

**Presentation Title: Political Parties' Disputes in Algeria Pursuant to
Organic Law No. 26-08**

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Received: 08/12/2025 ; Accepted: 28/05/2026 ; Published: 07/08/2026

Introduction:

Political parties play a significant role within political life, as they are responsible for activating political action through the formation of individuals and their political socialization. Therefore, the Algerian legislator has addressed this matter through political parties' laws.

A political party begins with the application for establishment, followed by accreditation, and then activity, where it remains in contact with the administration, represented by the Ministry of the Interior, as the authority responsible for all these previous stages.

The 2020¹ constitutional amendment played an important role in introducing amendments that affected the party system, through incorporating the modifications brought by this amendment into the new Political Parties Law, namely Organic Law No. 26-08², including the establishment of the principle of litigation before two levels of jurisdiction in administrative matters.

By referring to Organic Law No. 26-08, it appears that the amendments concerned both the substantive and procedural aspects.

The substantive aspect affected certain acquired rights of political parties, whereas the procedural aspect concerned the amendments introduced following the constitutional amendment, which primarily affected the Civil and Administrative Procedures Law No. 08-09,³ amended and supplemented by Law No. 22-13⁴, through which administrative courts of appeal were established as a second level of jurisdiction before the administrative judiciary.

The amendments introduced by the Constitution as well as by the aforementioned Law No. 22-13 affected Organic Law No. 26-08. By referring to the latter, it is found that it established the basis for the previous amendments, as the constituent considered party disputes as central administrative disputes, falling within the jurisdiction of the Administrative Court of Appeal of Algiers as a court of first instance, whose judgments may be appealed before the Council of State.

¹ Presidential Decree No. 20-442, dated 30/12/2020, relating to the promulgation of the constitutional amendment in the Official Gazette of the People's Democratic Republic of Algeria, Official Gazette No. 82, issued on 30/12/2020.

² Organic Law No. 26-08, dated 23/04/2026, relating to political parties, Official Gazette No. 30, issued on 23/04/2026.

³ Law No. 22-13, dated 12/06/2022, containing the Civil and Administrative Procedures Law, Official Gazette No. 48, issued on 17/06/2022.

⁴ Law No. 08-09, dated 25/02/2008, containing the Civil and Administrative Procedures Law, Official Gazette No. 21, issued on 23/04/2008.

Research Problem:

Based on the foregoing, the main research problem can be formulated as follows:

To what extent has the legislator succeeded in establishing mechanisms for political party disputes under Organic Law No. 26-08?

To answer this problem, we have divided the research into two sections, following the descriptive analytical approach:

First Section: Establishment Disputes.

Second Section: Activity Disputes.

First Section: Establishment Disputes

The process of establishing political parties is considered one of the important stages through which a political party passes, as the founding members begin by submitting a file to the Ministry of the Interior. The latter has been granted, by the legislator under Organic Law No. 26-08, several powers, as it may refuse authorization to hold the founding conference (First Subsection), and it may also refuse accreditation (Second Subsection).

First Subsection: Disputes Concerning the Refusal to Authorize the Holding of the Founding Conference

During the accreditation stage, the legislator granted the Minister in charge of the Interior several powers (First Branch), through which they may refuse the establishment and, consequently, refuse the holding of the founding conference (Second Branch). In such a case, the founding members may challenge the refusal decision (Third Branch).

First Branch: Procedures for Declaring the Establishment of a Political Party

The establishment of a political party is initially declared before the ministry in charge of the Interior through electronic submission, in exchange for an electronic deposit receipt issued after the successful digital registration process¹. The paper file shall then be submitted, at the second stage, to the competent departments of the ministry in charge of the Interior after setting the date of submission².

This differs from the practice under Organic Law No. 12-04³, where the legislator only required a paper-based registration through the submission of the file to the Ministry of the Interior.⁴

The minister in charge of the Interior shall decide on the conformity of the political party's establishment application file within a maximum period of sixty (60) days from the date of submission of the application,⁵ which is the same period applicable under Organic Law No. 12-04.⁶

In this regard, the minister in charge of the Interior has several powers, as, within the aforementioned period of sixty (60) days, they may request the founding members who signed the establishment application to provide any necessary supporting document through the party's

¹ Paragraph 1 of Article 14 of Organic Law No. 26-08.

² Paragraph 2 of Article 14 of Organic Law No. 26-08.

³ Organic Law No. 12-04, dated 12/01/2012, relating to political parties, Official Gazette No. 02, issued on 15/01/2012.

⁴ Article 18 of the repealed Organic Law No. 12-04.

⁵ Paragraph 1 of Article 25 of Organic Law No. 26-08.

⁶ Paragraph 1 of Article 20 of the repealed Organic Law No. 12-04.

email address. They may also replace or remove any founding member who does not meet the conditions stipulated in Articles 20 and 23 of this Organic Law.¹

In this case, the period for examining the establishment application file shall be extended by thirty (30) days from the date of submission of the supplementary application, where applicable, under penalty of rejecting the establishment in the event that the required documents are not submitted after the expiry of the specified deadlines.²

However, if the file complies with the legislative provisions, the minister in charge of the Interior shall authorize the holding of the founding conference of the political party. The authorization decision shall be notified to the founding members who signed the application through the political party's email address and through the legal means of notification

Thus, ³the legislator has introduced electronic notification in addition to the ordinary notification procedure adopted under the previous law.

Second Branch: Reasons for Refusing Authorization to Hold the Founding Conference

The legislator has required the minister in charge of the Interior, in the event of refusing authorization to hold the founding conference of the political party under establishment, to provide a legally reasoned decision. The minister may refuse authorization in the following cases:

1- The political party has objectives that contradict the principles stipulated in Article 05 of this Organic Law, particularly the values and fundamental components of national identity, the values of the First of November Revolution, the independence of the country, and national sovereignty.

2- The political party does not perform the roles provided for in Article 11 of this Organic Law.

3- The party's violation of Article 17 of this Law, relating to the conditions established for the founding members of the political party as well as its members.

4- Failure to include in the political party's establishment file the draft political program, as well as the draft basic statute, as provided for in Article 16 of this Organic Law.⁴

Accordingly, in the event that the minister in charge of the Interior refuses to authorize the holding of the founding conference based on the above-mentioned grounds, they shall be required to provide reasons for their decision and notify the founding members who signed the establishment application through the address of the political party's headquarters, with a copy sent to the email address of the concerned party.⁵

Third Branch: Appeal against the Decision Refusing Authorization to Hold the Founding Conference or Refusing the Extension of the Deadline

The party legislator has enabled the founding members to proceed with the establishment of the political party through authorization to hold the founding conference. If such authorization is refused, they are granted the right to challenge it (First). They may also request an extension of

¹ Paragraph 2 of Article 25 of Organic Law No. 26-08.

² Paragraph 3 of Article 25 of Organic Law No. 26-08.

³ Paragraph 1 of Article 26 of Organic Law No. 26-08.

⁴ Saoudi Nassim, Disputes of Political Parties in Algeria in Light of Organic Law No. 12-04, Academic Journal for Legal Research, Faculty of Law and Political Sciences, University of Béjaïa, p. 376.

⁵ Paragraph 1 of Article 27 of Organic Law No. 26-08.

the deadline for holding their founding conference, and if the administration has a different position, they may also challenge this decision (Second).

First – Appeal Against the Decision Refusing Authorization to Hold the Founding Conference

The legislator has enabled the founding members to challenge the decision refusing authorization to hold the founding conference. This shall be done within a period of two (2) months from the date of notification before the competent judicial authority.

By referring to Law No. 08-09, amended and supplemented by Law No. 22-13, the competent judicial authority in this matter is the Administrative Court of Appeal of Algiers,¹ given that the minister's decision is a central administrative decision.

Therefore, the Administrative Court of Appeal of Algiers is responsible for examining the appeal, pursuant to Article 900 bis of this Law². The Administrative Court of Appeal of Algiers shall rule on the appeal within two months from the date of notification.

Accordingly, the legislator has given political party disputes the possibility of litigation before two levels of jurisdiction, by assigning them at the first instance to the Administrative Court of Appeal of Algiers, while its judgments may be appealed before the Council of State³. Thus, the legal issue that had prevailed for several years has been resolved, as political party disputes were not subject to litigation before two levels of jurisdiction, as can be inferred from the previous Law No. 12-04.

Second – Appeal Against the Decision Refusing the Extension of the Deadline for Holding the Founding Conference

The legislator has also enabled the founding members to challenge the decision refusing the extension of the deadline for holding the founding conference. The founding members may request an extension of the deadline for holding the founding conference for a period not exceeding six (6) months, provided that this request is submitted at least one (1)⁴ month before the expiry of the authorization period for holding the founding conference.

If the extension is refused by the minister in charge of the Interior, the founding members may challenge this decision before the Administrative Court of Appeal of Algiers within a maximum period of two (2)⁵ months from the date of notification of the refusal.

The decision of the court may be appealed before the Council of State as the second-degree court.

Second Subsection: Accreditation Disputes

After holding the founding conference, the founding members shall submit the accreditation file according to specific procedures (First Branch). The administration is required to respond within a specified period; otherwise, its silence shall be considered an act in favor of the party (Second Branch). It may also explicitly refuse accreditation (Third Branch), in which case the founding members may challenge the decision (Fourth Branch).

¹ Article 900 bis of Law No. 22-13.

² Paragraph 3 of Article 900 bis of Law No. 22-13.

³ Article 902 of Law No. 22-13.

⁴ Paragraph 2 of Article 29 of Organic Law No. 26-08.

⁵ Paragraph 3 of Article 29 of Organic Law No. 26-08.

First Branch: Accreditation Procedures

The application for accreditation of the political party shall be submitted in paper form and through the digital platform to the Ministry of the Interior, within thirty (30) days following the date of holding the founding conference, in exchange for an electronic acknowledgment of receipt.¹

Since the founding conference of the political party constitutes the first step towards the success of the accreditation process, the founding members are required to publish the decision authorizing the holding of the founding conference in at least two national information newspapers, within a period not exceeding three (3) months from the date of notification of the decision.²

The founding conference shall be held in person within the national territory³, in the presence of delegates elected at wilaya conferences, representing at least one-third (1/3) of the number of accredited wilayas in Algeria, with a representative proportion of women and youth, in order to involve these categories in political activity.

The number of delegates shall not be less than twenty-five (25) delegates for each represented wilaya⁴, while the wilaya delegates shall be elected by at least one hundred (100) participants from each wilaya.⁵ This differs from the practice under Organic Law No. 12-04.⁶

To give a formal character to the founding conference, the legislator required the presence of a judicial officer who, at the end of the conference, shall draw up minutes recording the following:

- The surnames and names of the founding members present and absent.
- The number of attending delegates, indicating their status, with endorsement of the nominal list of delegates.
- The composition of the conference bureau and the state body.
- The approval of the draft political program and the basic statute of the party.⁷

After completing the holding of the founding conference, the political party shall submit an accreditation application consisting of:

- An accreditation application signed by the political party official.
- A copy of the minutes of the proceedings of the founding conference drawn up by a judicial officer.

¹ Article 34 of Organic Law No. 26-08.

² Paragraph 2 of Article 26 of Organic Law No. 26-08.

³ Paragraph 1 of Article 31 of Organic Law No. 26-08.

⁴ Paragraph 2 of Article 31 of Organic Law No. 26-08.

⁵ Paragraph 3 of Article 31 of Organic Law No. 26-08.

⁶ Under Organic Law No. 12-04, the validity of the founding conference required that it be represented by at least more than one-third (1/3) of the number of provinces distributed across the national territory. The founding conference was also required to include between four hundred (400) and five hundred (500) delegates, elected by at least one thousand six hundred (1,600) members, without the number of delegates being less than sixteen (16) delegates from each province and the number of members less than one hundred (100) from each province. The number of delegates was also required to include a representative proportion of women. See Article 24 of the repealed Organic Law No. 12-04.

⁷ Article 32 of Organic Law No. 26-08.

- A copy of the political party's political program and basic statute approved by the conference. A list of the members of the deliberative body and the executive body, including their full identity details, profession, address, email address, and wilaya of residence.¹

After examining the accreditation file, the minister in charge of the Interior shall issue one of two decisions: either accepting the political party, in which case the decision shall be notified through the legal means of notification and through the party's email address. It shall also be published in the Official Gazette of the People's Democratic Republic of Algeria, within a period not exceeding thirty (30) days.²

Alternatively, the accreditation decision may be refused, in which case the decision shall be legally reasoned. It shall also be notified to the party official through the legal means of notification and through the political party's email address.³

Second Branch: The Case of the Administration's Silence

The legislator considered the administration's failure to respond to the above-mentioned application within a period of sixty (60) days as constituting accreditation of the political party, and the minister in charge of the Interior shall notify it.⁴ This provision was established to address the administration's silence or delay in responding to the founding members. If it exceeds this period without justification, its silence shall be considered as acceptance. Therefore, the ministry in charge of the Interior shall only notify the accreditation of the political party, which was already provided for under Law No. 12-04.

However, it should be noted that, in such cases, the law was not applied, as Algeria witnessed, under the former Law No. 12-04⁵, several cases where the period granted to the Ministry of the Interior, estimated at the aforementioned sixty (60) days, had expired, yet the ministry did not issue the accreditation decision. This was the case with the Democratic Front of Mr. Ahmed Ghazali and the Fidelity Movement of Ahmed Taleb Ibrahimi. These two parties had completed the procedures of the founding conference and submitted the accreditation file to the Ministry of the Interior. The sixty-day period had expired, but the Ministry of the Interior took no action and did not issue the accreditation decision.⁶

Third Branch: The Administration's Response by Refusal

In the event that the accreditation file does not comply with the provisions of Organic Law No. 26-08, the Ministry of the Interior may respond by refusing the accreditation file of the political party. The response shall be legally reasoned and notified to the founding members of the political party, either through the legal means of notification or through email, before the expiry of the aforementioned period of sixty (60) days. In this case, the founding members have no other option but to resort to the judiciary in order to recover their rights.

Fourth Branch: Appeal against the Decision Refusing Accreditation

¹ Article 35 of Organic Law No. 26-08.

² Article 37 of Organic Law No. 26-08.

³ Paragraph 1 of Article 39 of Organic Law No. 26-08.

⁴ Paragraph 4 of Article 39 of Organic Law No. 26-08.

⁵ Article 34 of the repealed Organic Law No. 12-04.

⁶ Djamel Sabah, Legal Guarantees for the Freedom to Establish Political Parties in Algeria, Journal of Human Research and Studies, Issue No. 12, 2016, p. 125.

Under Organic Law No. 26-08, as was previously the case under Organic Law No. 12-04, the legislator granted the founding members the right to challenge the decision of the minister in charge of the Interior in the event of refusal of accreditation.

The Administrative Court of Appeal of Algiers shall have jurisdiction to examine such claims, unlike the previous situation where the Council of State was competent to hear them.¹

The action shall be brought by the party official within a period of two (2) months from the date of notification of the decision². This is the same period that was previously applicable.³

After the issuance of the decision by the Administrative Court of Appeal, it may be further challenged as a second level of jurisdiction before the Council of State, in which case a final decision shall be issued.

The legislator has also adopted another method for the accreditation of the political party, which applies in the event that the decision of the minister in charge of the Interior is annulled by the judiciary. In this case, the legislator considers such annulment as a decision accepting the accreditation of the political party.

The legislator therefore obliges the minister in charge of the Interior to issue the accreditation decision and notify it to the political party, and it shall be published in the Official Gazette of the People's Democratic Republic of Algeria within a period not exceeding thirty (30) days from the date of its notification.⁴

Second Section: Activity Disputes

After the accreditation of the political party, the party may carry out its activities through legal means. From the administration's perspective, such activity may either comply with the law or violate it. In the latter case, the administration, represented by the Ministry of the Interior, may suspend the political party and its members (First Subsection), and it may also dissolve it (Second Subsection).

First Subsection: Disputes Concerning the Suspension of Founding Members and the Political Party

Under Organic Law No. 26-08, the Algerian legislator distinguished between the suspension of founding members and the suspension of the political party, unlike what was applied under Organic Law No. 12-04. The legislator provided that violations committed while the party is under establishment shall concern the founding members (First Branch), whereas when the violation occurs within the framework of an accredited political party, it shall concern the party itself (Second Branch).

First Branch: Disputes Concerning the Suspension of Founding Members

The suspension of the founding members of a political party must be carried out according to specific procedures (First), while the decision may be subject to judicial challenge (Second).

First – Suspension Procedures

The legislator provided for the possibility of suspending founding members before the accreditation of the political party, when they violate the provisions of the Constitution as well

¹ Article 33 of the repealed Organic Law No. 12-04.

² Paragraph 2 of Article 39 of Organic Law No. 26-08.

³ Paragraph 1 of Article 33 of the repealed Organic Law No. 12-04.

⁴ Paragraph 3 of Article 39 of Organic Law No. 26-08.

as this Organic Law. In such a case, the minister in charge of the Interior may issue a reasoned decision suspending those responsible for such violations and order the closure of the premises used for these activities¹. This differs from the practice under Organic Law No. 12-04.²

Second – Appeal Against the Suspension Decision

Through Organic Law No. 26-08, the legislator enabled the founding members to challenge the minister's decision. After the founding members are notified by the ministry in charge of the Interior of the minister's decision ordering the suspension of the founding members, whether through ordinary notification or electronic notification.

They may submit an appeal before the Administrative Court of Appeal of Algiers³. This is the same procedure that was previously applicable under Organic Law No. 12-04.⁴

The decision issued by the minister in charge of the Interior shall remain subject to the decision authorizing the holding of the founding conference of the political party referred to above, in the absence of a judicial appeal against this decision, or if a judicial appeal is filed and rejected.⁵

The suspension decision shall also be considered null and void if a judicial ruling is issued annulling it by the Administrative Court of Appeal of Algiers, provided that this ruling may again be challenged by appeal before the Council of State.⁶

Second Branch: Disputes Concerning the Suspension of the Political Party

In addition to the suspension of the founding members mentioned above, the legislator has enabled the suspension of the accredited political party in specific cases determined in advance (First), according to certain procedures (Second), provided that the decision is subject to judicial appeal (Third).

First – Cases of Suspension of the Political Party

Unlike what was applied under Organic Law No. 12-04⁷, Organic Law No. 26-08 has specified cases through which the Ministry of the Interior may request the suspension of the concerned political party. These cases include:

- 1- Failure to exercise its organizational activities in accordance with the provisions of its basic statute, or exercising them after the expiry of the term of office of its national bodies.
- 2- The disruption of the party's activity due to the occurrence of a dispute among its members, meaning that, during the existence of a dispute between the members of the political party, the members suspend the activity of the concerned party.

¹ Paragraph 1 of Article 83 of Organic Law No. 26-08.

² Paragraph 1 of Article 64 of Organic Law No. 12-04 provided as follows: "Without prejudice to the provisions of this Organic Law and other legislative provisions, and in the event that the founding members of the party violate the laws in force or their obligations before or after the holding of the founding conference, and in cases of urgency and imminent disturbances to public order, the minister in charge of the Interior may, by a legally reasoned decision, suspend all party activities of the founding members and order the closure of the premises used for these activities."

³ Paragraph 2 of Article 83 of Organic Law No. 26-08.

⁴ Paragraph 2 of Article 64 of the repealed Organic Law No. 12-04.

⁵ Paragraph 3 of Article 83 of Organic Law No. 26-08.

⁶ Paragraph 4 of Article 83 of Organic Law No. 26-08.

⁷ Under Organic Law No. 12-04, the situation provided for the suspension of the activities of the political party before its accreditation, whereas Law No. 26-08 provides for the suspension of the activities of the founding members before the accreditation of the political party.

3- Violation of the provisions of Article 47 relating to the notification by the political party to the minister in charge of the Interior, as well as to the territorially competent governor, of the addresses of its local structures and the nominal list of their members and their party status electronically within one month from the date of their establishment; Article 61 relating to the notification of the minister in charge of the Interior of the decision of merger within ten (10) days from the date of its adoption through the digital platform; Article 63 relating to the notification of the minister in charge of the Interior of the changes and amendments referred to in Article 62 of this Law;

Article 69 relating to the notification of the minister in charge of the Interior as well as the territorially competent governor of the nominal list of the members of its local structures and their party status in the event of modification, within thirty (30) days from the date of such change; and Article 71 relating to the requirement that the political party must have a single account opened with an accredited national bank in Algeria or a postal current account.¹

In all the above-mentioned cases, and unlike what was applicable under Organic Law No. 12-04, the procedure for suspending the political party under Organic Law No. 26-08 shall be carried out by the minister in charge of the interior, and not by the Council of State as was the case under Organic Law No. 12-04². Therefore, the suspension decision is an administrative decision issued by the minister in charge of the Interior.

Second – Procedures of the Minister of the Interior Regarding Suspension

If the minister in charge of the Interior intends to suspend the activity of a political party for the reasons mentioned above, they shall send a formal notice of warning to the concerned political party in order to comply with the provisions of the Organic Law and its basic statute, within a period of thirty (30) days from the date of notification of the warning.

If the party responds to the warning, the minister in charge of the Interior shall not issue any decision. However, if the party fails to comply with the aforementioned warning after the expiry of the thirty (30)-day period, the minister in charge of the Interior may then issue the suspension decision.³

Third – Appeal Against the Suspension Decision

Although there is no clear provision concerning the appeal against the suspension decision before the judicial authorities, it is possible to challenge the minister's decision before the Administrative Court of Appeal of Algiers, considering that it is a central administrative decision. Therefore, the competent judicial authority at this stage is the Administrative Court of Appeal of Algiers, pursuant to the third paragraph of Article 900 bis of Law No. 22-13 amending and supplementing Law No. 08-09 relating to the Civil and Administrative Procedures Law.

Second Subsection: Disputes Concerning the Dissolution of the Political Party

¹ Paragraph 1 of Article 84 of Organic Law No. 26-08.

² Pursuant to Article 65 of Organic Law No. 12-04, all violations provided for within the framework of the application of this Organic Law committed by an accredited political party shall result in the suspension or dissolution of the party, or the closure of its premises, which may only be carried out by a decision issued by the Council of State, before which the minister in charge of the Interior shall bring the matter.

³ Paragraph 2 of Article 84 of Organic Law No. 26-08.

The legislator has provided several methods for dissolving the political party, including voluntary dissolution as well as judicial dissolution. While voluntary dissolution consists of the political party members resorting to a request for dissolution, judicial dissolution consists of the Minister of the Interior submitting a request for dissolution before the judicial authorities. The legislator has defined the cases of judicial dissolution (First Branch), and the dissolution decision may be challenged (Second Branch), while the dissolution shall have effects (Third Branch), in addition to the powers of the minister before the ruling on the merits (Fourth Branch).

First Branch: Cases of Dissolution

Unlike what was applicable under Organic Law No. 12-04¹, the legislator has, under Organic Law No. 26-08, defined the cases for the dissolution of a political party.

The minister in charge of the Interior may request the Administrative Court of Appeal of Algiers to dissolve a political party in the following cases:²

1- The party carrying out activities that violate the provisions of the Constitution, this Organic Law, and the legislation and regulations in force, or that violate its basic statute, particularly by organizing demonstrations that incite the people to violence or by receiving financial resources from foreign entities to serve their interests hostile to Algeria.³

2_ Failure to present candidates for at least two (2) consecutive electoral deadlines: This differs from what was previously provided under Organic Law No. 12-04, where the legislator stipulated the non-participation of the party in four consecutive legislative and local elections. The legislator has therefore reduced the period of non-participation to only two (2) electoral deadlines instead of four (4). The legislator also did not specify the type of elections concerned, whether they are local or legislative elections, although logic suggests this, as every legislative election is followed by local elections.

3- Failure to comply with the provisions of Article 84 above after the expiry of the warning period or in the event of recurrence: This means that if the party has been warned due to the existence of one of the cases of suspension provided for in Article 84, but the party does not comply with the warning, or in the event of recurrence concerning the same matter related to the suspension of the concerned political party, the Minister of the Interior may request the dissolution of the concerned political party

Second Branch: Appeal Against the Dissolution Cases

Under Organic Law No. 26-08, the legislator did not address the procedures for appealing the dissolution decision, because it is a judicial dissolution, which was also the case under Organic Law No. 12-04⁴. Therefore, the appeal against the dissolution decision is subject to the

¹ Organic Law No. 12-04 defined the cases for the dissolution of the political party as follows:

The party carrying out activities that violate the provisions of this Organic Law or activities other than those provided for in its basic statute.

Failure to present candidates for at least four (4) consecutive legislative and local elections.

Recurrence of the violation of the provisions of Article 66 above, after the first suspension.

Proof of its failure to carry out the organizational activities provided for in its basic statute.

² Article 87 of Organic Law No. 26-08.

³ Saoudi Nassim, op. cit., p. 389.

⁴ Article 70 of the repealed Organic Law No. 12-04.

principles governing judicial decisions, whereby the decision may be challenged through an appeal before the Council of State. This is provided for in Article 902 of the aforementioned Law No. 22-13. Accordingly, the appeal against the dissolution decision shall be brought before the Council of State, unlike what was previously applicable under Organic Law No. 12-04.

Third Branch: Effects Resulting from Dissolution

Under Organic Law No. 26-08, the legislator has attached several effects to the dissolution of the political party, as was previously the case under Organic Law No. 12-04. These effects include:

- 1- Suspension of the activities of all its bodies, national committees, and local structures: Upon the issuance of the dissolution decision by the Administrative Court of Appeal of Algiers, all activities of the political party, its bodies, national committees, and local structures shall cease. All entities of the party shall stop carrying out their activities because the party has been dissolved pursuant to a judicial decision, under penalty of the sanctions provided for in Article 90 of this Organic Law.
- 2-Closure of its premises: The dissolution of the political party leads to the closure of the party's premises, whether national or local, in order to inform third parties of the disappearance of the legal personality of the political party from the political sphere and its consideration as non-existent.¹
- 3- Suspension of its publications: If the political party has publications that it issues, the declaration of the judicial dissolution of the political party results in the termination of these publications. Consequently, all publications of the political party shall be suspended.
- 4- Freezing and liquidation of its accounts: The dissolution of the political party leads to the freezing and suspension of all its bank and postal accounts. Therefore, the management of these accounts cannot continue in the presence of the dissolution decision.
- 5- Transfer of its movable and immovable property in accordance with its basic statute unless the judicial decision provides otherwise: The dissolution decision leads to the transfer of ownership of the political party's movable and immovable property, meaning that the ownership of its movable and immovable assets is transferred collectively and consequently reverts to the public treasury.

Fourth Branch: Powers of the Minister before Ruling on the Merits

The legislator has enabled the minister in charge of the Interior, before ruling on the merits of the judicial action, to request the adoption of all necessary precautionary measures, in cases of urgency or in the event of violation of the laws and regulations in force.

The legislator has also enabled the political party to submit a judicial appeal before the Administrative Court of Appeal of Algiers, in urgent matters, requesting the annulment of the aforementioned precautionary measure.

Conclusion:

After studying party disputes under Law No. 26-08, we conclude that the legislator introduced several amendments, particularly concerning the competent judicial authority, as the Administrative Court of Appeal of Algiers has become competent to examine such disputes, unlike what was applicable under Organic Law No. 12-04.

¹ Saoudi Nassim, op. cit., p. 390.

From the above study, we reached the following conclusions:

- 1- The legislator subjected the establishment of political parties to Organic Law No. 26-08, where the establishment process begins with electronic registration through the digital platform. Subsequently, the party may be accepted or rejected by the minister in charge of the Interior. If the minister approves, they may issue a decision authorizing the preparation for the founding conference; however, if approval is not granted, the founding members may challenge this decision before the judiciary.
- 2- The founding conference of the political party has received the attention of the legislator due to the role it plays in the life of the party. A political party may obtain authorization to hold the founding conference if its file is valid; however, if its file is invalid, such authorization cannot be granted. The legislator has also enabled the challenge of the decision refusing authorization to hold the founding conference, as well as the decision refusing the extension of the deadline for holding it.
- 3- After holding the founding conference, the political party begins the accreditation process by preparing the accreditation file and submitting it to the minister in charge of the Interior. The latter may grant accreditation if the file is complete, or refuse to accredit the party, in which case the founding members may only challenge this decision.
- 4- After the accreditation of the political party, it begins its activities. The legislator has defined the acts considered violations of the provisions of the Constitution and the Organic Law, which may result in the suspension of the activities of the founding members before the accreditation of the party, while after accreditation, they may lead to the suspension of the political party.
- 5- The legislator has defined the cases for the dissolution of the political party. Since dissolution is a serious measure affecting party activity, the legislator has entrusted the authority of dissolution to the judiciary, allowing the minister in charge of the Interior to request the judicial authority to dissolve the political party.

Recommendations:

- 1- Making all decisions related to political parties judicial decisions upon the proposal of the Minister of the Interior, particularly those relating to the establishment stage.
- 2- Decisions to suspend the political party are still under the authority of the minister in charge of the Interior, which limits the freedom of political parties. Therefore, suspension should be included within the scope of judicial suspension.