligations to resolve the case within a specific time frame or in urgent situations, as stipulated in Article 34 of Organic Law 22-19.
  - As stated in article 35 of the Organic Law, the judicial body forwarding the claim must inform the parties of the higher judicial body's decision within 10 days of its issuance.

#### **B- In Case of Silence:**

If the higher judicial bodies fail to rule within the two-month timeframe, the claim of unconstitutionality is automatically submitted to the Constitutional Court. This automatic submission follows the same procedures as ordinary referrals<sup>25</sup> and reinforces the rights and freedoms of the aggrieved claimant.

#### **C. In Case of Rejection:**

If the Supreme Court or the Council of State rejects the claim of unconstitutionality, the decision to reject the referral is communicated to the judicial body that submitted the claim. This body, in turn, informs all parties within five days.<sup>26</sup>

A notable addition in Organic Law 22-19 is the requirement to notify the Constitutional Court with a copy of the reasoned rejection decision. This provision is commendable as it ensures that the body with original jurisdiction over constitutional oversight—the Constitutional Court—can monitor the judiciary's work and prevent overreach, thereby protecting rights and freedoms.

### **Conclusion:**

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25- Article 36 of Organic Law 22-19.

26- Article 37 of Organic Law 22-19.

Through our study of the judiciary's contribution to constitutional oversight via the filtration mechanism, we have reached several conclusions followed by recommendations:

**Study Findings:**

- Resolving disputes related to claims of unconstitutionality necessitates using either a single-tier or two-tier filtration system. Each system is unique, shaped by the constitutional and legislative frameworks of each country.
- The self-filtration system enables direct referral to the constitutional oversight body, which examines the legal validity of the raised claims.
- The self-filtration system allows the constitutional judge to oversee all stages of determining the constitutionality of claims, from verifying conditions to issuing a decision. While advantageous, it can overburden the constitutional judge due to the influx of claims.
- In the two-tier filtration system, the judiciary contributes to the filtration process, starting with lower courts and proceeding to higher courts. This process ensures that formal, substantive, procedural, and seriousness criteria are met without overstepping the jurisdiction of the constitutional oversight body.
- In Algeria, following the 2020 constitutional amendment, a two-tier filtration system similar to the French model is applied. Claims are first raised at lower judicial bodies and then reviewed at the two domes of the judicial pyramid, depending on the nature and level of the judicial dispute.
- Individuals cannot directly approach the Constitutional Court for post-enactment oversight of claims of unconstitutionality. Instead, they must go through the judiciary via the filtration mechanism. This indirect judicial involvement in the functioning of the Constitutional Court is limited to procedural stages without deciding on constitutionality.
- When a claim is rejected by the trial judge, particularly for lacking seriousness under Organic Law 22-19, and the rejection is not communicated to the constitutional judge, this constitutes a violation of the doctrine of separation of powers and an interference in the work of the constitutional judge.

**Study Recommendations:**

Establish a specific timeframe for adjudicating raised claims of unconstitutionality by judicial bodies, rather than using the vague term "immediately."

Delegate the assessment of the seriousness of claims of unconstitutionality to a committee established by the Constitutional Court, rather than to the judiciary, to strengthen the doctrine of separation of powers.

Mandate the notification of the Constitutional Court in cases where claims are rejected due to a lack of seriousness, to prevent judicial interference in the work of the Constitutional Court during the filtration stages.

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