



## Arabization and the Three Powers in Algeria: Towards Achieving Linguistic Sovereignty

**Khadidja LAHLOU**

Faculty of Law and Political Science, Tahri Mohammed  
University of Bechar People's Democratic Republic of  
Algeria, ORCID: 0009-0008-5317-9100  
Email Id: [lahlou.khadidja@univ-bechar.dz](mailto:lahlou.khadidja@univ-bechar.dz)

### **Abstract:**

*Despite its historical context as a former French colony, post-independence Algeria has consistently pursued the revival of Arabic as the national and official language of its society. This commitment is enshrined in its various constitutional documents, beginning with Article 5 of the 1963 Constitution and continuing through Presidential Decree No. 20/442, which incorporates the constitutional amendment of 2020, as specified in Article 3. Further solidifying this objective is Law No. 91/05 concerning the generalization of the use of the Arabic language, which, under Article 4, mandates that all public administrations, institutions, and associations of all kinds utilize Arabic exclusively in all their functions, encompassing communication, administrative management, financial operations, and technical and artistic activities. In adherence to this legal statute, the three branches of state power – the legislative, judicial, and executive – have implemented Arabic in all legal proceedings, thereby aiming to reinforce the linguistic sovereignty of the state.*

**Keywords:** Arabic language, legislative, judiciary, executive, manifestations of Arabization.

## Arabisation et les trois puissances en Algérie : vers la souveraineté linguistique

### **Résumé :**

*Malgré son passé de colonie française, l'Algérie, après son indépendance, a toujours œuvré à la renaissance de l'arabe comme langue nationale et officielle. Cet engagement est inscrit dans ses textes constitutionnels, à commencer par l'article 5 de la Constitution de 1963 et poursuivi par le décret présidentiel n° 20/442, qui intègre la réforme constitutionnelle de 2020, comme le prévoit son article 3. La loi n° 91/05 relative à la généralisation de l'usage de la langue arabe consolide cet objectif en imposant, en son article 4, l'usage exclusif de l'arabe dans toutes les administrations publiques, institutions et associations de toute nature, pour l'ensemble de leurs activités, y compris la communication, la gestion administrative, les opérations financières et les activités techniques et artistiques. Conformément à ce texte, les trois pouvoirs de l'État – législatif, judiciaire et exécutif – ont mis en œuvre l'arabe dans toutes les procédures judiciaires, contribuant ainsi à renforcer la souveraineté linguistique de l'État.*

**Mots-clés :** *langue arabe, législatif, judiciaire, exécutif, manifestations de l'arabisation.*



## Introduction:

If any language in the world serves as a tool for expression and communication among the members of a nation, and a source of their unity and cohesion against external influences, then the Arabic language is a language of knowledge production, science, and communication a language of eloquence and artistic and literary creativity, being the language of the Holy Qur'an. The Arab-Islamic civilization transformed it into a language capable of formulating and producing scientific meanings in all fields. It was not hindered by what the Syriacs had translated nor by what the Persians and Greeks had created (Zitouni, N,( 2013). The Reality of the Arabic Language in Algeria". An-Najah University Journal for Research. 27(10). 33).

It is the primary official language of more than 23 Arab countries, including Algeria. After Algeria had been a French colony, and due to the French colonizer's insistence on making French its official language by eliminating Arabic as a prelude to erasing Algerian identity and since the Arabic language is a symbol of sovereignty, independence, and national unity Algeria, after independence, attempted to revive the Arabic language as the national and official language of Algerian society in all its constitutions, starting with the 1963 Constitution and leading up to Presidential Decree No. 20/442 containing the 2020 constitutional amendment, which stipulated in its early articles that Arabic is the national and official language.

This was reaffirmed by Law No. 91/05 on the generalization of the use of the Arabic language, as amended

and supplemented(Law No. 91/05. the generalization of the use of the Arabic language, amended and supplemented.(1991)) , which stated that this language is a foundational component of the deeply rooted national identity and one of the constants of the nation, and that its use falls under public order. Article 4 of the same law obligated all public administrations, bodies, and associations of all kinds to use only the Arabic language in all their activities, including communication, administrative, financial, technical, and professional management.

Based on this, Algerian state institutions represented by the legislative institution, the judicial institution, and public administration institutions have Arabized their titles, documents, regulations, fields of work, and projects, in compliance with the Law on the Arabic Language.

To address this topic, we pose the following problematic question: To what extent do the three branches of the Algerian state use the Arabic language in their various functions to assert their linguistic sovereignty?.

This question was addressed through the use of the descriptive and analytical methods, aiming to describe the legal phenomenon and analyze legal texts in a legal manner, which formed the basis for dividing this research paper into three main sections.

## **1. Manifestations of the use of the arabic language by the legislative institution**

The legislative institution in the Algerian state is represented by the Parliament, which is considered an independent constitutional authority that exercises its powers in the name of the people. It consists of two chambers: the People's National Assembly and the Council



Soumission : 05/05/2025    Acceptation : 08/06/2025    Publication : 25/08/2025

of the Nation. In fulfilling its duties, the Parliament holds ordinary sessions as a general rule and extraordinary sessions as an exception, provided that all proceedings during these sessions are conducted in Arabic, in application of the provisions of Article 6 of Organic Law No. 16/12, which governs the People's National Assembly and the Council of the Nation, their functioning, and their functional relationship with the government, as mended and supplemented(Organic Law No. 16/12, governing the People's National Assembly and the Council of the Nation and their functioning, as well as their functional relationship with the government, amended and supplemented.(2016)). This article stipulates: "The work, discussions, and deliberations of Parliament shall be conducted in the Arabic language."

In implementation of this article, the manifestations of Parliament's use of the Arabic language appear in the following:

### **1.1. The Arabic Language in the Legislative Performance of Parliament**

The Parliament is bound to use the Arabic language when carrying out its legislative role, based on Article 6 of Organic Law No. 16/12 mentioned above, as a general rule. Nevertheless, legal texts issued by Parliament may be translated into a foreign language.

#### ***1.1.1. Parliament's Commitment to the Arabic Language***

Parliament is committed to using Arabic when exercising its legislative function, including initiating legislation,

amending laws, and ratifying international agreements and treaties.

- **The Arabic Language in the Legislative Initiative Process**

Parliament enjoys full sovereignty in initiating legislation, which is considered the first legal procedure that, once completed, leads to the creation of law. It proposes, votes on, and discusses laws in accordance with the procedures defined by the Constitution. These include organic laws in the areas specified in Article 140 of the 2020 constitutional amendment, and ordinary laws in 30 constitutionally defined fields, such as the fundamental rules relating to personal status and the family, basic legislation relating to nationality, general rules of the Penal Code and the Code of Criminal Procedure, general rules of civil and administrative procedures and enforcement mechanisms, among others, in addition to internal regulations and the preparation of financial legislation.

Regardless of the type of law addressed by Parliament, it is bound by the obligation to use the Arabic language. Laws must be proposed and discussed exclusively in Arabic, since Article 5 of Law No. 91/05 on the generalization of the use of the Arabic language, as amended and supplemented, prohibits the use of any foreign language in deliberations and discussions conducted in official meetings.

Moreover, these laws must be published in the Official Gazette in the Arabic language, as stipulated in Article 13 of the aforementioned Law No. 91/05, which provides that the Official Gazette of the People's National Assembly's deliberations shall be issued in Arabic only. There are numerous examples of this, as all Algerian laws are issued in



Soumission : 05/05/2025 Acceptation : 08/06/2025 Publication : 25/08/2025

Arabic, beginning with the supreme law of the country the Algerian Constitution.

### ▪ **The Arabic Language in the Amendment of Laws**

Legally, an amendment can be defined as any proposal aimed at changing or repealing one or several legal provisions, or adding new ones. Organic Law No. 16/12, which regulates the People's National Assembly and the Council of the Nation, their functioning, and their functional relationship with the government, as amended and supplemented, grants both parliamentary chambers the authority to introduce amendments to laws issued by them or to draft laws proposed by the government.

Accordingly, if Parliament is bound to use the Arabic language when proposing laws, the process of amending them must also be conducted exclusively in Arabic; otherwise, it is considered invalid. Since all Algerian laws are issued in Arabic, their amendments must necessarily be in Arabic as well. For example, Law No. 08/09 concerning the Code of Civil and Administrative Procedure (Law No. 08/09. the Code of Civil and Administrative Procedure.(2008)).

was issued in Arabic, and its amendment, Law No. 22/13(Law No. 22/13. the Code of Civil and Administrative Procedure.(2022)) was also issued in Arabic. Similarly, Ordinance No. 75/58, which includes the Civil Code, was published in Arabic, and all amendments made to it were also in Arabic (Ordinance No. 75/58 the Civil Code, (1975).

- **The Arabic Language in the Ratification of Agreements and Treaties**

Parliament plays an important role in approving international treaties and agreements concluded by the executive authority. Although the Algerian Constitution assigns the task of ratifying them to the President of the Republic, as stipulated in Article 153 of the 2020 constitutional amendment, this cannot be done without Parliament's prior approval and confirmation of their compliance with existing legislation.

In this regard, Parliament must adhere to the Arabic language in the process of ratifying treaties or international agreements, in accordance with the provisions of Article 12 of Law No. 91/05 on the generalization of the use of the Arabic language, as amended and supplemented, which states: "Treaties and agreements shall be concluded in the Arabic language."

There are numerous examples of this, including Ordinance No. 72/17 concerning the ratification of the International Convention on Civil Liability for Oil Pollution Damage, signed in Brussels on 29/11/1969(Ordinance No. 72/17.the ratification of the International Convention on Civil Liability for Oil Pollution Damage, 1969), and Presidential Decree No. 51/96 concerning the accession of the People's Democratic Republic of Algeria, with reservations, to the Convention on the Elimination of All Forms of Discrimination Against Women of 1979 (Presidential Decree No. 51/96. the accession of the People's Democratic Republic of Algeria, with reservations, to the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, 1996).



### ***1.1.2. The Possibility of Translation into Foreign Languages***

Although the Algerian legislator has strictly bound Parliament, under penalty of invalidity, to use only the Arabic language in its legislative role, this does not preclude the possibility of translating legal texts into any foreign language, particularly within the framework of international cooperation and the promotion of the principle of territoriality of laws.

- **Translating Legal Texts within the Framework of International Cooperation**

International cooperation refers to the joint efforts made between states to achieve mutual interests, especially peace and security, and to confront political, social, economic, and security challenges (Bard, R.(2022). "The Cooperative Phenomenon in International Relations: A Look at Its Regional and Transregional Dimensions", Academic Journal of Legal and Political Research, 6(1). 721).

In order to strengthen the role of international cooperation, Algeria seeks to translate legal texts into foreign languages after they are issued in Arabic, to facilitate their accessibility to foreign powers especially given the increasing demand for translation, due to the prevailing international trend towards the harmonization of legislation across countries, since no state today can legislate in isolation from international legal norms.

The Algerian state has adopted the principle of the territoriality of laws to affirm state sovereignty over its territory. Algerian law is territorially applicable, meaning that all residents in Algeria, whether nationals or foreigners, are subject to its provisions. This principle is explicitly

affirmed in the Algerian Penal Code, particularly in Article 2, which states that the law applies to all crimes committed within the territory of the People's Democratic Republic of Algeria.

The Civil Code also refers to the principle of territoriality in legal relations involving a foreign element, especially by subjecting possession, ownership, and other real rights to the law of the place where the property is located, and by subjecting the form of contracts to the law of the country in which they are concluded.

Furthermore, Algerian law is applied in any situation where the principle of the personal application of laws would normally require applying foreign law whenever the provisions of the latter are contrary to Algerian public order.

The presence of any of these conditions requires the application of Algerian law to a foreigner. This makes it necessary, by exception and in addition to the original Arabic version, to translate the Arabic legal text into a foreign language so that it becomes accessible to the foreign resident in Algeria.

## **1.2. The Arabic Language in the Oversight Function of Parliament**

Parliament's oversight function consists in monitoring the actions of the executive authority, by overseeing the work of the Prime Minister or the Head of Government, depending on the case, on one hand, and the members of the government on the other. This is done through a set of legal mechanisms, which are divided into those that result in government accountability and those that do not. All of these mechanisms are bound to be conducted in Arabic, in implementation of the provisions of Law No. 91/05 on the



generalization of the use of the Arabic language, as amended and supplemented, as well as Article 6 of Organic Law No. 16/12, which regulates the People's National Assembly and the Council of the Nation, their functioning, and their functional relationship with the government, as amended and supplemented.

### *1.2.1. Legal Mechanisms That Do Not Result in Government Accountability*

The legal mechanisms for parliamentary oversight that do not lead to government accountability include interpellation, questioning, and parliamentary inquiry.

#### ▪ **Questioning**

The question is considered both an oversight and informational tool, jointly used by both chambers of Parliament. It is exercised individually or collectively by members of Parliament through directing questions to government members or to one of their own members concerning a specific topic, either in written or oral form. It also serves to inform public opinion and uncover facts, thereby drawing the government's attention to specific violations for correction (Atab, Y. (2022). "The Powers of Parliament and Its Role in the Protection of Rights and Freedoms". *Journal of Law and Political Sciences*. 8(2), 109). In order for these questions and their respective answers to attain official status, they must be published in the official record journals of both parliamentary chambers. Accordingly, they must be published in Arabic only.

- **Interpellation**

Interpellation involves holding the government accountable and accusing it regarding a current matter of public concern. It may lead to a motion of no confidence in the government or in some of its members. Members of Parliament may interpellate the government on any issue of national importance, as well as on the implementation of laws (Mossabihia. N. Kharif,A.(2022)." The Legislative Authority in the Algerian System through the Latest Constitutional Amendment of 2020", Afaq Journal of Sciences, 7(1), 426).

Therefore, interpellation must also be conducted in Arabic.

- **Parliamentary Inquiry**

Parliamentary inquiry is an oversight mechanism used by Parliament to verify governmental violations and misconduct by establishing investigation committees at any time to examine any matter of public interest, except for facts that are subject to ongoing judicial proceedings involving the government. It also includes investigating all violations and infractions that fall within Parliament's jurisdiction(Atab, Y.(2022)." The Powers of Parliament and Its Role in the Protection of Rights and Freedoms". Journal of Law and Political Sciences. 8(2 ), 110).

This process, too, must be conducted in the Arabic language.

### ***1.2.2. Legal Mechanisms That Result in Government Accountability***

The legal mechanisms of Parliament's oversight role that result in government accountability include: the discussion of the government's program, the motion of censure, and the vote of confidence.



Soumission : 05/05/2025    Acceptation : 08/06/2025    Publication : 25/08/2025

### ▪ **Discussion of the Government's Program**

According to Article 111 of Presidential Decree No. 20/442 containing the 2020 constitutional amendment, the Prime Minister or Head of Government, as the case may be, must annually present to the People's National Assembly a statement on the general policy, followed by a debate which may conclude with a resolution that could include observations regarding specific issues that violate public rights and freedoms and the necessity to correct them in the future. This process must also be conducted in Arabic.

### ▪ **Motion of Censure**

Within this framework, Parliament may present a motion of censure aimed at toppling the government, if the People's National Assembly considers it unfit to perform its role or sees it as an obstacle to the realization of rights and freedoms. This mechanism is subject to a set of legal conditions stipulated in Article 154 of the 2020 constitutional amendment. Furthermore, it remains bound by Article 6 of Organic Law No. 16/12, which regulates the People's National Assembly and the Council of the Nation, their functioning, and their relationship with the government, as amended and supplemented requiring the mandatory use of the Arabic language in the operations of the legislative authority.

### ▪ **Vote of Confidence**

The Prime Minister or Head of Government, depending on the case, may request a vote of confidence from Parliament in order to renew political support and avoid a motion of censure, particularly in the case of strong

opposition on the political scene. This may occur during the presentation of the general policy statement or when presenting a draft law to Parliament(Rahal,C.(2020). "Strengthening the Role of Parliament in Oversight of Government Work", Constitutional Court Journal, 8(2),148)

This procedure must likewise be conducted in Arabic, as it is the official language of the state.

## **2. Manifestations of the arabization of executive institution.**

Discussing public administration institutions leads us to consider the levels of administrative organization, which include central and decentralized administrative institutions. The success of any administrative system in achieving its objectives depends on combining both approaches to varying degrees, based on the prevailing political, economic, and social circumstances of each country. Like other nations, the Algerian state has adopted both approaches through legal provisions.

In its effort to Arabize Algerian public administration institutions, both central and decentralized administrative institutions committed to using the Arabic language in all their administrative functions.

### **2.1. Manifestations of the Arabization of Central Administration Institutions**

In Algeria, central administrative institutions are represented by the executive authority, which is defined as the power responsible for executing laws and implementing the state's general policy. It consists of the President of the Republic and the Government Council or the Council of Ministers, depending on the case.



### ***2.1.1. The Arabic Language in the Office of the President of the Republic***

The President of the Republic is the head of state, leader of the executive authority, and the representative of the supreme power in the country. Since this is the highest political office in the state, and the President takes an oath to defend the Constitution and ensure the proper functioning of institutions and the constitutional system, he is also bound to use the Arabic language and to work on promoting its use, as it is one of the constants of the Algerian state. This is reflected in the following:

- **The Arabic Language as a Condition for Candidacy for the Presidency**

Although all Algerian constitutions unanimously state that Arabic is the national and official language, they do not explicitly require the use of Arabic by candidates for the presidency. However, this condition can be implicitly understood through the requirement to adhere to the Islamic religion and to provide proof of residence.

Since paragraph 2 of Article 87 of the 2020 constitutional amendment requires that the candidate for the presidency must be of the Islamic faith serving as a guarantee and affirmation that the candidate is a Muslim it follows logically that the candidate would be expected to speak and use the Arabic language, as it is the language of the Holy Qur'an.

Additionally, the requirement that the candidate must have had exclusive and continuous residence in Algeria for at least 10 years before submitting their candidacy would

provide sufficient time to learn the Arabic language, even if they were born in a foreign country.

- **The Arabic Language in Orders and Decrees Issued by the President of the Republic**

While exercising his constitutionally mandated functions, the President of the Republic may issue various orders or presidential decrees, depending on the case, all of which must be published in the Official Gazette of the People's Democratic Republic of Algeria. Therefore, they must be drafted in Arabic, in accordance with Article 13 of Law No. 91/05 on the generalization of the use of the Arabic language, as amended and supplemented.

The President is required to issue orders when exercising legislative authority on behalf of Parliament, particularly when Parliament is not in session whether due to a vacancy in the People's National Assembly or during parliamentary recess after seeking the opinion of the Council of State, as stipulated in Article 142 of the 2020 constitutional amendment.

He also issues presidential decrees when exercising his regulatory powers in areas outside the scope of Parliament's jurisdiction, as provided in paragraph 2 of Article 141 of the 2020 constitutional amendment, or when exercising appointment powers that reinforce his authority and enable him to lead his executive team across the three branches of government.

This includes appointing the Prime Minister or the Head of Government, as the case may be, and appointing members of the government based on proposals from the Prime Minister or Head of Government. He also appoints



individuals to the positions and duties mentioned in Article 92 of the 2020 constitutional amendment.

- **The Arabic Language in Advisory Bodies Under the President of the Republic**

To affirm the importance of using the Arabic language, the President of the Republic has established several advisory bodies under his supervision and authority, aimed at promoting and developing its use. These include the High Council of the Arabic Language and the Algerian Academy of the Arabic Language.

### **First: The High Council of the Arabic Language**

The High Council of the Arabic Language is an advisory body operating under the supervision of the President of the Republic. It was established under Article 23 of Law No. 91/05 on the generalization of the use of Arabic, as amended and supplemented, which states: "A High Council of the Arabic Language shall be established and placed under the supervision of the President of the Republic." Presidential Decree No. 98/226 defined its powers, organization, and operation (Presidential Decree No. 98/226 the powers, organization, and functioning of the High Council of the Arabic Language, 1998).

The 2020 constitutional amendment, in Article 3, further recognized it as a constitutional body working to promote the Arabic language and generalize its use in the fields of science and technology. It is also responsible for translation from other languages into Arabic and works to advance and protect Arabic in public administrations and facilities, while ensuring its correct usage.

The Council publishes studies, books, and journals to promote and support the Arabic language in all areas of life, and it provides summaries and recommendations to the President of the Republic concerning matters related to the Arabic language.

### **Second: The Algerian Academy of the Arabic Language**

The Algerian Academy of the Arabic Language was established by Law No. 86/10 on the creation of the Algerian Academy of the Arabic Language (Law No. 86/10 .the Algerian Academy of the Arabic Language, 1986).

It operates under the patronage and supervision of the President of the Republic. The Academy is a national body of a scientific and cultural nature with legal personality and financial independence. Its objectives are to serve the Arabic language by enriching, developing, and preserving it, and ensuring it keeps pace with modern times as a language of scientific and technological innovation. It also aims to enhance the global presence of the Arabic language as a medium of creativity in literature, arts, and sciences.

The Academy did not stop there it established the National Committee for the Arabic Lexical Repository after Algeria ratified the Basic Statute of the Supreme Authority for the Arabic Lexical Repository, in accordance with Article 15 of the Statute, which stipulates the establishment of a national committee for the project in every Arab member state. This committee is tasked with:

- Supervising the execution of Algeria's share in the Arabic Lexical Repository project.
- Creating an Algerian gateway for the Arabic Lexical Repository.



**Soumission : 05/05/2025    Acceptation : 08/06/2025    Publication : 25/08/2025**

- Carrying out the assignments entrusted to it under the work program of the Supreme Authority for the Arabic Lexical Repository.
- Implementing the recommendations of the Supreme Authority for the Arabic Lexical Repository.
- Preparing reports to be submitted to the General Assembly of the Supreme Authority for the Arabic Lexical Repository, among other duties.

## **2.2. The Arabic Language in the Work of the Government Council**

The Government Council or Council of Ministers consists of the Prime Minister or Head of Government, depending on the case, and the members of the government, who are the ministers.

### **▪ The Position of the Prime Minister on the Arabic Language**

Amid the diplomatic crisis between France and Algeria stemming from recent files rooted in France's colonial history in Algeria the Prime Minister issued a directive calling on all sectors across Algerian territory to generalize the use of the Arabic language in all fields. He also emphasized that the Arabic language is one of the pillars of Algerian identity and a means to preserve national memory and reinforce civilizational belonging.

## ▪ **The Arabic Language in the Work of Ministerial Sectors**

In execution of the directive issued by the Prime Minister urging ministerial sectors to use Arabic in correspondence, appeals, and all forms of transactions being the official language of the country many ministries issued instructions aiming to activate the law on the generalization of the use of Arabic in all formal and informal communications, correspondences, and documents of all types, without neglecting, weakening, or distorting the language.

Accordingly:

The Ministry of Youth and Sports issued Memorandum No. 2033 dated 21 August 2021, requesting general directors, central directors, directors of youth and sports at the wilaya level, and directors of subordinate institutions to generalize the use of Arabic as the national language in all internal sector correspondences. It also instructed administrative departments under the ministry to take all necessary measures starting from 1 November 2021 (Memorandum No. 2033. the Ministry of Vocational Training and Education.2021).

- The Ministry of Vocational Training and Education sent a directive to the central administration, vocational training directors at the wilaya level, general directors of support institutions, and directors of vocational training institutes, calling for the use of Arabic in instructional content within training institutions under the sector and in all correspondences issued by their departments, starting from 21 October 2021.
- The Ministry of Culture and Arts issued a memorandum on 30 March 2022 instructing central



**Soumission : 05/05/2025    Acceptation : 08/06/2025    Publication : 25/08/2025**

executives, wilaya directors, and heads of subordinate institutions to strictly adhere to the Arabic language except in justified cases of necessity and to use it in all administrative, financial, technical, and professional communications, in the drafting of all documents, correspondences, reports, agreements, and in discussions, deliberations, official meetings, conferences, seminars, and events (with the exception of international ones, in which a foreign language may be used alongside Arabic)..

The Ministry of Agriculture and Rural Development issued Directive No. 01 dated 20 July 2023, ordering all affiliated institutions to use Arabic exclusively in all communications and correspondence except in justified cases of necessity and to draft all correspondences, memoranda, reports, meeting minutes, and agreements in Arabic for both internal and external dealings (Instruction No 001, the Ministry of Agriculture and Rural Development, 2023).

The Ministry of Labour and Employment issued Memorandum No. 3621 dated 26 October 2021, obligating all affiliated administrations and institutions to use Arabic exclusively in drafting correspondences, statements, signs, and all other forms of communication (Memorandum No 3621, the Ministry of Labour and Employment, 2021).

### **2.3. Manifestations of the Arabization of Decentralized Administrative Institutions**

The adoption of a decentralized administrative system leads to the existence of two types of decentralized bodies: local decentralized bodies and functional decentralized

bodies. The local decentralized bodies consist of local communities, while the functional decentralized bodies are local public institutions placed under the supervision of the relevant ministry.

### *2.3.1. The Arabic Language in the Work of Local Communities*

Territorial or local decentralization refers to the delegation by the central administration of the authority to manage part of the state's territory to an elected body with legal personality and financial and administrative autonomy (Boudiaf, M.(2013). Administrative Law, Jisour for Publishing and Distribution,25).

In Algeria, local communities consist of the wilaya and the commune. The wilaya is governed by Law No. 12/07 on the Wilaya (Law No. 12/07, the Wilaya, 2012) and the commune is governed by Law No. 11/10 on the Commune, as amended and supplemented(Law No. 11/10 the Municipality, 2011).

In implementation of Law No. 91/05 on the generalization of the use of the Arabic language, as amended and supplemented, the Algerian legislator emphasized the use of Arabic in both the Wilaya and Commune laws.

- **The Arabic Language in the Work of the Wilaya**

Law No. 12/07 on the Wilaya obligates that all acts issued by the People's Wilaya Assembly in the performance of its legal duties including public health, child protection, support for people with special needs, tourism, media and communication, education, higher education and training, youth and sports, employment, housing, urban planning and regional development, agriculture and irrigation, trade



Soumission : 05/05/2025    Acceptation : 08/06/2025    Publication : 25/08/2025

and pricing, transportation, environmental protection, cultural heritage, fishing, local development, investment, and equipment must be issued in the form of deliberations drafted in Arabic, otherwise they are legally null and void.

Additionally, if the wali (governor) determines that the deliberations were not drafted in Arabic, he may file an administrative lawsuit before the territorially competent administrative court to declare their invalidity, as stipulated in Article 53 of the aforementioned law.

#### ▪ **The Arabic Language in the Work of the Commune**

Referring to Law No. 11/10 on the Commune, as amended and supplemented, the law obliges the People's Municipal Assembly to handle matters within its jurisdiction including voting on the budget, concluding public contracts in the name of the commune, managing municipal property (real estate and movable), and all activities related to planning, development, infrastructure, social protection, sports, youth and leisure, tourism, sanitation, public health, and municipal roads through deliberations which must also be conducted and drafted in Arabic. Otherwise, they are legally null and void according to Article 53 of the same law.

#### ***2.3.2. The Arabic Language in the Work of Functional Decentralized Institutions***

Functional decentralization refers to granting certain projects and services legal personality independent of the central administration while remaining under its supervision. These take the form of public administrative institutions or public institutions of an industrial and commercial nature.

Accordingly, and in implementation of the directive issued by the Prime Minister, which confirms the generalization of the use of Arabic pursuant to Law No. 91/05, along with the instructions and memoranda issued by ministerial sectors in execution of the Prime Minister's directive, many public administrative institutions and public industrial and commercial institutions have Arabized their operations.

For example, the Water Directorate and the Electricity and Gas Directorate have Arabized the invoices they issue. Additionally, Air Algérie announced its adoption of Arabic in its official correspondences and dealings with various administrations, embassies, and official entities, instead of French. This measure was taken in accordance with Article 3 of the Algerian Constitution, which affirms that “Arabic is the national and official language.”

### **3. Manifestations of the arabization of the judicial authority**

The Algerian judicial system is based on the principle of the duality of the judiciary, meaning the existence of both ordinary and administrative judicial bodies. Regardless of their type, and in accordance with the constitutional value of the Arabic language, the language used in these judicial bodies is Arabic. Evidence of this can be found in Article 8 of Law No. 08/09 on the Code of Civil and Administrative Procedure, as amended and supplemented, which mandates that all judicial procedures and legal documents such as pleadings and memoranda must be written in Arabic under penalty of inadmissibility. Additionally, documents and supporting materials must be submitted in Arabic or accompanied by an official translation into Arabic, also



**Soumission : 05/05/2025    Acceptation : 08/06/2025    Publication : 25/08/2025**

under penalty of inadmissibility. It is further required that judgments, orders, and judicial decisions be issued in Arabic, under penalty of automatic nullity by the judge. This represents a concrete expression of national sovereignty in its linguistic dimension within the judiciary.

### **3.1. Scope of the Obligation to Use Arabic in the Judicial System**

Since Arabic is the language of legislation and its sources in the state, it is therefore essential that it also be the language of the courts. The application of the law requires understanding it, and understanding depends on the language in which it was written and formulated. The scope of the judicial system's obligation to use Arabic is defined in terms of persons, procedures, and the judicial authorities themselves.

#### **▪ Obligation to Use Arabic in Terms of Persons**

All persons involved in judicial proceedings are required to use Arabic. This includes judges, lawyers, litigants, and any person who intervenes in the case either voluntarily, at the request of the parties, or by decision of the judge such as witnesses, experts, and others. Regardless of their role, every one of them is obligated to use Arabic exclusively, as it is the official language of the state. No one may use another language, regardless of their position, gender, age, or any other consideration.

#### **▪ Obligation to Use Arabic in Litigation Procedures**

According to Article 7 of Law No. 91/05 on the generalization of the use of the Arabic language, as amended

and supplemented which states: "Pleadings and consultations shall be written and pleadings shall be conducted before judicial bodies in Arabic" and in reference to Article 8 of Law No. 08/09 (mentioned above), the use of Arabic before the courts extends to all judicial procedures. This includes:

- The statement of claim (opening brief), which must include certain data written in Arabic.
- The summons to appear, responses, and all investigative procedures.
- Judicial rulings, including decisions, judgments, and orders as applicable.
- Appeals, whether ordinary or extraordinary.
- All documents submitted to the courts, including legal acts, civil and commercial contracts, marriage contracts, financial instruments, treaties and agreements, administrative decisions and documents, and more.

▪ **Obligation to Use Arabic by Judicial Authorities**

The Algerian legislator did not distinguish between different judicial authorities when it comes to the obligation to use Arabic, as the legal text is general in scope. Therefore, all judicial authorities must comply whether they fall under ordinary jurisdiction (including courts, judicial councils, and the Supreme Court), or administrative jurisdiction (including administrative courts, administrative courts of appeal, and the Council of State), or under criminal jurisdiction, which deals with offenses punishable under the Algerian Penal Code. These include the misdemeanors and infractions sections at the court level, the misdemeanors and infractions chamber, the criminal court, and the appellate



criminal court at the level of the judicial council (Organic Law No. 22/10 .Judicial Organization,, 2022).

### **3.2. Obligation to Translate into the Arabic Language**

Algerian law does not exclude the possibility that one of the parties to the case or an actor involved may be a foreigner who does not speak Arabic, or that documents submitted in the case may be written in a foreign language. Therefore, since Arabic is the language of litigation, such a person or document must be accompanied by a translation into Arabi.

#### **▪ Translation of Testimony**

If one of the parties, witnesses, experts, or others involved in the case does not speak Arabic, or if the case involves hearing witnesses or experts who do not understand Arabic, the judicial body adjudicating the dispute must hear their statements through a sworn translator, in accordance with Ordinance No. 95/13 governing the profession of sworn translators (Ordinance No. 95/13 the organization of the translator's and sworn interpreter's duties, 1995).

According to Article 3 of the aforementioned ordinance, a sworn translator is a public official responsible for written or oral translation from one language to another. Article 5 stipulates that a sworn translator may be summoned to provide services before judicial bodies when the parties speak only a foreign language. The translator must attend hearings at their scheduled times and respect courtroom order. This ensures that the judicial system complies with the obligation to use Arabic even in the presence of a foreign individual.

### ▪ Translation of Documents

According to Article 8 of the Code of Civil and Administrative Procedure mentioned above, if the parties wish to submit documents written in a foreign language to support their claims or defenses, these documents must be accompanied by an official translation into Arabic. Such translation is only valid if prepared by a translator accredited by the Ministry of Justice, as stipulated in Article 4 of Ordinance No. 95/13 on the profession of sworn translators.

This obligation remains even if the judge and the parties speak the foreign language, as the rule is mandatory and not discretionary. Since Arabic is the official language of litigation, and the matter pertains to public order, any agreement between the judge and the parties to use the foreign language without submitting an Arabic translation is considered null and void.

### **Conclusion:**

In conclusion to our research paper entitled “The Algerian Experience in the Arabization of State Institutions”, we found that the Algerian state, based on Article 3 of the 2020 constitutional amendment and Law No. 91/05 on the generalization of the use of the Arabic language, undertook the Arabization of the legislative authority by mandating the use of the Arabic language by Parliament through legal provisions, whether in the exercise of its legislative or oversight functions.

The state also Arabized public administration institutions by implementing the Arabic language within central



administrative institutions represented by the executive authority which itself comprises the position of the President of the Republic and the government and within decentralized administrative institutions by integrating Arabic into the functioning of the wilaya and commune as regional decentralized entities. The Arabic language was also introduced in the operation of public administrative institutions and public institutions of an industrial and commercial nature.

Moreover, this effort did not stop there. The state also mandated that Arabic be the language of the courts by imposing its use on the judicial personnel and throughout the litigation process from beginning to end, at all levels of the judicial system. It also required that all documents and records be presented in Arabic, with translation into Arabic in the case of foreign-language materials.

Ultimately, we conclude that the integration of the Arabic language across all political, economic, cultural, social, and artistic fields, and the Arabization of all Algerian state institutions, constitutes a fundamental, necessary, and inevitable condition for preserving Algerian identity and the core values of Algerian society. Furthermore, the transfer and localization of technology and the increase in production capacity depend on tools and mechanisms based on the translation and instruction of science and technologies in the official language arabic.

## Reference:

1. Mohamed Boudiaf, *Administrative Law*, Jisour for Publishing and Distribution, 2013, p. 25.
2. Ratiba Bard, *The Cooperative Phenomenon in International Relations: A Look at Its Regional and Transregional Dimensions*, *Academic Journal of Legal and Political Research*, Vol. 6, No. 1, 2022.
3. Chadeb Rahal, *Strengthening the Role of Parliament in Oversight of Government Work*, *Constitutional Court Journal*, Vol. 8, No. 2, 2020.
4. Atab Younes, *The Powers of Parliament and Its Role in the Protection of Rights and Freedoms*, *Journal of Law and Political Sciences*, Vol. 8, No. 2, 2022.
5. Nadia Mossabihia and Abdelwahab Kharif, *The Legislative Authority in the Algerian System through the Latest Constitutional Amendment of 2020*, *Afaq Journal of Sciences*, Vol. 7, No. 1, 2022.
6. Nassira Zitouni, *The Reality of the Arabic Language in Algeria*, *An-Najah University Journal for Research*, Vol. 27, No. 10, 2013.
7. Presidential Decree No. 20/442 dated December 30, 2020, concerning the constitutional amendment, *Official Gazette No. 82* dated December 30, 2020.
8. Organic Law No. 16/12 dated August 25, 2016, governing the People's National Assembly and the Council of the Nation and their functioning, as well as their functional relationship with the government, amended and supplemented, *Official Gazette No. 50* dated August 28, 2016.



**Soumission : 05/05/2025    Acceptation : 08/06/2025    Publication : 25/08/2025**

9. Organic Law No. 22/10 dated June 9, 2022, relating to the judicial organization, Official Gazette No. 41 dated June 16, 2022.
10. Law No. 86/10 dated August 19, 1986, establishing the Algerian Academy of the Arabic Language, Official Gazette No. 34 dated August 20, 1986.
11. Law No. 91/05 dated January 16, 1991, concerning the generalization of the use of the Arabic language, amended and supplemented, Official Gazette No. 3 dated January 16, 1991.
12. Law No. 08/09 dated February 25, 2008, concerning the Code of Civil and Administrative Procedure, Official Gazette No. 21 dated April 23, 2008.
13. Law No. 11/10 dated June 22, 2011, relating to the municipality, amended and supplemented, Official Gazette No. 37 dated July 3, 2011.
14. Law No. 12/07 dated February 21, 2012, relating to the wilaya (province), Official Gazette No. 12 dated February 29, 2012.
15. Law No. 22/13 dated July 12, amending and supplementing Law No. 08/09 concerning the Code of Civil and Administrative Procedure, Official Gazette No. 48 dated July 17, 2022.
16. Ordinance No. 72/17 concerning the ratification of the International Convention on Civil Liability for Oil Pollution Damage, signed in Brussels on November 29, 1969.
17. Ordinance No. 75/58 dated Ramadan 20, 1395 (corresponding to September 26, 1975), concerning the Civil Code, amended and supplemented by Law No.

- 07/05 dated May 13, 2007, Official Gazette No. 31 dated May 13, 2007.
18. Ordinance No. 95/13 dated March 13, 1995, concerning the organization of the translator's and sworn interpreter's duties, Official Gazette No. 17 dated March 29, 1995.
  19. Presidential Decree No. 96/51 concerning Algeria's accession, with reservations, to the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, Official Gazette No. 6 dated January 24, 1996.
  20. Presidential Decree No. 98/226 dated July 11, 1998, concerning the powers, organization, and functioning of the High Council of the Arabic Language, Official Gazette No. 50 dated July 12, 1998.
  21. Basic Statute of the Supreme Authority for Arabic Lexical Resources, p. 11.
  22. Memorandum No. 2033 dated August 21, 2021, issued by the Ministry of Vocational Training and Education.
  23. Memorandum dated March 30, 2022, issued by the Ministry of Culture and Arts.
  24. Instruction No. 001 dated July 20, 2023, issued by the Ministry of Agriculture and Rural Development.
  25. Memorandum No. 3621 dated October 26, 2021, issued by the Ministry of Labour and Employment.