

## Challenges of Local Administration in Algeria

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### Abstract

*Due to the problems that are confronted by the local administration in Algeria for which it has been an obstacle to achieving the goals, and one of the major problems that are facing our local administrative system is the financial difficulties and the spread of corruption. For this reason, it would be necessary to modernize this system in order to provide a quality services to our citizens and this would happen only by activating the system's vitality and making it more efficient. As well as avoiding slow delivery services as it is considered the core to our local administration. This necessitates the application of the digitization system because it has positive effects on the delivery services.*

**Keywords:** *Digitization, Local Administration, Public Services, Algerian.*

Received: 22-11-2024

Accepted: 05-08-2025

### Introduction

The local administration in Algeria consists of local bodies, which are the state and in turn are considered the most important decentralized administrative bodies. Thus, they are a link between the central and decentralized administration and the municipality, which is considered the basic cell in regional decentralization in Algeria. This is what the elected Algerian constitutions and amended reform laws indicated, leading to State Law No. 12/07 [endnoteRef:1] And Municipal Law 11/ [endnoteRef:2] 10. [1: - State Law No. 12/07, dated February 21, 2012, relating to the state, Official Gazette of the People's Democratic Republic of Algeria, No. 12, dated February 29, 2012.] [2: - Municipal Law No. 11/10, dated June 22, 2011, Official Gazette of the People's Democratic Republic, No. 37, issued on July 3, 2011.]

The majority of researchers and jurists also agreed, with the issuance of the amended and supplemented 1996 constitution, that Algeria witnessed an important legislative movement that touched on various political, economic, social and other aspects. The most important of these aspects, which has been affected by actual change, is the administrative aspect. Hence, it is necessary to point out the diagnosis of the reality of the reforms. Among the aspects of this reality that we see as worthy of study and analysis in order to reach urgent reforms are some of the loopholes that face realistic challenges that are frightening and disturbing at the same time, given that local groups are the sensitive nerve of the state as a whole. The importance of the study lies in highlighting the most important aspects that define challenges and reforms in order to revitalize the Algerian local administration and push it to the desired level. Local administrative development has become a first imperative. Table of state priorities.

Hence, we must pose the following problem:

What are the most important challenges facing the Algerian local administration? What are its effects on the Algerian state?

This is what we will try to answer through these two points, as we discussed in the first the obstacles facing the local administration, while the second was under the title of policies for reforming the Algerian local administration.

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*Obstacles Facing Local Administration*

The Algerian local administration faces several challenges or obstacles that make it unable to keep pace with developed countries. The most important of these challenges are the following:

*Legal and Legislative Challenges*

Algeria, especially the local administration, suffers from many problems, especially related to the legal and legislative aspect [endnoteRef:3]: [3: - Abdel Latif Bari, Administrative reforms in Algeria, reality and prospects, a study paper entitled Local administration reform in Algeria, reality and prospects, prepared by a professor of political science, Mohamed Khidir University, Biskra, May 16, 2012, p. 05.]

*Legislation Problem:*

Various constitutions in Algeria have included reference to the municipality as the basis for decentralization, and this is stated in Article 9 of the 1963 Constitution and Article 36 of the Constitution. The 1976 Constitution, Article 15 of the 1989 Constitution, and Article 15 of the 1996 Constitution [endnoteRef:4]. [4: - The Algerian Encyclopedia of Political and Strategic Studies, The Role of Local Administration in Providing Public Services (The Experience of Algerian Municipalities) is available on the website politics.dz.com 03/17/2018. ]

The legislative problem is the biggest obstacle facing local administration in Algeria because:

- There is a slow pace in issuing some legislation and sometimes speeding up its issuance without completing its study, especially those related to local administration (state, municipality, local finance...).
- The continuous change in the legislation that regulates the work of state agencies over relatively varying periods. More than 400 legal texts have been issued against them alone, including a law, a decree, a joint ministerial decision, an instruction, etc., and this is what is proven by the official newspapers issued between 1962 and 2005.
- There are many laws and regulations and the rapid amendments that accompany them that lead to negative consequences for administrative work, including:
  - Conflict of functional competencies between agencies and within the administrative apparatus, which leads to evasion of responsibilities.
  - Frequent circumvention of laws and attempts to investigate existing loopholes, whether from the administration or others Citizen.
  - The inability of researchers and scholars to conduct their studies regarding these obstacles.
  - Instability of administrative transactions, which weakens the efficiency and effectiveness of the administrative apparatus.

When speaking about the legal system of local groups, we necessarily address the system and basis of local administration as one of the mechanisms of development work in the hands of local groups[endnoteRef:5]. [5: - Shuwaikh Bin Othman, the role of local communities in local development - a case study of the municipality - a memorandum for obtaining a master's degree in public law, 1 Abu Bakr Belkaid University - Tlemcen, Faculty of Law and Political Sciences 2010-2011.]

*Political Challenges:*

The municipality is considered the basic and lowest basic unit in the Algerian organization. It is the first point of participation for the local citizen and it is the cornerstone in building the state and its political

system, in application of the principle of building the state from the bottom to the top. Algeria suffers from many problems It is mainly represented in [endnoteRef:8]: [6: - Articles 14/15 of the 1996 Constitution.] [7: - The municipal law issued pursuant to Order No. 67/24 dated 10/18/1967.] [8: - Naji Abdel Nour, The developmental role of local councils within the framework of governance, Annaba University Publishing Directorate, Annaba, pp. 110-111.]

- Lack of manifestations of political participation within local councils, which led to a low degree of voter turnout in local elections, despite the fact that participation requires the establishment of appropriate mechanisms for local citizens as individuals and groups in order to contribute to the local decision-making process, either directly (local elected officials) or indirectly through local participation bodies, within the framework of competition for public jobs[endnoteRef:9]. [9: - Samir Abdel Wahab, The Role of Local and Municipal Administration in Reformulating the Role of the State, Publications of the Arab Organization for Administrative Development, 2009, Egypt, p. 95.]

- There were multiple problems within local councils, which led to the cessation of development projects and the freezing of meetings and deliberations in local and elected councils (withdrawal of confidence, non-approval of deliberations).

- Weak contributions of local civil society forces to decision-making and implementation And consecrating democracy, despite the presence of legal texts that activate the role of citizens in carrying out activities within the municipality and encouraging the establishment of civil associations.

- Political participation requires local and central levels, as it is based on some degree of decentralization. It is important for citizens to participate in making local decisions at the level of local councils and to feel their implementation and results after participating in their development. This achieves one of the goals of political participation, which is a deep sense of the importance of political participation as it is one of the direct and basic evidence of the ability to achieve development, implement its programs and policies, and move it from the level of theoretical theses to the level of effectiveness in reality [endnoteRef:10]. [10: - Youssef Zadam, The Role of Good Governance in Achieving Human Development in the Arab World, Master's Thesis, University of Algiers, Academic Year 2005-2006, p. 97.]

- Decreased performance of parties and their role in devoting upbringing, recruitment, and providing programs at the local level to achieve local development.

- Failure to establish criteria for selection and candidacy within the elected councils, which led to linking the candidacy of citizens to the elected councils within the framework of political parties to a number of factors. It is controlled by tribalism and regionalism at the expense of the public interest.

#### *Administrative Challenges:*

These problems are based on oversight within local councils, including the following [endnoteRef:11]: [11: - Naji Abdel Nour, reforming local administration in Algeria, reality and challenges, p. 05.]

- Supervision of members of the People's Assembly: as it is subject to administrative control exercised by the minister, the governor, and the department, which leads to judicial prosecution, suspension of membership, dismissal, and arrest.

- Oversight of the People's Council (as a body): All decisions of the municipal council are subject to the authority of the governor, who in turn has the right to cancel any municipal decision. This can refer the heads of the municipal councils and make decisions related to maintaining public order in the municipal territory.

- Oversight of business: It takes several forms, including ratifying deliberations on the budget and public accounts of the municipality. Some deliberations can also be annulled or canceled by the governor.

- Oversight of the municipal budget: The budget is considered a collection of municipal expenses, as it is prepared by the president of the municipal council and voted on by the council members and is not implemented until approved by the council. The governor therefore has no authority over the municipal budget.

- Oversight of development plans and projects: Both the central authority and the municipal authority work to prepare development plans and ensure that they do not conflict with national plans, by providing financial assistance and managing a budget to equip sectors and development programs in order to achieve local development. This is within the powers of the governor as he is a representative of the state at the local level.

This is what makes the administration rush to postpone the activation of administrative guidance in its local bodies because of its effective role in achieving the desired efficiency of these bodies. This makes the public administration seek to have a strong and effective administrative apparatus that performs the administrative functions assigned to it in an effective and transparent manner, and that this is done by fighting administrative corruption in all its forms and trying to eliminate bureaucratic defects, and setting restrictions and controls that define the rights and duties of those implementing it. In order to achieve this dimension, the administration must be independent of authority. Political and economic, by being subject only to the law and without being subject to any other considerations [endnoteRef:12]. [12: - Ammar Bouhouche, *Modern Trends in Management Science*, Dar Al-Basaer for Publishing and Distribution, second edition, Algeria, 2008, 39.]

The administration is strongly influenced by the existing system, as it makes it, in many ways, an image of it. The reason for this is that the administration works through the political systems under which it lives, whether at the level of local administrative agencies or at the level of central agencies [endnoteRef:13]. [13: - Ammar Bouhoush, same reference, p. 39.]

#### *The Municipality's Relationship with the Citizen.*

The success of the local administration depends on the extent of citizens' participation in the management of this system. This participation takes place from the moment of its establishment through electing the members of the local unit and then after that through participation and interest in the management of the local unit, by submitting suggestions and recommendations and involving citizens in the management of the bodies whose services they benefit from [endnoteRef:14] [14: - Abdul Karim Masoudi, *Activating the Financial Resources of Local Communities, Adrar Municipality Case Study*, a thesis submitted to obtain a Master's degree in Economic Sciences, specializing in Public Finance Management, Abu Bakr University Belkaid, Faculty of Economic, Commercial and Management Sciences, academic year 2012-2013, p. 35.]

What is observed in Algerian municipalities is the lack of activation of mechanisms Citizens' participation in municipal work as specified by law, including participation and attendance at regular council sessions, and joining permanent and temporary committees that include people outside the council. This fear of public communication can be attributed to the nature of the elite, which is controlled by partisan, royal, or cultural factors, or it can be attributed to the fear of increasing citizens' demands that may exceed the municipality's capabilities.

The municipality's relationship with political parties and civil society organizations:

Municipal work is considered a partnership contract between the municipality, the citizen, civil society organizations, and the private sector, which can be a partner and competitor to municipal institutions, and works to improve the level of performance of public services. What can be noted is that the party system in Algeria, despite the recent experience of party pluralism (18 years), was unable to carry out its functions at the local level, whether in terms of recruitment and presenting candidates with qualifications, expertise, and experience, or in terms of local programs, or in terms of cooperation and partnership, as partisan conflicts dominated the level. Municipal councils, which negatively affected their service performance.

Despite the importance of civil work in local development and the municipal law's emphasis on...Encouraging the establishment of associations and the municipality's cooperation with associations that have capabilities, but these associations are considered subject to oversight by the central administration, whether in terms of accreditation, funding, or activity.

#### *Algerian Local Administration Reform Policies*

To activate the role of these local bodies as the lifeblood of the Algerian state, the government followed a set of administrative reforms, some of which we will discuss at this point.

#### *Activating Laws and Legislation Related to Local Administration*

The process of issuing deterrent laws and legislation for all negative behavior and administrative corruption is considered an entry point to limit the tendency of individuals to commit corruption. This is why most countries adopt customary laws in addition to the ordinary judiciary in order to prevent the expansion of corruption and seek to obscure the penal code. However, the basic problem in activating these existing laws and legislation is bypassing them and making them merely rigid laws on the books. This is what necessitated the existence of a political administration for the benefit of the nation and the public interest, and this is done by conducting tours. Field work to identify the level of services provided, and to ensure the implementation of laws, including:

- 1- Laws that define The precise criteria and situations that constitute acts of corruption, crimes or violations fall within the judicial accountability of bribery.
- 2- Laws that promote transparency and combat corruption and encourage civil society and individuals to actively engage in the fight against corruption.
- 3- Laws that strengthen the various judicial and administrative oversight bodies responsible for properly implementing anti-corruption laws and ensuring that politicians do not interfere in the work of administrators.
- 4- As well as creating an appropriate electoral system for electing the organs and bodies of local popular councils to prevent the risks of blockage, which has been stipulated in the regular, consistent and effective functioning of these councils[endnoteRef:15]. [15: - Message of the National Assembly, local bodies in Algeria (...from the process of establishing popular democracy to the strategy of organizational development...) Parliamentary Thought, Issue - November 26, 2010, p. 18.]
- 5- Regular and codified care is taken to provide all sufficient and stable financial resources in the budgets of municipalities and states[endnoteRef:16]. [16: - National Assembly message, same reference, p. 18.]

#### *Reform the Local Administration by Giving It Adequate Means of Work*

It is often said that elected local councils Through the local community, to assume governance and administration in these societies. Regional decentralization is the model school of democracy. The truth is that democracy in local administration is considered an integral part and a basis for the democratic system of government in the entire country. [endnote Ref:17] Therefore, democracy is what enables local administration to carry out most of the roles assigned to it. [17: - Muhammad Fathallah Al-Khatib and Professor Sobhi Muharram, Contemporary Trends in the Local Government System, Dar Al-Nahda Al-Arabiyya, Cairo, 1966, p. 14.]

The basic activities of regional groups can only be carried out through solid financial foundations, as well as modern management that keeps pace with the rapid developments that local groups are experiencing.

Given the many local developments at the present time, local finances must be reconsidered in accordance with the fundamental role they play in this development. Therefore, the government's program [endnoteRef:18] stated the following: "The regional groups cannot naturally understand the position and role assigned to them in light of the current state of their finances, whether due to circumstance or because of Lack of rationalization of the use of its means or due to the organization or distribution of fiscal resources between the central and local levels of the state, and then taking care of this and reorganizing and reviewing it becomes inevitable to confront this situation." [18: - The full text of Prime Minister Abdelaziz Djerad's speech before the National People's Assembly on 02/11/2020, Algerian Radio is available on the website [www.radioalgerie.dz](http://www.radioalgerie.dz)]

Through this, the government adopted the following:

- Adopting a modern system for local collection and distribution of resources.
- Creating effective local collection.
- Ensuring the best financing for equipment.
- Strengthening solidarity between municipalities to eliminate differences between municipalities.
- Encouraging local investments by paying attention to development programs and reviewing the scope of intervention of decentralized sectoral programs in a way that matches and takes care of local specificities and taking into account effectiveness measures. This encouragement would return significant resources to the benefit of the local administration.

#### *Establishing Administrative Decentralization and Reconsidering Financial Interventions*

Administrative decentralization is considered a system that stimulates the highly centralized nature of the state's administrative apparatus, such that the continuation of the centralized nature contributes to the disruption of energies and competencies and the speed of issuing decisions, and describes the scope for the emergence of a second row of directorates who are able to take the initiative in Development processes [endnoteRef:19] Administrative decentralization reduces the burden on the central administration, by transferring and transferring many tasks to decentralized bodies, so that the former branches only to issues of a national dimension. [19: - Ismail Bouqnour, Administrative Development in the Light of Administrative Corruption, Case Study of Algeria 1991-2006, a memorandum submitted to obtain a Master's degree, Political Science, University of Algiers, 2006.]

Also, reconsidering the state's financial interventions. It is not within its authority (the state) to continuously intervene in the affairs of local administration and impose on it measures or a specific management strategy. Rather, responsibilities must be clearly defined, and it must be ensured that local administrations are required to be informed of the most important administrative activities of the state, and central administrations must retain only the tasks of development, coordination, and organization [endnoteRef:20]. [20: - Salima Hamadou, Reforming Local Communities as a Strategic Option, Master's Thesis in Political Science and International Relations, University of Constantine, Faculty of Law, Department of Political Science, year 2009-2010, p. 121.] Countries vary in the way they approach financing their local authorities depending on the country And its ideologies.

#### *Promoting Transparency and Combating Corruption*

Governments striving for transparency have consistently made information available through direct media outlets. While these outlets offer the advantage of broad coverage, they also suffer from certain drawbacks. [endnoteRef:21] Many countries worldwide have resorted to making laws and regulations available online. [endnoteRef:22] [21: Essam El-Din Abu Al-Alafah, Marketing and E-Commerce, Horus International Publishing House, Alexandria, 2004, p. 219.] [22: Essam El-Din Abu Al-Alafah, *ibid.*, p. 219.] Carefully and transparently designing government websites can make them valuable sources of transparency, enabling

citizens, businesses, and other stakeholders to view and access information related to the government's national policies, development programs, and the extent to which these programs are being implemented. It is essential in the context of e-government that this type of information be available online. The availability of a diverse range of publications related to government activities in their economic, social, and legislative aspects also enhances transparency. [endnoteRef:23] [23: Subhash. Bhatnagar. The economic and social impact of e-government. indian institute of management. Ahmed abad. June 2003.op.cit.p11.]

### *The Principle of Constant Supervision*

This principle indicates the importance of strict control once the implementation of functions or tasks begins and its continuation until implementation is completed.

Therefore, this principle must be defined from both the linguistic and terminological aspects.

### *Linguistic Definition of Control*

Al-Raqaba is a noun that comes from Raqaq, Raquba, Raqaba, Raqbana, Raqaba, which means guard, wait, or beware of him, and watch over each other. Al-Raqab means guarding and memorizing, and Al-Raqib is the plural of Raqiba, which is the guard. It is said: "He is a watcher of himself, that is, he criticizes his actions, leaving no way for people to blame him, and Al-Rawqabah is the plural of Raqab: it is the high position surmounted by sophistication."

Likewise, the watcher is said: He is the protector from whom nothing escapes, and in the hadith (keep watch over Muhammad among his family), that is, guard him among them, and in the hadith (there is no prophet who does not give seven noble watchers), that is, keepers who will be with him [endnoteRef:24] [24: - Louis Maalouf, Al-Munajjid fi Al-Lughah, Beirut, Dar Al-Mashreq, 35th edition, year 1996, p. 274.]

Censorship comes in the sense of waiting, and from it is the Almighty's saying: "And why did I say" Surat Taha, verse 94, meaning: "Why did you wait for my saying?" [endnoteRef:25] and from it is the definition. The linguist summarizes that control means preserving, preserving, and guarding a thing, and it also means caution, caution, and consideration [endnoteRef:26]. [25: - Issam Khalaf Al-Atari, The State's Guardianship over Endowments, the Fifth Jurisprudential Endowment Forum, Republic of Turkey, May 13/15, 2011, p. 14.] [26: - Saeed Youssef Kullab, Financial and Administrative Control and its Role in the Development Process, Development and Development Conference, Faculty of Commerce, Islamic University, February 13/15, 2006, p. 02.]

### *Terminological Definition*

The term oversight appeared in many books that talk about administrative and public financial sciences, which led to differences in its definition due to the view of each writer, as some of them looked at oversight from a different angle from the other. Some writers looked at the concept of oversight on the basis of the goals it seeks to achieve, and in the eyes of another group, oversight means those groups of procedures and processes, and according to a third group, it means the agencies that carry out the oversight process. Oversight is considered one of the main mechanisms in the success of reform policies. Without it, it is not possible to reduce the manifestations of corruption in the Algerian administration, which requires the necessity of modernizing it and increasing it. Effectiveness of its performance, oversight must first target individuals. For their message, to reveal their mistakes, correct their path, and direct them to the right path, and in doing so it requires a degree of wisdom and eloquence, and familiarity with the psychological and humanitarian aspects of the workers and the desire for justice in evaluating their performance, so that there is no excess that leads to killing the motivation in their souls, just as there is no negligence that leads to administrative negligence, and this is what exists between the administrative organization and the achievement of its goals and plans.

In addition to the above, one of the most important things that makes the administration closer to the citizen is his participation in local decision-making and activating the role of civil society, and the continuous

and sincere concern for linking bridges of communication and improving the relationship between the administrations of local bodies and citizens, and providing mechanisms for cooperation and integration between municipalities and states.

## Conclusion

As a conclusion to the above, it is clear to us that local bodies face several challenges at all levels, whether administrative, legislative, regulatory, economic or political aspects, etc., and this is what has made them unable to move forward. Therefore, backward patterns of strategic reforms must be followed in order to activate the potential and capabilities of local bodies to carry out their role in implementing the comprehensive national reform policy and plans. Local development for the sake of social justice and serving the general interest of the country and the citizen, and to embody in all words and ability pluralistic popular local democracy.

Accordingly, we come up with several recommendations, the most important of which are:

Therefore, it was necessary for the competent authorities in the state to encourage field studies of the topics to be regulated legislatively and to search for competencies who have practical capabilities and specialized experiences to benefit from them.

Therefore, it was necessary to establish and update on a regular and continuous basis the legal system for local communities in Algeria, especially after the end of colonialism and the paralysis that these local units experienced at all levels in terms of the lack of administrative, technical, organizational, and legal competencies..., and this was due to several factors known and justified for that transitional period. For these factors, it became necessary to establish a legal framework for local groups in general and for the municipality in particular. This development in the legal texts would qualify and guarantee greater efficiency for the municipality. And its bodies to play their real role in sustainable local development as the gateway and destination for the Algerian citizen to meet his local needs, on the one hand, and on the other hand, to qualify the legal apparatus related to By organizing the state as an administrative guardianship body over the municipality that is responsible for activating and monitoring it, this is from the legislative and organizational aspect, and from the political aspect, and these challenges still remain, good governance must be activated, which reflects a set of behaviors that in turn reflects the existence of an effective democracy, through the following:

- Elections in modern systems are considered the “penal dimension of democracy” and the mechanisms of citizen participation in formulating policies and making decisions. Free and fair elections demonstrate that political authority is derived from the people and that the possibility of disqualification is what ensures that the elected people fulfill what is entrusted to them.

- The actual exercise of power by citizens through associations and elections is measured by political participation, not only in its procedural manner, but also within the framework of the possibilities available to groups and civil society to exercise power, whether through obtaining information or participating in the decision-making process.[endnoteRef:27] [27: - Message of the National Assembly, op. cit., p. 18. ]

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