



## Public Policy Orientations through Political Reforms of the Law on Political Parties in Algeria: A Sociopolitical Reading

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### **Abstract**

*This study focuses on analysing the legal and legislative framework that regulates the activity of political parties in Algerian society by examining the extent to which the public policy laid down in this field has succeeded in creating an active and effective political environment that entrenches democratic practices in society and contributes to the political and social socialisation of the Algerian citizen. The study arrived at a set of findings, the most important of which is that achieving an effective public policy, especially in this field, does not depend solely on the enactment of legislation and legal regulations but must be accompanied by a genuine political will to introduce political reforms that are consistent with and advance the entrenchment of the principles of democracy and the political participation of individuals within society. The reforms introduced into the Law on Political Parties, despite their precision and comprehensiveness, remain limited and ineffective if they are not supported by a favourable political environment and a genuine political will to consolidate them in accordance with the societal characteristics that distinguish Algerian society.*

**Keywords:** sociology; public policy; political reforms; law on political parties.

## **Orientations des politiques publiques à travers les réformes politiques de la loi sur les partis politiques en Algérie : une lecture sociopolitique**

### **Résumé**

*Cette étude se concentre sur l'analyse du cadre juridique et législatif qui régit l'activité des partis politiques dans la société algérienne, en examinant dans quelle mesure les politiques publiques mises en place dans ce domaine ont réussi à créer un environnement politique actif et efficace qui ancrent les pratiques démocratiques dans la société et contribuent à la socialisation politique et sociale du citoyen algérien. L'étude a abouti à une série de conclusions, dont la plus importante est que la mise en œuvre d'une politique publique efficace, en particulier dans ce domaine, ne dépend pas uniquement de l'adoption de lois et de réglementations juridiques, mais doit s'accompagner d'une véritable volonté politique d'introduire des réformes politiques qui soient cohérentes avec les principes de la démocratie et de la participation politique des individus au sein de la société et qui favorisent leur ancrage. Les réformes introduites dans la loi sur les partis politiques, malgré leur précision et leur exhaustivité, restent limitées et inefficaces si elles ne sont pas soutenues par un environnement politique favorable et une véritable volonté politique de les consolider en fonction des caractéristiques sociétales qui distinguent la société algérienne.*

**Mots clés :** *sociologie ; politique publique ; réformes politiques ; loi sur les partis politiques.*



## Introduction

In recent years, and specifically since 2012, Algeria has undergone a gradual process of reforming its political system, both at the level of the functioning of the party system and through broader political activity. This process has been embodied in successive constitutional amendments and the promulgation of a legal arsenal aimed at entrenching the principles of pluralism and democracy and at enhancing the political participation of individuals within society. At the heart of this reformist trajectory, the Law on Political Parties has emerged as one of the most significant legal instruments regulating party activity and shaping political action within constitutional and social constraints, as well as republican values.

However, the central problem lies in the extent to which these reforms have shifted from the legal framework to effective political action, that is, from text to field practice, and from reform officially proclaimed to a genuine transformation in the structure of political life and political practice and their repercussions for society.

Within the framework of public policy, political parties are considered one of the mechanisms employed and one of the arenas in which they operate and compete to attain power, or at the very least, to participate in it to the point of acceding to the government. On this basis, they rely on methods that range from familial and peaceful to authoritarian, coercive, and pressure-based. This depends on the degree of maturity of the democratic experience in the social environment in which these parties operate, as well as

the extent to which their members are imbued with the concept of citizenship and loyalty to the nation, their educational level, and their awareness of current issues. Accordingly, through this, we aim to shed light on the political and party activities and their sociological dimensions in Algeria within the regulatory framework under which they operate.

Through this study, we aim to highlight public policy orientations by examining the principal reforms introduced in the Law on Political Parties, particularly in relation to enhancing the role of women in political life. Accordingly, the research problem is formulated as follows: What are the primary public policy orientations embodied in the political reforms outlined in the Law on Political Parties, promulgated in 2012, particularly regarding the enhancement of women's role in political life and its implications for society? From this problem arises a set of subsidiary questions, namely:

- What is meant by sociology?
- What is meant by public policy and political reform?
- What reforms are contained in the Law on Political Parties?
- What is the share of women involved in these political reforms, and what are their repercussions for society?

On the basis of the content analysis method for studying the legal framework regulating parties in Algeria, this study was divided into two principal axes. The first axis encompasses a conceptual framework in sociology, public policy, and political reform. In contrast, the second axis focuses on examining the principal reforms introduced by the Law on Political Parties in Algeria, particularly those



related to enhancing women's participation in politics within society.

## **1. The concepts of sociology, public policy, and political reform**

### **1.1. The concept of sociology**

Sociology is defined as the scientific study of the various forms of human behaviour in any human society, as it refers to the course of relations between the individual and society and how these relations can affect different aspects of their lives. Accordingly, it seeks to scientifically explain how society develops, advances, or declines.

It is also defined as a scientific field concerned with the study of social life, human groups, and societies as a whole. Its central subject is our daily behaviour in its various economic, political, professional, and doctrinal dimensions. Hence, sociology is considered one of the scientific fields characterised by great breadth and comprehensiveness, ranging from brief encounters between individuals on the street to the investigation of large-scale social life worldwide (Tareeba, n.d., p. 8).

E. Wilkins defines it as the science concerned with the study of the set of human activities and their different relationships, the nature of their causes, their occurrence and consequences, and the set of rules and laws that organise and govern them. In general, sociology is concerned with the study of all manifestations of human behaviour in society (Misbah, 2010, p. 25).

Sociology is concerned with the study of social life, human groups, and societies. It is an astonishing and highly complex project because its central subject is our behaviour

as social beings do. Hence, the scope of sociological study is exceedingly broad, ranging from the analysis of fleeting encounters between individuals on the street to the investigation of social processes. The great majority of us view the world through the familiar features of our own lives, and sociology reveals the need to take a broader view of the reasons that have shaped us into who we are now and the reasons that impel us to act and behave in specific ways. It teaches us that what we regard as natural, inevitable, or good and right may not, in fact, be so; rather, social and historical forces profoundly influence the conditions of our lives. Thus, the profound, hidden, and complex ways in which individuals live actually represent the contexts that envelop our social experience, and it is from these that the sociological perspective arises (Al-Sayyagh, 2005, p. 48).

Sociology is the science that specialises in the study of everything that concerns society, including the economy, politics, culture, systems, and social problems. This is carried out through systematic, analytical, and objective studies, which are far removed from any psychological or ideological considerations, while taking into account the findings of previous studies in these fields.

## **1.2. The concept of public policy**

It is not easy to provide a single, unified definition of public policy, owing to the divergence of viewpoints among thinkers, a divergence that is due primarily to the variety of scientific premises and foundations and to the different angles from which each researcher addresses the subject (Cocharan, Mayer, 2010, p. 10), particularly in defining the PUBLIC REALM, which consists of activities whose effects extend beyond the individuals and groups directly



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connected with them to a broader sphere. This is what John Dewey noted (Al-Fahdawi, 2001, p. 31).

Habermas also explained that the public sphere separates the state from society, emerging from the private sphere. Hence, it is necessary to distinguish between the public and private spheres: the public sphere is composed of a group of private individuals, whereas the private sphere refers to the family, individuals, and civil society in a narrow sense.

Habermas addressed the public sphere in his study of the structural transformation of the public sphere, both in his early writings on the concept in the 1960s and in his later contributions in the 1990s, in which he examined the importance of the concept and its relation to contemporary political and social life. This concept broadens opportunities for political participation and supports democratic values, and it has contributed to modern and postmodern thought; indeed, its influence has extended to both sociology and communication studies (Ismail, 2013).

However, it is possible to define public policy on the basis of three fundamental approaches.

The first is based on studying public policy from the perspective of power, as this angle can offer a view of how public policy is shaped by examining those who have the capacity to influence the government's agenda.

The second angle addresses public policy from a systemic perspective, which views public policy within an integrated and interconnected system, encompassing its formulation, implementation, and evaluation. In other words, it focuses on the process that takes place within a specific mechanism.

Finally, there is an angle that studies public policy through the activities carried out by the government. In this

case, public policy is studied through what the government does and does not do within a given framework and within the contours of its set programme (Al-Fahdawi, 2001, pp. 32-35).

Within the framework of studying and analysing public policy from the angles mentioned above, it is worth noting that the latter is influenced by two main currents to which reference is usually made when presenting a conception of public policy. The first is the political current, which focuses on providing clear concepts and analyses of the meaning of public policy, its processes, and its distinctive characteristics. The second is the technical current, which views public policy as a dynamic process with technical implications linked to professional and technical currents that focus on rational planning in its design.

In general, public policy can be defined as a set of measures and decisions adopted by the state or public authorities to intervene and address a problem or meet a public need within society, following a study that determines objectives and priorities. That is, public policy refers to the actions taken by the government to address various issues in economic, social, cultural, and other fields to organise the affairs of individuals and groups within the framework of achieving the public interest.

### **1.3. The concept of political reform**

#### **1.3.1. Definition of reform**

- **Reform in the linguistic sense:**
- Reform is the opposite of corruption, as stated by Ibn Faris and Ibn Manzur. To reform something after it has become corrupted is to restore it; it is said, "the condition of the man was set right (*ṣaluḥa ḥāl al-*



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rajul)," meaning that his corruption was removed. For Abu Bakr al-Razi, rectitude (al-ṣalāḥ) is the antithesis of corruption.

- The English word *reform* likewise refers to the action that leads to the improvement of conditions through forming or reshaping a given state or introducing improvements to it. It is also a concept associated with the process that seeks to bring about social or political changes to eliminate corruption.
- **Reform in the terminological sense:**
- Samuel Huntington (S. Huntington) defines reform as a change in traditional values and patterns of behaviour and an expansion of the scope of loyalty to encompass the nation. He also refers to the rationalisation of public life and the level of authority, the strengthening of specialised organisations, and the adoption of efficiency standards (Al-Mashaqba & Alawi, 2010, pp. 32–34).
- According to the *Dictionary of Social Sciences*, reform is defined as a change in a particular social model in the hope of improving that model. Reform movements are understood as actions aimed at alleviating the drawbacks of the social system and rectifying corrupt conditions by modifying specific social systems without thereby changing the social structure (Temizar, 2015, p. 123).
- Notably, the concept of reform was widely used at the outset of the religious reform movements that emerged in the sixteenth century under the leadership of Martin Luther (M. Luther) to bring an end to the feudal system and liberate society from the

control of the Catholic Church in view of the powers the latter possessed at that time, such as indulgences and inquisitorial tribunals.

### ***1.3.2. Definition of political reform***

In the field of political science, the term refers to the process of development, adjustment, and change in systems of governance or social relations within a given state, within the framework of the existing system and by means permitted by that system.

Political reform is understood as the process of transformation from reactionary and authoritarian regimes to more open and democratic societies. It is a process of modification and development that may be partial or radical in the form of systems of governance and social relations.

Political reform may also be defined as the process of changing the structure of political institutions, their functions, modes of operation, and objectives through legal and nonlegal mechanisms within the political system to keep pace with transformations and continuously overcome difficulties (Temizar, 2015, pp. 123–126).

## **2. Political reforms relating to party activity in Algeria**

### **2.1. The historical development of party experience in Algeria**

Political parties engage with public policies as one of the mechanisms they employ and as one of the arenas in which they operate and compete to attain power or participate in it, up to and including assuming government office. On this basis, they rely on methods that range from familial and peaceful to authoritarian, coercive, and pressure-based. This depends on the degree of maturity of the democratic



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experience in the environment in which these parties operate, as well as the extent to which their members are imbued with the concept of citizenship and loyalty to the nation and their educational level and awareness of current issues (Al-Kabees, 2008, p. 100). In this section, we shed light on the political and party activity in Algeria, clarifying its features and characteristics.

The concept of political parties varies according to the perspective from which they are viewed. Let us approach the concept of political parties from a Western perspective. In that case, scholars such as Max Weber define them as "social organisations bound together by a single political project and possessing legitimacy, seeking to achieve the objectives of their group."

Similarly, Maurice Duverger (M. Duverger) considers political parties to be "small groups linked together within the framework of a specific system." From an Arab perspective, we find, for example, that Asim Ahmad Ajilah defines them as "a group of people who share specific principles, a system, and particular objectives, around which they unite and which they seek to realise either by attaining power or participating in it."

Accordingly, political parties are institutions dedicated to democratic practices and are an integral part of the democratic system. They are also regarded as projects of authority and governance through their endeavour to attain power to realise their objectives (Ibrahim & Bin Taher, 2021, p. 81).

In general, political parties are organisations composed of a group of individuals bound together by the unity of ideas and objectives within a unified political framework. They

operate within a given political system to expand their popular base and reach power, or at least influence it, until they succeed in attaining it (Souiqat, 2006, p. 123).

The party experience in Algeria dates back to the colonial period, when it began through the political movements active at that time, most of which had liberationist aims, calling for the independence of Algeria and the establishment of a free state independent of France, as in the case of the pluralist national movement in the 1920s until the outbreak of the War of Liberation in 1954 (Fadli, 2023, p. 463).

Immediately after independence, Law No. 62--157, dated December 31, 1963, was promulgated, stipulating the continuation of the application of French legislation, except provisions contrary to national sovereignty. This measure aimed to ensure stability and continuity in the application of legal and regulatory provisions, thereby avoiding a legislative vacuum.

Among the effects of this measure was the permission to form political parties, particularly those that had been active during the colonial period, such as the Communist Party and the Association of Muslim Ulama. However, Decree No. 63-297, dated August 14, 1963, was soon issued, prohibiting the establishment of any association of a political nature under the penalty of sanctions against those who violated the provisions of Article 1 of this decree. This was an attempt to maintain the National Liberation Front Party as the vanguard party leading all political activity in Algeria. The provisions of this article were subsequently constitutionalised in the Algerian Constitution, promulgated on September 10, 1963. Article 63 stipulated that "the National Liberation Front is the sole vanguard party in



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Algeria." Furthermore, Article 24 of the Constitution entrusted the party with the task of determining the nation's policy, directing the state's work, and overseeing the activities of the National Assembly and the government (Souiqat, 2006, p. 123).

This situation remained unchanged under the 1976 Constitution, whose Article 94 stipulated that the constitutional system is based on the one-party principle. The same applies to Article 95, which provided that the National Liberation Front Party is the sole party in the country and is composed of the most politically conscious citizens, consisting of peasants, workers, and youth (Ordonnance No. 76--97, 1976).

With Algeria's entry into a phase of political pluralism, coinciding with the constitutional amendment of 1989, which was adopted in the political and social circumstances mentioned earlier, the Constitution, in Article 40, recognised the right to establish associations of a political nature, subject to respect for fundamental freedoms, national unity, territorial integrity, the independence of the country, and the sovereignty of the people (Presidential Decree No. 89--18, 1989).

The use of the term "political associations" instead of "political parties" sparked broad debate among political elites. Some interpreted this as intended to leave the door open for political formations to rally under the banner of the National Liberation Front Party. Others attributed this to the absence of qualified parties capable of engaging in political competition. However, others have regarded it as a step towards restricting pluralism and targeting specific parties to curtail the opposition's influence, thereby limiting its role

to participation only without affecting the electoral landscape (Souiqat, 2006, p. 124).

Coinciding with the provisions of the 1989 Constitution, Law No. 89--13 of August 7, 1989, was promulgated concerning associations of a political nature. Article 2 defined their purpose, within the framework of Article 40 of the Constitution, as targeting all Algerian citizens who unite around a specific political programme to achieve a nonprofit-making objective in the context of participation in political life through peaceful and democratic means.

As may be observed, the term "associations of a political nature" was used instead of "political party." The political system at that time moved towards political liberalisation in a limited and gradual manner, as it tested the mood of a politically turbulent public sphere. It also limited the role of these political associations to political participation rather than striving to attain power.

The 1996 Constitution addressed the observations recorded regarding political parties by using, for the first time, the term "parties" and by including them in the provisions on prohibition, that is, those not open to substantive amendment. The constituent power also undertook to provide sufficient guarantees, at least from a legal standpoint, to give effect to this right within the limits of respect for fundamental freedoms. Article 42 of the Constitution thus stipulates the following: "The right to establish political parties is recognised and guaranteed. This right may not be invoked to undermine fundamental freedoms, the fundamental values and components of national identity, national unity, the security and integrity of the national territory, the independence of the country, the sovereignty of the people, or the democratic and republican



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character of the state.” In accordance with the provisions of this Constitution, political parties may not be founded on a religious, linguistic, racial, gender-based, occupational, or regional basis. Accordingly, political parties may not resort to partisan propaganda on the basis of the aforementioned criteria (Fadli, 2023, p. 470).

Political parties are also prohibited from any form of dependency on a foreign entity, and they may not use violence or coercion to achieve their stated objectives.

In the implementation of the constitutional provisions, Law No. 97--09 of March 6, 1997, was promulgated, constituting the Organic Law on Political Parties. Article 2 of this law aims to increase participation in political life through democratic and peaceful means, bringing together Algerian citizens around a political programme without pursuing any profit-making objectives (Fadli, 2023, p. 471).

## **2.2. The structure of the Law on Political Parties, promulgated in 2012**

Organic Law No. 12--04 of January 12, 2012, contains a systematic outline divided into seven chapters as follows:

### **Chapter One:**

This chapter addresses the general provisions governing the regulatory framework for party activity in Algeria, starting with its definition and recognition of legitimacy.

Chapter one is divided into two sections, which address the objectives of establishing political parties and the foundations and principles on which they must be based, as well as the roles and tasks entrusted to them in relation to society.

### **Chapter Two:**

This chapter concerns the conditions and procedures governing the establishment of political parties. It is subdivided into three sections. The first section relates to the procedures for declaring the establishment of a political party, indicating the conditions relating to the founding members and those relating to the establishment of the party itself, in addition to specifying the authority empowered to examine the conformity of the declaration of establishment with the constitutional and legal framework in force. The second section addresses the stages of accrediting the political party, beginning with the holding of the constituent congress and the authority competent to issue the decision and authorisation for its establishment. The third section is devoted to the conditions for approving the party's basic statute and the procedures for amending it as necessary.

#### **Chapter Three:**

This chapter outlines the organisation and functioning of the political party. It is likewise divided into two sections. The first section is devoted to the management and leadership of the party, its bodies, and the spread of its structures at both the central and local levels. In contrast, the second section addresses the functioning and activity of the party.

#### **Chapter Four:**

Chapter Four of the Organic Law on Political Parties is devoted to the financial aspect of the party. It addresses the modalities of financing party activities, including the payment of subscriptions, bookkeeping, financial accounting, and the inventory of both immovable and movable property (Organic Law No. 12--04, 2012).

#### **Chapter Five:**



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Within the framework of regulating the activity of the political party, Chapter Five addresses the procedures for suspending the accredited political party and its dissolution, which may be voluntary at the party's initiative or effected by judicial decision, as well as the procedures for judicial appeal adjudicated by the Council of State.

### **Chapters Six and Seven:**

These relate to the penal provisions applicable to leaders and members of the political party in cases of breach of the legal and regulatory provisions of the Organic Law. Chapter Seven concerns the transitional provisions between the previous Law on Political Parties of 1997 and the new law.

Third, political reforms under the Law on Political Parties of 2012

The most important provisions introduced by the Organic Law on Political Parties within the framework of political reforms are as follows:

- The first point to be noted in this regard is the formulation of a new definition of political parties in Article 3, according to which they are “gatherings of citizens who share the same ideas and come together with a view to implementing a joint political project in order, by democratic and peaceful means, to exercise power and responsibilities in the conduct of public affairs” (Fadli, 2023, p. 472).
- An explicit reference is made to the objective of establishing political parties, namely, the exercise of powers and responsibilities in leading public affairs by implementing a political project.
- Reference is also given to the social objective of the political party by indicating its role in shaping the

political will of the people in all spheres of public life through the following:

- Contributing to the formation of public opinion
  - promoting an authentic political culture
  - encouraging the effective participation of citizens in public life
  - training and preparing elites capable of assuming public responsibilities
  - Proposing candidates for local and national popular assemblies
  - Ensuring the establishment and promotion of enduring relations of proximity between the citizen and the state and its institutions
  - working to improve political life and refine its practice and to consolidate the fundamental values and components of Algerian society, particularly the values of the Revolution of November 1, 1954
  - Working to entrench democratic action and alternation in power and to promote the political rights of women
  - Working to promote human rights and values of tolerance.
- In the implementation of Articles 49 and 123 of the 1996 Constitution, the right to establish political parties was enshrined on the condition that fundamental freedoms, the values and components of national identity, national unity, the security and integrity of the national territory, the independence of the country, the sovereignty of the people, and the democratic and republican character of the state are not undermined. Within the framework of respect for the provisions of this Constitution, establishing any



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political party on a religious, linguistic, racial, gender-based, occupational, or regional basis is prohibited, and it is likewise prohibited to resort to partisan propaganda founded on the aforementioned elements. This was an attempt to avoid repeating the mistakes of the previous period and a preemptive measure to close off any attempt to undermine the nation's stability under the pretext of democratic practice and freedom of expression. Similarly, the 2020 Constitution's constitutional reforms, particularly in Article 57, stipulate that political parties may not be founded on a religious, linguistic, racial, gender-based, occupational, or regional basis. However, this point is not referred to in the Organic Law promulgated in 2012.

- A political party is established for an indefinite duration and enjoys legal personality, legal capacity, and managerial autonomy (Organic Law No. 12-04, 2012, Art. 4).
- The establishment of a political party is prohibited for any person who bears responsibility in exploiting religion in a way that leads to national tragedy, as well as for anyone who has participated in terrorist acts and who refuses to acknowledge their responsibility in contributing to the formulation and pursuit of a policy that advocates violence and destruction. It is also prohibited for any political party to choose for itself a name or symbol previously adopted by any movement whose stance or activity was contrary to the interests of the nation and the

- principles of the November Revolution (Organic Law No. 12--04, 2012, Art. 6).
- The right to join political parties is guaranteed, except for judges and members of the People's National Army, who perform their duties (Organic Law No. 12--04, 2012, Art. 10).
  - All forms of dependence on foreign interests or entities are prohibited for political parties, whether in terms of affiliation or financial funding (Organic Law No. 12-04, 2012, Arts. 26, 56).
  - The establishment of political parties is subject to a declaration of an establishment submitted by the party in the form of a file lodged with the Ministry of the Interior. This file consists of an application signed by three founding members, a written undertaking to respect the provisions of the Constitution and the laws in force, together with a preliminary project and an administrative file relating to the founders, to hold the constituent congress. In the event of refusal, the party may initiate appeal proceedings against the decision before the Council of State. If the ministry competent to grant authorisation remains silent for 60 days, the party is deemed to have been implicitly accredited and may then initiate preparations for holding the constituent congress (Organic Law No. 12--04, 2012, Arts. 16, 20).
  - The drafting of the party's basic statute is subject to approval by its members after the establishment of the deliberative and executive bodies and the determination of the party's foundations and objectives, in accordance with the constitutional, legal, and regulatory framework in force, as well as



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the adoption of the party's internal rules and the specification of the procedures for its administrative dissolution and the financial provisions relating to the management of the party. The Ministry of the Interior must also be informed of any change affecting the organisation of the leadership bodies and their composition, the party's internal rules, or its basic statute, in order for such changes to be examined and either approved or rejected (Organic Law No. 12--04, 2012, Arts. 36-37).

- The party conducts its activities in complete freedom, subject to the characteristics of the state and its symbols, the nation's constants, the adoption of political pluralism, the rejection of violence, individual and collective freedoms, respect for human rights, and public order. However, it is prohibited from using foreign languages in any of its activities.
- A political party is prohibited from having any organic, subordinate, or supervisory link with a trade union, association, or any other organisation that does not have a political character.
- A political party may establish relations with foreign political parties within the framework of respect for the principles of the Constitution and the laws in force.
- The party's activities are financed through the subscriptions of its members, gifts, legacies, and donations, as well as revenues linked to its activities and property and any potential assistance granted by the state. All of these funds are paid into a special

account opened with a national banking or financial institution.

- The Minister of the Interior may suspend the activity of the party by a reasoned decision if the party breaches the laws in force, as well as in cases of urgency and imminent disturbances to public order.

The first point to be noted is that the regulatory text embodied in the Organic Law on Political Parties has not kept pace with constitutional reforms, as it has not been updated since 2012, despite the constitutional amendment carried out in 2020.

Furthermore, concerning the constitutional reforms and the political reforms contained in the regulatory framework of political parties in Algeria, particularly in the area of regulating their establishment and functioning, it may be observed that although this right has been enshrined in accordance with the provisions of the Constitution, it has been constrained by administrative oversight exercised by the Ministry of the Interior, Local Authorities, and Land-Use Planning, both in relation to the declaration of establishment and the holding of the constituent congress. Although this oversight may at first sight be devoted to purely organisational objectives, it may in fact undermine a fundamental principle guaranteed by the Constitution, namely, freedom of opinion and expression, since, in practice, the administration may refuse to accredit a party or a particular political activity on the grounds of failure to comply with conditions that may be merely formal or under the pretext of protecting public order (Fadli, 2023, p. 474).

The prohibition of persons who bore responsibility for the national tragedy through their exploitation of religion constitutes a measure likely to rectify past errors and protect



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public order and the stability of the state. However, prohibiting the grounding of political practice in the nation's constants and values, such as Islam, creates a tension between the fundamental functions of the political party – such as contributing to the formation of public opinion and building an authentic culture rooted in the constants and values of the Algerian people – and the restrictions imposed on the freedom to choose the party's political orientation, particularly given that Article 2 of the Constitution stipulates that Islam is the religion of the state, not only of the Algerian people.

Moreover, the prohibition on any person who refuses to acknowledge their responsibility for participating in formulating and pursuing a policy that calls for violence appears ambiguous, since it is understood that acknowledging responsibility would eliminate the impediment. This contradicts the reasons for which restrictions on certain political freedoms were established.

The issue of the party's exercise of its political activities within the framework of respect for the state's symbols is also unclear, as criticism by political parties of public policies implemented by the government and its symbols is a fundamental element of democratic practice, particularly in long-standing democracies. Likewise, prohibiting the conduct of any activity, regardless of its nature and specificity, in foreign languages constitutes, in our view, a restriction on party activity, especially since the exact regulatory text allows the political party to establish relations with foreign parties.

The regulatory text empowers the Minister of the Interior to suspend a party's activity in cases of urgency and

imminent disturbances to public order. This raises the problem of how to characterise and assess such urgency and imminent disturbances, as it may lead the administration into arbitrariness liable to undermine the political freedom guaranteed by the Constitution.

Finally, although the political reforms introduced in relation to party activity in Algeria have passed the test of legality, the fundamental issue that remains is the extent to which they have passed the test of legitimacy, given the nature of the Algerian political system, the composition of the legislative authority, and the dominance of the executive authority over the other powers. This explains the shortcomings affecting the regulatory framework governing party activity, as noted above.

Fourth, contributions of the Law on Political Parties to activating women's political participation

In light of the foregoing detailed examination of the Law on Political Parties in Algeria, it should likewise be noted that the Organic Law plays a role in enhancing women's participation in political life through what is known as the women's quota, the training and capacity-building of women, and the financial encouragement of parties to involve women. Overall, the activation of women's political participation in the Organic Law relating to political parties can be discerned in the following points:

- Equality between men and women in the definition of the political party:
- As noted previously, Article 3 of the Organic Law on Political Parties defines a political party as "a gathering of citizens who share the same ideas and come together with a view to implementing a joint political project in order, by democratic and peaceful



means, to exercise powers and responsibilities in the conduct of public affairs," without specifying their sex. This constitutes an indication of the adoption of the principle of equality between men and women enshrined in the Constitution, whether in the partial constitutional amendment of 2008, specifically in Article 31 bis, or through the consecration of the principle of equality in fundamental rights and freedoms set out in Article 31 of the 1996 constitutional amendment, Article 34 of the 2016 constitutional amendment, or in the 2020 Constitution (Ghazi & Khalfah, 2022, pp. 251–252).

- The right to establish and join political parties:
- Most of the international charters and conventions ratified by Algeria aim to support women's political participation, whether through joining or establishing political parties, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), signed in 1979, which in Article 7 stipulates "the necessity for State Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country," and guarantees women, on an equal footing with men, "the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies." The same article also addressed standing for election and holding office in national and local elected bodies and councils through political parties, ensuring that participation is effective and genuine. Algeria consequently enshrined this through the 1989 constitutional

amendment, the amended and supplemented 1996 constitutional amendment, the 2016 constitutional amendment, and the most recent constitutional amendment of 2020 (Ghazi & Khalfah, 2022, p. 252).

- Encouraging parties to promote women's political rights:
- Paragraph 8 of Article 11 of the Organic Law on Political Parties places the responsibility of promoting women's political rights on political parties. It designates this task as one of their assigned responsibilities, stipulating that they work to entrench democratic practices, alternation in power, and the promotion of women's political rights (Organic Law No. 12--04, 2012).
- On this basis, political parties must move beyond a merely formal role in involving women, which remains a superficial attempt that falls short of the depth and objectives of the established legal and regulatory frameworks. This can only be achieved by presenting women as candidates on electoral lists, as well as involving them in all party activities, granting them opportunities to hold positions and responsibilities, and enabling them to participate in the party's decision-making so that they may acquire the experience and skills necessary to qualify them, deservedly, to head electoral lists. The Algerian reality reveals that parties lack a clear vision and specific mechanisms for implementing this, as well as for encouraging women to attain leadership positions and represent these parties in elected assemblies (Ghazi & Khalfah, 2022, p. 253).



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- The obligation of women's presence at all stages of establishing a political party:
- The legislator has required political parties to involve women at all stages of establishing a political party, from the declaration of the establishment of the political party and the submission of the declaration file to the Ministry of the Interior for examination to the holding of the party's constituent congress and the receipt of the decision accrediting the political party from the Ministry of the Interior, Local Authorities, and Land-Use Planning, as follows:

At the stage of establishing the party:

The final paragraph of the article stipulates that a representative proportion of women must be included among the founding members.

At the stage of holding the party's constituent congress:

Article 24 of the Organic Law stipulates that the number of congress participants must include a representative proportion of women "in order to empower women politically and increase their chances of occupying leadership positions within the political party" (Organic Law No. 12--04, 2012).

After accreditation and during the commencement of the party's activities:

Article 35 of the Organic Law, in its seventh paragraph relating to the party's basic statute approved at the constituent congress, provides that both the deliberative body and the executive body of the party must include among their members a representative proportion of female activists. Article 41 further stipulates the obligation for every

political party to include a proportion of women within its leadership bodies.

Financial incentives for political parties according to the number of their elected female representatives in assemblies:

Article 58 of the Organic Law provides that an accredited political party may benefit from financial assistance from the state on the basis of the number of seats it obtains in Parliament and the number of its elected female representatives in assemblies. In the same context, Article 7 provides that... (Organic Law No. 12-04, 2012).

In light of the above, and on the basis of discussions regarding the regulatory framework of political parties in Algeria, the legal framework has a significant influence over political activity in terms of organisational procedures, obligations, and prohibitions. The law has also granted broad powers to the Minister of the Interior over the activity of political parties, such as intervening in their establishment, activity, and continuity under the cover of the discretionary power granted to him, a broad – if not loose – term that does not precisely define the limits of the administration's dominance, represented by the Minister of the Interior, over party activity (Ghazi & Khalfah, 2022, p. 259).

## **Conclusion**

The Algerian experience in the field of political reform, particularly party activity, has demonstrated that the transition from the stage of theoretical reform to that of actual political action remains contingent upon the degree of coherence between the legal system and political practice



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within society, as well as upon the extent to which there exists a genuine will among the various actors to entrench the principles of democracy and active citizenship.

Regardless of how precise and comprehensive it may be, the law remains a limited regulatory framework if it does not find a political environment and a genuine political will to implement it and translate its objectives into reality. The challenges faced by party activity in Algeria—such as the weak social rootedness of parties, their purely formal multiplicity, and the administrative and political restrictions of their activity—reveal a persistent gap between the legal text and actual practice. This gap renders political reform an ongoing process rather than a completed stage.

On the basis of the findings of the analytical reading undertaken in this study, a set of recommendations may be proposed that could contribute to enhancing the effectiveness of the Law on Political Parties and promoting political action in Algeria:

- Periodically reviewing the Law on Political Parties to ensure its compatibility with constitutional, political, and social transformations and adapting it to the requirements of genuine democratic practice.
- The actual autonomy of parties should be strengthened by alleviating the administrative and bureaucratic constraints that limit their freedom to organise and operate within society.
- Encouraging internal democracy and alternation in party leadership positions through precise legal mechanisms that oblige parties to ensure transparency in management and representation.

- Establishing a balance between political and judicial oversight in such a way as to preserve public order without infringing on public freedoms, particularly freedom of party activity.
- The development of citizens' political culture through educational and media programmes entrenches the values of participation and awareness of political rights and duties.
- Opening the way for ongoing dialogue and consultation between the authorities and the parties to create a consensual ground that facilitates the transition to mature and responsible political action in which all active parties participate.
- Working to broaden the scope of women's participation in political life has positive repercussions for society.

Reaching the stage of "political action" in Algeria requires more than merely reformist texts; it calls for a genuine political will, an active civil society, and parties that carry real national projects capable of ensuring the advancement of society on the basis of equality among all active actors.

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