

Legal English lessons for master 1, State and Institutions.

2nd Semester 2020/2021

I. The president of the republic in the constitution of 2020

The President of the Republic, Head of State, shall embody the unity of the Nation and shall guarantee the unity of the national territory.

He shall protect and guarantee respect for the Constitution, embody the State within the country and abroad, and reserve the right to address the Nation directly.

According to article 89 The President of the Republic shall be elected by universal, direct and secret suffrage.

The election shall be won by an absolute majority of votes cast, and The other terms of the presidential election shall be prescribed by an organic law.

Also, The President of the Republic shall exercise the supreme magistracy within the limits defined by the Constitution.

To be eligible for the Presidency of the Republic, the candidate shall: **art. 91**

- not have acquired a foreign nationality.
- have, solely, the native Algerian nationality and certify the native Algerian nationality of the father and mother.
- be Muslim.
- be forty (40) years old on election day.
- enjoy full civil and political rights.
- prove the exclusive native Algerian nationality of the spouse.
- justify a permanent residence only in Algeria for a minimum of ten (10) years preceding the submission of the candidacy.

- justify his participation in the Revolution of 1 November 1954 for the candidates born before July 1942.
- justify the non-involvement of the parents of the candidate born after July 1942, in hostile acts against the Revolution of 1st November 1954;
- submit a public declaration of his movable and immovable property, both inside and outside Algeria.

“Other conditions shall be prescribed by an organic law”

The presidential term shall be five (5) years, and No one may serve more than two consecutive or discontinuous terms. In the event a presidential term is interrupted because of resignation or any other reason, the term is considered complete

In addition to the powers explicitly conferred upon him by other provisions of the constitution, the President of the Republic shall have the following of many powers and Prerogatives

II. The Government

The Government shall be composed of the Head of Government and the Ministers.

The President of the Republic shall appoint the members of the Government at the proposal of the Head of Government.

The Head of Government shall develop an action plan and present it in the Council of Ministers.

The Head of Government shall submit an action plan for the Government to the People’s National Assembly for its approval. The latter shall hold a public debate for this purpose.

The Head of Government may, in light of this debate, adapt this action plan in consultation with the President of the Republic.

The Head of Government shall submit a statement regarding the Government's action plan to the Council of the Nation as approved by the People's National Assembly.

In this regard, the Council of the Nation may adopt a resolution.

III. Bicameralism

In government, **bicameralism** is the practice of having **two legislative or parliamentary chambers**.

It has been said that the fact England used a bicameral system of government influenced the Americans to adopt a similar system. Many of the founders greatly respected the British constitution and its bicameral system, which they say as forming the basis for a stable legislature, government and society as a whole.

The Congress of the United States is a bicameral legislature, since it is divided into two houses, the Senate and the House of Representatives.

Unicameralism is the practice of having only one legislative or parliamentary chamber.

. Types

A)- The Federal systems

For example in the Federal systems Some countries , such as Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Canada, Germany, India, Malaysia, Mexico, Pakistan, Russia, Switzerland, Nigeria, and the United States, link their bicameral systems to their federal political structure.

In the United States, Australia, and Mexico, for example, each state is given the same number of seats in one of the houses of the legislature, despite variance in the population of each state — it is designed to ensure that smaller states are not overshadowed by larger states, which may have more representation in the other house of the legislature.

B)- Unitary states

Some bicameral legislatures have chambers that meet on different buildings, at different parts of the city. Here, France's upper house called the Senate meet in the Luxembourg Palace (top), while the lower house, the National Assembly, meets at the Palais Bourbon (bottom).

Many bicameral countries like the Netherlands, the Philippines, the Czech Republic, the Republic of Ireland and Romania are examples of bicameral systems existing in unitary states. In countries such as these, the upper house generally focuses on scrutinizing and possibly vetoing the decisions of the lower house.

On the other hand, in Italy the Parliament consists of two chambers that have the same role and power: the Senate (Senate of the Republic, commonly considered the upper house) and the Chamber of Deputies (considered the lower house).

C)- Bicameral system in Algeria

The Algerian constituent power has embodied the bicameral model for the first time in the amended and accomplished constitution of 1996. Therefore, the legislative power is exercised by a parliament composed of two chambers: The National People's Assembly composed of deputies and the members of the council of the nation also provided the parliament with full sovereignty over the preparation and voting of laws, as well as the control of government action through mechanisms provided by the constitution.

IV. The constitutional court

According to article 193, The Constitutional Court is an independent institution in charge of ensuring the observance of the Constitution.

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• **Constitutional court selection**

According to art 193; The Constitutional Court shall consist of twelve (12) members:

- four (4) members appointed by the President of the Republic, including the President of the Court;
- two (2) elected by the Supreme Court and two (2) elected by the Council of State;
- two (2) appointed by the President of the People's National Assembly and two (2) appointed by the President of the Council of the Nation, who do not have a parliamentary capacity nor membership in a political party.

The President of the Republic shall appoint the President and Vice-President of the

Constitutional Court for a single six-year (6) term.

The other members of the Constitutional Court shall serve a single term of six (6)

years; half (1/2) of the membership of the Court shall be renewed every four (3) years. (art 196)

IV. National independent election Authority

A National Independent Election Authority shall be established. (art 209 to 214)

The National Independent Election Authority shall enjoy legal personhood and administrative and financial independence.

The National Independent Election Authority shall have the task of preparing, organizing, conducting, and monitoring presidential, legislative, and local elections and referenda.

The National Independent Election Authority shall exercise its duties over the electoral registration list operations and their review, [illegible] preparation of the electoral process, voting processes, counting and settling electoral disputes according to the law in force.

The National Independent Election Authority shall exercise its duties from the date the electorate is convened until the provisional poll results are declared.

The National Independent Election Authority shall exercise its duties with transparency, neutrality, and impartiality.

The National Independent Election Authority shall be composed of university professors, judges, national capabilities and competencies [illegible] to civil society, and representatives of the Algerian diaspora abroad.

The National Independent Election Authority shall have representation at the level of the Wilaya and the municipality, as well as at diplomatic missions and consulates.

The President of the National Independent Election Authority shall be elected by a majority vote of his peers during its first meeting. In case of a tie, the older of the two candidates shall be the winner.

The President of the Republic shall appoint the elected President of the National Independent Election Authority.

The President of the Republic shall appoint the members of the National Independent Election Authority to a single, non-renewable term of six (6) years.

One half of the members of the National Independent Election Authority shall be renewed every three (3) years.