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Algeria

**Constitution of the Democratic and
People's Algerian Republic**

22 November 1976

Translated by
Maria del Carmen Gress

William S. Hein & Co., Inc.
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**Ordinance No. 76-97 of 30 Dhou Al Kaâda 1396
correspondent to 22 November 1976 concerning
promulgation of the Constitution of the
Democratic and People's Algerian Republic.**

IN THE NAME OF THE PEOPLE

The President of the Council of the Revolution, President of the Council of Ministers;

Considering the Proclamation of 19 June 1965;

Considering the Ordinance No. 65-182 of 10 July 1965 concerning [the] constitution of the Government;

Considering the National Charter;

Considering the adoption of the draft of [a] constitution by the National Conference of 6 November 1976;

Considering the Ordinance No. 76-95 of 14 November 1976 relative to the bill of [the] Constitution;

Considering the official proclamation of the definitive results of the referendum of 19 November 1976 consecrating the approval of the Constitution by the People, on proposition of the National Liberation Front;

Order:

Article 1. — The Constitution of the Democratic and People's Algerian Republic is promulgated[,] of which the text follows and which takes effect from its publication in the *Journal officiel* [Official Gazette] of the Democratic and People's Algerian Republic.

Art. 2. — This Ordinance will be published in the *Journal officiel* of the Democratic and People's Algerian Republic.

Done at Algiers, on 30 Dhou Al Kaâda 1396 correspondent to 22 November 1976.

Houari BOUMEDIENE

**CONSTITUTION OF THE DEMOCRATIC AND
PEOPLE'S ALGERIAN REPUBLIC**

Preamble

The Algerian people acquired their independence at the price of a secular struggle and of a war of liberation, conducted under the aegis of the National Liberation Front and of the Army of National Liberation [*Front de Libération Nationale et Armée de libération Nationale* (F.L.N. – A.L.N.)], which will remain in history as one of the greatest epics having marked the resurrection of the Peoples of the Third World. Following [*Au lendemain*] their independence, they resolutely committed [*attaché*] themselves to the construction of the State and to the construction of a new society founded on the elimination of the exploitation of man by man and having as their objective [*finalité*], within the framework of the option for socialism, the development [*épanouissement*] of man and the promotion of the popular masses.

The adoption of the National Charter by the people in the referendum of 27 June 1976, gave the Algerian Revolution a new occasion to define its doctrine and to

formulate its strategy, in the light of the irreversible option for socialism. The Algerian people advance henceforth, in its march towards progress, with a vision clearly established of the society that it intends to construct.

The Constitution represents one of the grand objectives established by the National Charter. Its elaboration and its implementation continue and complete the work undertaken tirelessly during more than a decade since the historic redress of 19 June 1965, to provide the Nation with a State organized on a modern and democratic basis, to transform the progressive ideas of the Revolution into concrete realizations marking the daily life and so pushing forward [*faire évoluer*], by the dynamic of thought and of action, the content of the People's Revolution towards the definitive commitment into socialism.

The Algerian State, restored in the plenitude of its sovereignty, rests on structures founded on the participation of the popular masses in the administration [*gestion*] of public affairs and on their commitment to the fight for the development aiming, after the liberation of the national economy of all imperialist grip, to create the material basis of socialism. In all domains, the Algerian people expand and consolidate every day [the] enlarging of the front [*d'avantage le front*] of their combat and their march towards economic, social and cultural progress.

On an international scale, Algeria holds today a prime position [*place de premier plan*] thanks to the global reach [*rayonnement mondial*] of the Revolution of 1 November 1954 and to the respect that the country has acquired by virtue of its commitment towards all the just causes in the world. Algeria has equally imposed itself by the seriousness of its internal effort of organization and development marked by the pursuit [*recherche*] of justice in the distribution and utilization of the national revenue and by the promotion of the masses that have suffered the most from colonial exploitation and from the injustices of the system inherited from the past.

The organization of the Congress of the National Liberation Front which will have to specify [*édicter*] the statutes to the Party and to give to this its directing organs [*instances*], will complete the work undertaken in view of providing the Nation of institutions called, according to the terms of the Proclamation of 19 June 1965, to “*survivre aux événements et aux homes*” [survive the events and men].

The solemn promise made to the Algerian people on the 19 June 1965, is [*se trouve*] so accomplished fully in the continuity and the strengthening of the noble ideals that have animated, since its beginnings, the great Revolution of 1 November 1954.

TITLE I
OF THE FUNDAMENTAL PRINCIPLES OF
ORGANIZATION OF THE ALGERIAN SOCIETY

Chapter I
Of the Republic

Article 1

Algeria is a Democratic and People's Republic, one and indivisible.

Article 2

Islam is the religion of the State.

Article 3

Arabic is the national and official language.

The State works to generalize the utilization of the national language at the official level [*plan*].

Article 4

The capital of the Republic is Algiers.

The national anthem, the characteristics of the seal of the State and of the flag are defined by the law.

Article 5

The national sovereignty belongs to the people[,] who exercise it by way [*voie*] of referendum or by the intermediary of their elected representatives.

Article 6

The National Charter is the fundamental source of the policy of the nation and of the laws of the State.

It is the source of ideological and political reference for the institutions of the Party and of the State at all levels.

The National Charter is equally a instrument of fundamental reference for all interpretations of the provisions of the Constitution.

Article 7

The people's assembly is the basic institution of the State. It constitutes the framework in which the will of the people is expressed and democracy is realized.

It is the fundamental basis of decentralization as well as of the participation of the popular masses in the administration of the public affairs at all levels.

Article 8

In their composition, the elected people's assemblies are representatives of the socialist forces of the Revolution.

The majority, within the elected people's assemblies, is composed of workers and peasants [*paysans*].

All persons that live from the product of their work, either intellectual or manual, and do not employ for their profit other workers in their professional activity[,] are qualified as workers.

Article 9

The representatives of the people must respond to the criteria of competence, of integrity and of commitment.

The representation of the people is incompatible with wealth or the possession of businesses [*possession d'affaires*].

Chapter II Of Socialism

Article 10

The irreversible option of the people, expressed with sovereignty in the National Charter, is socialism, sole path [*voie*] capable of completing the national independence.

Socialism, understood in accordance with the letter and the spirit of the National Charter, is a deepening in the Revolution of 1^o November 1954 and its logic end [*aboutissement*].

The Algerian Revolution is socialist. It aims to the suppression of the exploitation of man by man. Its motto is: “*Par le peuple et pour le peuple*” [By the people and for the people].

Article 11

Socialism proposes to assure the development of the country, to make conscientious and responsible producers of the workers and of the peasants, to establish social justice and to favor the development of the citizen.

The socialist Revolution established for itself as essential lines of action to accelerate the promotion of man to the conditions of an existence in accordance with the norms of modern life and to give to Algeria a socio-economic basis liberated from exploitation and from underdevelopment.

The socio-economic system on which socialism rests will be the object of continuous enhancements [*perfectionnements*] in a fashion to make it benefit from the advantages of the scientific and technical progress.

Article 12

Socialism aims at three objectives:

- 1) the consolidation of the national independence;
- 2) the instauration of a society liberated [*affranchie*] from the exploitation of man by man;
- 3) the promotion of man and his free development.

The institutions of the Party and of the State have as [their] mission to realize these objectives that are inseparable and complementary.

Article 13

The socialization of the means of production constitutes the fundamental basis of socialism and the property of the State represents the most elevated form of the social property.

Article 14

The property of State is defined as the property held [*détenue*] by the national collectivity of which the State is the emanation.

It is established in an irreversible manner on the pastoral lands, on the agricultural lands or nationalized agriculture-based [lands], on the forests, the waters, the subsoil, the mines and the quarries, the natural sources of energy, the mineral, natural and living resources of the continental shelf and of the exclusive economic zone.

[The following] are in addition [the] property of the State, in an irreversible manner all the enterprises, banks, insurance [companies] and nationalized installations as well as the railroad transport, maritime and air [transport], the ports and the means [*voies*] of communication, the post, telegraph and telephone, television and radio broadcasting, the principal means of land transports and the whole of the factories, of the enterprises and of the economic, social and cultural installations that the State has or will have realized, developed or acquired.

The monopoly of the State is established in an irreversible manner on the foreign commerce and on wholesale commerce.

The exercise of this monopoly is done within the framework of the law.

Article 15

The socialist enterprises to which the State entrusts the enhancement [*mise en valeur*], the exploitation or the development of a part of its patrimony, must carry on their balance, in accordance with the provisions of the law, the value of the assets corresponding to the value of the patrimony which is entrusted to them.

The amortization and, eventually, the reevaluation of the value of those assets are done according to the rules and to the modalities established by the legislation.

Article 16

Individual ownership [*propriété*] of the assets of personal or family usage, is guaranteed.

Non-exploitive private property, as defined by the law, is an integral part of the new social organization.

Private property, notably within the economic activity, must concur with the development of the country and have a social utility. It is guaranteed within the framework of the law.

The right of inheritance is guaranteed.

Article 17

Expropriation may only intervene within the framework of the law.

It gives rise to a just and equitable indemnification.

No international convention may be opposed to the implementation of a measure of expropriation for cause of public utility.

Article 18

The cultural Revolution, the agrarian Revolution, the industrial Revolution, the regional equilibrium and the socialist forms of administration, constitute the fundamental axes of the construction of socialism.

Article 19

The cultural Revolution has notably as [its] objectives:

- a) to affirm the national identity and to favor the cultural development;
- b) to elevate the level of instruction and of the technique competence of the nation;
- c) to adopt a style of life in harmony with Islamic morals and the principles of the socialist Revolution, as defined by the National Charter;
- d) to motivate the masses to mobilize them and to organize them in the struggle for the socio-economic development of the country and for the defense of that acquired by the socialist Revolution;
- e) to assure a social awareness [*prise de conscience*] and an adequate action in view of transforming the archaic and unjust structures of society;
- f) to combat the social calamities [*fléaux*] and to fight against the wrongdoings [*méfais*] of bureaucracy;
- g) to banish feudal behavior, regionalism, nepotism and all counter-revolutionary deviations.

Article 20

The agrarian Revolution creates a new model of society that prefigures an Algeria whose different urban and rural regions will develop in a harmonious fashion.

The agrarian Revolution has as [its] objectives:

- a) destroying the material foundations and the anti-social concepts of exploitation of man by man;
- b) breaking the links of the old economic order of dependence and exploitation;
- c) laying the bases of new social relations in the rural milieu;
- d) eliminating the disparities between the city [*village*] and the countryside, notably by the construction of socialist cities;
- e) instituting productive work as [the] central base of the economic organization in the countryside.

Article 21

The industrial Revolution aims, in addition to economic growth, the transformation of man, the elevation of his technical and scientific level and the redesign of society, at the same time that it acts to remodel the face of the territory.

The industrial Revolution is inscribed in a socialist perspective that gives to it its profound significance and its political dimensions.

Article 22

The policy of regional equilibrium is a fundamental option. It aims to end the regional disparities and to promote with priority the most deprived [*déshéritées*] communes to assure a harmonious national development.

Article 23

The socialist forms of administration of the enterprises constitute a factor of emancipation of the workers. These, by their participation in the administration, assume real responsibilities as producers conscientious of their rights and of their duties.

Article 24

Society is founded on work. It radically abolishes parasitism. It is governed by the socialist principle: "*De chacun selon ses capacités, à chacun selon son travail*" [To each one according to their capacities, to each one according to their work].

Work is the essential condition of the development of the country and the source through which the citizens assure their means of existence.

It is assigned taking into account the requirements of the economy and of society, the choice of the worker, as well as the aptitudes and of the qualification of him.

Chapter III

Of the State

Article 25

The sovereignty of the State is exercised over the totality of its terrestrial space, of its air space and of its territorial waters.

It is equally exercised over the resources of all natures situated over or in its continental shelf and its exclusive economic zone.

Article 26

The State draws [*tire*] its authority from the willingness of the people [*populaire*].

It is at the exclusive service of the people.

It draws [*puisse*] its *raison d'être* and its efficiency from the adhesion of the people.

Article 27

The State is democratic in its objectives and in its functioning.

The active participation of the people in the economic, social and cultural construction, in the administration and in the control of the State is an imperative of the revolution.

Article 28

The objective of the Algerian Socialist State is the radical transformation of society on the basis of the principles of socialist organization.

Article 29

The State transforms the relations of production, directs the national economy and assures its development on the basis of a scientific planning in its conception, democratic in its elaboration, [and] imperative in its application.

The State organizes production and determines the allocation of the national product. It is the principal agent of the redesign of the economy and of the whole of the social relations.

Article 30

The national plan must assure the integrated and harmonious development of all the regions and of all the sectors of activity. It realizes the efficacy of the employment of all the productive forces, the increase of the national product and its just allocation, as well as the improvement of the standard of living of the Algerian people.

Article 31

The elaboration of the national plan is democratic.

The people participate by the intermediary of their elected assemblies at the level of [*à l'échelle de*] the commune, of the *Wilaya* and of the country, as well as by the assemblies of workers and the organizations of the masses.

The implementation of the national plan must be decentralized without prejudice to the central coordination at the level of [*au niveau de*] the high instances of the Party and of the State.

Article 32

To administrate the property of the national collectivity, the State creates enterprises that develop their activities accordingly to the interests of the people and the objectives of the national plan.

In accordance with the orientations of the national plan, the enterprises realize an accumulation to the benefit of the patrimony that is entrusted to them and to that of the national community.

Article 33

The State is responsible for the conditions of existence of each citizen.

It assures the satisfaction of their material and moral needs, in particular their demands for dignity and security.

It has as [its] objective to liberate the citizen from exploitation, from unemployment, from illness and from ignorance.

It assures the protection of its citizens abroad.

Article 34

The organization of the States rests on the principle of decentralization founded on the democratization of the institutions and the effective participation of the popular masses in the administration of the public affairs.

Article 35

Decentralization is founded on a judicious allocation of the competences and the tasks that correspond to a rational division of the responsibility within the framework of the unity of the State.

It aims to give to the territorial collectivities the human and material means and the responsibility to themselves promote the development of their region as [a] complement to the efforts undertaken by the Nation.

Article 36

The territorial collectivities are the *wilaya* and the commune.

The commune is the territorial, political, administrative, economic, social and cultural basic collectivity.

The territorial organization and the administrative division of the territory arise in [the domain of] the law.

Article 37

Functions in the service of the State are not a privilege. They constitute a responsibility [*charge*].

The agents of the State must take into consideration exclusively the interests of the people and the public good. The exercise of public responsibilities cannot, in any case, become a source of enrichment or a means to serve private interests.

Article 38

The access to the responsibilities within the State is open to the citizens who respond to the criteria of competence, integrity and commitment, who live only on their salary and do not engage [*s'adonnent*], directly or through an interposed person, in any lucrative activity.

Chapter IV

Of the Fundamental Freedoms and of the Rights of Man and of the Citizen

Article 39

The fundamental freedoms and rights of man and of the citizen are guaranteed.

All citizens are equal in rights and in duties.

Any discrimination founded on the prejudices of gender [*sexe*], of race or of occupation [*métier*], is proscribed.

Article 40

The law is the same for all, whether it protects, it constrains or it represses.

Article 41

The State assures the equality of all citizens by suppressing the obstacles of the economic, social and cultural order that limit in fact the equality between citizens, impede the development of the human person and prevent the effective participation of all citizens in political, economical, social and cultural organization.

Article 42

All the political, economical, social and cultural rights of the Algerian woman are guaranteed by the Constitution.

Article 43

The Algerian nationality is defined by the law.

The conditions of acquisition, of conservation, of loss and of deprivation of this nationality are determined by the law.

Article 44

The equal access to all the employments within the State and the organs [*organismes*] that arise from it, is guaranteed to all citizens, without other conditions than those of merit and of aptitudes.

Article 45

No one can be held [as] culpable if it is not by virtue of a law duly promulgated prior to the incriminating act.

Article 46

With regard to the law [*Au regard de la loi*], every person is presumed innocent until the establishment of their culpability by a regular jurisdiction and with all the guarantees required by the law.

Article 47

Judicial error implies reparation by the State.

The law determines the conditions and modalities of reparation.

Article 48

The State guarantees the inviolability of the person.

Article 49

The private life and the honor of the citizen are inviolable and protected by the law.

The secrecy of correspondence and of private communications, in all their forms, is guaranteed.

Article 50

The State guarantees the inviolability of the domicile.

A search may only take place by virtue of the law and with respect to it.

The search may only be carried out on [a] written order emanating from the competent judicial authority.

Article 51

One may only be investigated, arrested or detained in the cases determined by the law and according to the forms that it has prescribed.

Article 52

In matters of criminal investigation, the detention for questioning may not exceed forty-eight hours.

The prolongation of the time period of detention for questioning may only take place, exceptionally, under the conditions established by the law.

At the expiration of the time period of detention for questioning, it is obligatory to proceed with a medical examination of the detained person if they demand it. They will be informed of this faculty.

Article 53

The freedom of conscience and of opinion is inviolable.

Article 54

The freedom of intellectual, artistic and scientific creation is guaranteed to the citizen within the framework of the law.

The rights of the author are protected by the law.

Article 55

The freedoms of expression and of assembly are guaranteed. They may not be invoked to destroy [*saper*] the foundations of the socialist Revolution.

They are exercised under reserve of the provisions of Article 73 of the Constitution.

Article 56

The freedom of association is recognized. It is exercised within the framework of the law.

Article 57

All citizens enjoying the plenitude of their civil and political rights, have the right to circulate freely on any place of the national territory.

The right to exit the national territory is guaranteed within the framework of the law.

Article 58

Every citizen fulfilling the legal conditions is [an] elector and eligible.

Article 59

The right to work is guaranteed in accordance with Article 24 of the Constitution.

The worker assumes his productive function as a duty and an honor.

The right to take a part of the national revenue is linked to the obligation to work.

The remunerations, based on the principle "*A travail égal, salaire égal*" [For equal work, equal pay], are determined in function of the quality and of the quantity of the work effectively accomplished.

The search for a better productivity is a permanent objective in the socialist society.

The encouragement to work and to productivity may be assured by the implementation of stimulants of moral order and by an appropriate system of collective and individual material incentives.

Article 60

The syndical right is recognized to all workers; it is exercised within the framework of the law.

Article 61

The relations of work in the socialist sector are governed by the legal and regulatory provisions related to the socialist forms of administration.

In the private sector, the right to strike is recognized. Its exercise is regulated by the law.

Article 62

The State guarantees the right to protection, to security and to hygiene at work.

Article 63

The right to rest is guaranteed.

The law determines the modalities of [its] exercise.

Article 64

Within the framework of the law, the State assures the living conditions of the citizens who cannot yet [work], who cannot [work] further or who will never be able to work.

Article 65

The family is the basic cell of society. It benefits from the protection of the State and of society.

The State protects motherhood, infancy, youth and old age through a policy and appropriate institutions.

Article 66

All citizens have the right to instruction.

Instruction is free. It is obligatory for the duration of fundamental school within the conditions established by the law.

The State assures the equal exercise of the right to instruction.

The State organizes teaching [*l'enseignement*].

It sees to the equal access of all to instruction, to professional training and to culture.

Article 67

All citizens have the right to the protection of their health.

This right is assured by a service of general and free health, [by] the extension of preventive medicine, the constant amelioration of living conditions and [conditions] of work as well as by the promotion of physical education, of sports and of leisure.

Article 68

All foreigners, who find themselves regularly in the national territory, enjoy the protection granted to the persons and to the assets, in accordance with the law and with the traditions of hospitality of the Algerian people.

Article 69

No one may be extradited from the national territory if it is not by virtue of and in application of the law of extradition.

Article 70

In no case may a political refugee, legally benefiting from the right of asylum, be delivered up or extradited.

Article 71

The infractions committed against the rights and freedoms, as well as physical or moral infringements on the integrity of the human being, are punishable [*réprimés*] in accordance with the law.

The aid of the State is guaranteed to the citizen for the defense of his freedom and of the inviolability of his person.

Article 72

The abuse of authority is reprimanded by the law.

Article 73

The law establishes the conditions of forfeiture of the fundamental rights and freedoms of whoever uses those rights and freedoms in view of infringing the Constitution, the essential interests of the national collectivity, the unity of the people and of the national territory, the internal and external security of the State and the socialist Revolution.

Chapter V

Of the Duties of the Citizen

Article 74

All persons are required to respect the Constitution, and to conform themselves to the laws and regulations of the Republic.

No one is expected [*censé*] to ignore the law.

Article 75

By their work and by their comportment, every citizen has the duty to protect public property and the interests of the national collectivity, to respect the achievements of the socialist Revolution and to raise, in accordance with their capacity, the standard of living of the people.

Article 76

The commitment of the citizen towards the fatherland [*patrie*] and the obligation to contribute to its defense constitute permanent duties.

All citizens must loyally fulfill their obligations *vis-à-vis* the national collectivity.

Article 77

All citizens have the duty to protect and to safeguard the independence of the country, its sovereignty and the integrity of its national territory.

Treason, espionage, defection to the enemy, as well as all infractions committed to the prejudice of the security of the State, are punishable with all the rigor of the law.

Article 78

Citizens are equal concerning taxation [*impôt*]. Each is required to contribute, according to their means and within the framework of the law, to the public expenditures for the satisfaction of the social public needs of the people and for the development and the security of the country.

No tax, contribution, excise [*taxe*] or right [*droit*] of any kind may be instituted with retroactive effect.

Article 79

The law sanctions the duty of the parents in the education and the protection of their children, as well as the duty of the children in the aid and the assistance of their parents.

Article 80

All citizens are required to show [*faire preuve de*] civic discipline and to respect the rights, the freedoms as well as the dignity of others.

Article 81

Women [*La femme*] must fully participate in the socialist construction and in the national development.

Chapter VI

Of the National People's Army

Article 82

The National People's Army, heir of the National Liberation Army and shield of the Revolution, has as [its] permanent mission to safeguard the national independence and sovereignty. It is responsible for [*chargée de*] assuring the defense of the unity and territorial integrity of the country, as well as the protection of its air and terrestrial space, of its territorial waters, of its continental shelf and of its exclusive economic zone.

The National People's Army, instrument of the Revolution, participates in the development of the country and in the construction of socialism.

Article 83

The popular factor is a decisive element of the national defense.

The National People's Army is the permanent organ of defense around which the organization and the reinforcement of the national defense are structured [*s'articulent*].

Article 84

The national service is a duty and an honor.

It is organized to respond to the imperatives of national defense, to assure the social and cultural promotion of the largest number [of persons] and to contribute to the development of the country.

Article 85

The *moudjahidine* and their rightful claimants are the object of a particular protection of the State.

The guarantee of the intrinsic rights of the *moudjahidine* and their rightful claimants and the safeguard of their dignity are an obligation of the State and of the society.

Chapter VII

Of the Principles of Foreign Policy

Article 86

The Algerian Republic subscribes to the principles and objectives figuring in the Charter of the United Nations, of the Organization of the African Unity and of the Arab League

Article 87

The unity of the Arab peoples is inscribed in the community of destiny of those peoples.

There[,] where the conditions are ripe for a unity founded on the liberation of the popular masses, Algeria is committed to promoting formulas of union, of integration or of fusion susceptible of fully responding to the legitimate and profound aspirations of the Arab peoples.

The unity of the Maghreb peoples, conceived for the benefit of the popular masses, identifies with a fundamental option of the Algerian Revolution.

Article 88

The realization of the objectives of the Organization of the African Unity, the promotion of unity among the peoples of the continent, constitute an historic imperative and inscribe themselves as a constant of the policy of the Algerian Revolution.

Article 89

In accordance with the Charters of the United Nations, of the Organization of the African Unity and of the Arab League, the Algerian Republic forbids itself from resorting to war to infringe the legitimate sovereignty and the freedom of other peoples.

It makes an effort to regulate international disputes through peaceful means.

Article 90

Faithful to the principles and to the goals of non-alignment, Algeria fights for peace, peaceful coexistence and non-interference in the internal affairs of the States.

Article 91

In no case, may a part of the national territory be abandoned.

Article 92

The fight against colonialism, neo-colonialism, imperialism and racial discrimination, constitute a fundamental axis of the Revolution.

The solidarity of Algeria with all the peoples of Africa, of Asia and of Latin-America in their combat for political and economic liberation, their right to self determination and to independence, is an essential dimension of the national policy.

Article 93

The reinforcement of international cooperation and the development of amicable relations between the States on the basis of equality, of mutual interest and of the non-interference in internal affairs, are basic principles of the national policy.

TITLE II

OF THE POWER AND OF ITS ORGANIZATION

Chapter I

Of the Political Function

Article 94

The Algerian institutional system rests on the principle of the single Party [*Parti unique*].

Article 95

The National Liberation Front is the single Party of the country.

It constitutes the avant-garde formed of the most conscious citizens, animated by the patriotic and socialist ideal, who freely unite themselves within the National Liberation Front, in the conditions established by the statutes of the Party.

The militants of the Party, chosen notably [from] among the workers, the peasants and the youth, are oriented towards [*sont tendus vers*] the realization of a same goal and the pursuit of a same action of which the ultimate objective is the triumph of socialism.

Article 96

The institutions of the Party and their mode of functioning are established by the statutes of the National Liberation Front.

Article 97

The National Liberation Front is the avant-garde force of leadership [*direction*] and of organization of the people for the concretization of the objectives of the socialist Revolution.

It constitutes the guide of the socialist Revolution and the directing force of society. It is the organ of direction [*direction*], of conception and of animation of the socialist Revolution.

It sees to the permanent mobilization of the people, by means of the ideological education of the masses, of their organization and of their framing [*encadrement*] for the construction of the socialist society.

Article 98

The direction of the country is the incarnation of the unity of political leadership of the Party and of the State.

In the framework of this unity, it is the leadership of the Party that orients the general policy of the country.

Article 99

The elected political institutions rest, at all levels, on the principles of collegiality in deliberation, of majority in decision and of unity in execution.

Within the institutions of the Party, these principles imply the unity of doctrine and of will, as well as the cohesion in action.

Article 100

Placed under the aegis and the control of the Party, the organizations of the masses are responsible for the mobilization of the broadest strata [*couches*] of the population in view of realizing the great political, economical, social and cultural tasks which condition the development of the country and the success of the construction of socialism.

They have, alone, as [their] mission to organize the workers, the peasants, the youth, [and] the women, to give them an increased consciousness of their responsibilities and of the growing role that they have to assume in the construction of the country.

Article 101

The organs of the Party and those of the State act in separate frameworks and with different means to reach the same objectives.

Their respective attributions may not overlap or be confused.

The political organization of the country is founded on the complementarity of the tasks between the organs of the Party and those of the State.

Article 102

The determinative functions of responsibility at the level of the State are held by the members of the leadership of the Party.

Article 103

The relations between the organs of the Party and those of the State are governed by the Constitution.

Chapter II
Of the Executive Function

Article 104

The leadership of the executive function is assumed by the President of the Republic, Head [*Chef*] of State.

Article 105

The President of the Republic is elected by universal, direct and secret suffrage.

The candidate is elected by an absolute majority of the registered electors.

He is proposed by the National Liberation Front. Counting from the holding of the first congress of the Party that follows the entering into force of this Constitution, this prerogative is directly assumed by the congress of the National Liberation Front.

The other modalities of the presidential election are established by the law.

Article 106

The President of the Republic exercises the supreme magistrature within the limits established by the Constitution.

Article 107

To be eligible for the Presidency of the Republic, it is necessary to be of Algerian nationality of origin, [to be] of Muslim faith, to be at least forty (40) years of age on the day of the election and to enjoy the plenitude of one's civil and political rights.

Article 108

The duration of the presidential mandate is of six (6) years.

The President of the Republic is re-eligible.

Article 109

The President of the Republic enters into [his] functions within the week that follows his election. The President of the Republic takes an oath before the People and in the presence of all the high instances of the Party and of the State.

Article 110

The President of the Republic takes the oath in the following terms:

“Faithful to the supreme sacrifice and to the memory of the martyrs of our sacred Revolution, I swear by God Almighty, to respect and to glorify the Islamic religion, to respect and to defend the National Charter, the Constitution and all the laws of the Republic, to respect the irreversible character of the choice

of socialism, to preserve the integrity of the national territory and the unity of the people and of the Nation, to protect the fundamental rights and freedoms of the People, to work relentlessly for their development and their happiness, and to pursue with all my strength the realization of the great ideals of justice, liberty and peace in the world”.

Article 111

In addition to the powers conferred on him expressly by other provisions of this Constitution, the President of the Republic enjoys the following powers and prerogatives:

- 1) He embodies the State within the country and abroad;
- 2) He embodies the unity of political leadership of the Party and of the State;
- 3) He is the guarantor of the Constitution;
- 4) He is the supreme commander [*chef*] of all the armed forces of the Republic;
- 5) He is responsible for the national defense;
- 6) He orders, in accordance with the National Charter and with the provisions of the Constitution, the general policy of the nation, on the internal and external plans, and conducts and executes that policy;
- 7) He establishes the attributions of the members of the Government within the conditions provided for by the Constitution;
- 8) He presides over the Council of Ministers;
- 9) He presides over the joint meetings of the organs of the Party and of the State;
- 10) He has [*dispose*] the regulatory power;
- 11) He sees to the execution of the laws and regulations;
- 12) He provides for, in accordance with the law, the civil and military employments;
- 13) He has the right of pardon, of the right of total or partial remission of any penalty as well as the right to erase the legal consequences, of any nature, of the penalties pronounced by any jurisdiction;
- 14) He can, on any question of national importance, refer the people [to it] by way of referendum;
- 15) He can delegate a part of his powers to the Vice President of the Republic and to the Prime Minister, under reserve for the provisions of Article 116 of the Constitution.
- 16) He appoints and recalls the ambassadors and the extraordinary envoys of the Republic abroad. He receives the letters of credential or of recall of the foreign diplomatic representatives;
- 17) He concludes and ratifies the international treaties within the conditions established by the Constitution;
- 18) He confers the decorations, distinctions and honorary titles of the State.

Article 112

The President of the Republic can appoint a Vice President of the Republic who seconds and assists him in his responsibilities.

Article 113

The President of the Republic appoints the members of the Government.
He can appoint a Prime Minister.

Article 114

The executive function is exercised by the Government under the direction of the President of the Republic.

Article 115

In their respective functions, the Vice President of the Republic, the Prime Minister and the members of the Government commit their responsibility before the President of the Republic.

Article 116

The President of the Republic may not, in any case, delegate the power to appoint and to remove from their functions, the Vice President of the Republic, the Prime Minister and the members of the Government, of recourse to the referendum, to dissolve the National People's Assembly, to decide on anticipated legislative elections, [or] to implement the provisions provided for in Articles 119 to 124 of the Constitution as well as the powers established by subparagraphs 4 to 9 and 13 of Article 111 of the Constitution.

Article 117

In the case of death or of resignation of the President of the Republic, the National People's Assembly meets of plain right and declares the definitive vacancy of the Presidency of the Republic.

The President of the National People's Assembly assumes the responsibility [*charge*] of Head of State for a maximum duration of forty-five (45) days in the course of which the presidential elections are organized. The President of the National People's Assembly may not be a candidate for the Presidency of the Republic.

An extraordinary congress of the Party is convoked to designate the candidate for the Presidency of the Republic.

The elected President of the Republic fulfills his mandate in accordance with Article 108 of the Constitution.

Article 118

The Government in [its] functions at the time of the death or of the resignation of the President of the Republic may not be dissolved or modified [*remanié*] until the entering into [his] functions of the new President of the Republic.

During the period of forty-five (45) days mentioned in the second paragraph of Article 117 of the Constitution, the provisions provided for in Articles 112 and 113, in subparagraphs 7, 13 and 14 of Article 111 as well as those in Articles 123 and 163 of the Constitution may not be applied.

During the same period, the functions of the Vice President and of the Prime Minister may not be terminated. Articles 120, 121, 122 and 124 of the Constitution may only be implemented with the approval of the National People's Assembly, the political leadership of the Party [having been] previously consulted.

Article 119

In case of compelling necessity, the high instances of the Party and the Government [having] met, the President of the Republic decrees the state of

urgency or the state of siege and takes all measures necessary for the re-establishment of the situation.

Article 120

When the country is threatened by an imminent danger to its institutions, to its independence or to its territorial integrity, the President of the Republic decrees a state of exception

Such a measure is taken, the high instances of the Party and the Government [having] met.

The state of exception enables the President of the Republic to take the exceptional measures that the safeguarding of the independence of the nation and of the institutions of the Republic command.

The National People's Assembly meets of plain right on convocation of its President.

The state of exception terminates in the same forms and following the above procedures which have presided at its proclamation.

Article 121

The President of the Republic decrees the general mobilization.

Article 122

The directive instance of the Party [having been] consulted, the Government [having] met, the High Council of Security heard, the President of the Republic declares war in the case of effective or imminent aggression in accordance with the pertinent provisions of the Charter of the United Nations.

The National People's Assembly meets of plain right.

The President of the Republic informs the nation by a message.

Article 123

For the duration of the state of war, the Constitution is suspended and the Head of the State assumes all the powers.

Article 124

The President of the Republic signs the armistice and the peace.

The accords of armistice and the treaties of peace are immediately submitted for the express approval of the directive instance of the Party, in accordance with [its] statutes, as well as to the National People's Assembly, in accordance with the provisions of Article 158 of the Constitution.

Article 125

A High Council of Security is constituted[,] presided over by the President of the Republic. This High Council is responsible for giving to him opinions on all questions concerning national security.

The modalities of organization and of functioning of the High Council of Security are established by the President of the Republic.

Chapter III

Of the Legislative Function

Article 126

The legislative function is exercised by a sole assembly denominated [the] National People's Assembly.

The National People's Assembly holds, within the framework of its prerogatives, the power of legislating sovereignly.

It elaborates and votes on the law.

Article 127

Within the framework of its attributions, the National People's Assembly has as [its] fundamental mission to work for the defense and the consolidation of the socialist Revolution.

It inspires itself from the principles of the National Charter, which it applies in its legislative action.

Article 128

The members of the National People's Assembly are elected by universal, direct and secret suffrage on a proposal of the leadership of the Party.

Article 129

The National People's Assembly is elected for a duration of five (5) years. This mandate may only be prolonged in the case of exceptionally grave circumstances impeding the normal development [*déroulement*] of the elections. This situation is declared by decision of the National People's Assembly, on proposal of the President of the Republic.

Article 130

The modalities of the election of the Deputies and in particular their number, the conditions of eligibility and the regime of incompatibilities, are established by the law.

The composition of the National People's Assembly must be in conformity with the provisions of Articles 8 and 9 of the Constitution.

Article 131

The validation of the legislative elections arises in [the domain] of the National People's Assembly.

The regulation of the disputes of the legislative elections arises in [the domain] of the Supreme Court.

Article 132

The mandate of Deputy is national.

Article 133

The mandate of Deputy is renewable.

Article 134

The Deputy who does not fulfill or [who] no longer fulfills the conditions of his eligibility incurs the forfeiture of his mandate.

This forfeiture is decided by the National People's Assembly with a majority of its members.

Article 135

The Deputy engages his responsibility before his peers who can revoke his mandate, if he betrays the trust of the people or [if he] commits an act unworthy of his function.

The law establishes the conditions under which a Deputy may incur exclusion. This is pronounced by the National People's Assembly, with the majority of its members, without prejudice to any other prosecution of common law.

Article 136

The conditions under which the National People's Assembly accepts the resignation of one of its members are established by the law.

Article 137

Parliamentary immunity is recognized to the Deputy for the duration of his mandate.

No Deputy may be made the subject of prosecution, of arrest or, in general, of any civil or criminal action on account of the opinions that he has expressed, of proposals that he has made or of votes he has emitted in the exercise of his mandate.

Article 138

Prosecution may only be initiated against a Deputy for a criminal act on the authorization of the National People's Assembly which decides, with a majority of its members, on the lifting of his immunity.

Article 139

In case of a flagrant offense [*délit*] or of flagrant crime [*crime*], the Bureau of the National People's Assembly is immediately informed of it. The authority of the law is conferred on any decision it deems necessary to make, the case arising, to have the principle of the parliamentary immunity respected.

Article 140

The law determines the conditions of replacement of a Deputy in case of vacancy of his seat.

Article 141

The legislature begins of plain right on the eighth day following the date of election of the National People's Assembly under the presidency of its senior [Deputy] assisted by the two [most] junior Deputies.

It proceeds to the election of its Bureau and to the constitution of its commissions.

Article 142

The President of the National People's Assembly is elected for the duration of the legislature.

Article 143

The general principles concerning the organization and the functioning of the National People's Assembly, as well as the budget of the Assembly and the indemnities of its members are established by the law.

The National People's Assembly elaborates its internal regulations.

Article 144

The sittings of the National People's Assembly are public. A record is made[,] the publicity of which is assured under the conditions established by the law. The National People's Assembly can sit in closed session on the demand of its President, of the majority of its members present or of the Government.

Article 145

The National People's Assembly creates its commissions within the framework of its internal regulations.

Article 146

The National People's Assembly sits in two ordinary sessions per year, each of a maximal duration of three (3) months.

The commissions of the National People's Assembly are permanent.

Article 147

The National People's Assembly may be convoked in extraordinary session by the President of the Republic or at the demand of two-thirds of its members.

The closure of the extraordinary session takes place when the National People's Assembly has completed the agenda for which it had been convoked.

Article 148

The initiative of the laws belongs concurrently to the President of the Republic and to the members of the National People's Assembly.

The proposals of law, in order to be receivable, are deposited by twenty Deputies.

The bills of law are deposited by the Government with the Bureau of the National People's Assembly.

Article 149

Any proposal of law which has for its object or for [an] effect the diminution of public resources or the augmentation of public expenditures, unless it is accompanied by measures which seek to augment the receipts of the State or to make economies at least correspondent to other items [*postes*] of the public expenditures, is irreceivable.

Article 150

The Communal People's Assemblies and People's Assemblies of the *Wilayas* may refer the Government to a matter [*vœu/wish*] which will judge the opportuneness of making a bill of law of it.

Article 151

The National People's Assembly legislates in the domains that the Constitution attributes to it.

[The following] equally arise in the domain of the law:

- 1) The fundamental rights and duties of persons, notably the regime of public freedoms, the safeguarding of individual freedoms and the obligations of citizens within the framework of the imperatives of national defense;
- 2) The general rules concerning personal status and law of the family and notably of marriage, of divorce, of filiation, of capacity and of inheritance;
- 3) The conditions of the establishment of persons;
- 4) The basic legislation concerning nationality;
- 5) The general rules concerning the status [*condition*] of foreigners;
- 6) The general rules concerning the judicial organization;
- 7) The general rules of criminal law and of criminal procedure and notably the determination of crimes and misdemeanors, the institution of the corresponding penalties of any nature, amnesty and extradition;

- 8) The general rules of civil procedure and the ways of [their] execution;
- 9) The general regime of civil and commercial obligations;
- 10) The general rules concerning the electoral regime;
- 11) The territorial organization and the administrative division of the country;
- 12) The basic principles of economic and social policy;
- 13) The definition of the policy of education and of youth;
- 14) The fundamental lines of the cultural policy;
- 15) The adoption of the national plan;
- 16) The vote of the budget of the State;
- 17) The creation, the basis and the rate of taxes, contributions, excises [*taxes*] and rights [*droits*] of any nature;
- 18) The general rules of the customs regime;
- 19) The general rules concerning the regime of banking, of credit and of insurance;
- 20) The general rules concerning public health and population, [and] the right to work and to social security;
- 21) The general rules concerning the protection of the *moudjahidine* and their rightful claimants;
- 22) The guidelines of the policy of the spatial organization [*aménagement*] of the territory, as well as of the environment, of the quality of life, of the protection of the fauna and of the flora;
- 23) The protection and safeguarding of the cultural and historic patrimony;
- 24) The general regime of forests;
- 25) The general regime of water;
- 26) The creation of decorations, distinctions and honorific titles of the State.

Article 152

The application of the laws arises in the regulatory domain.

The matters other than those reserved to the law, are of the domain of the regulation.

Article 153

During the periods of intersession of the National People's Assembly, the President of the Republic may legislate by ordinance. He submits the texts that he took to the approval of the National People's Assembly in its first session that follows.

Article 154

The law is promulgated by the President of the Republic within a time period of thirty (30) days, counting from the date of its transmittal to the President of the Republic.

Article 155

The President of the Republic has the powers to demand a second reading of a law voted [on], in the thirty (30) days which follow its adoption.

In that case, a majority of two-thirds of the members of the National People's Assembly, is required for the adoption of the law.

Article 156

The President of the Republic addresses[,] one time per year to the National People's Assembly, a message concerning the state of the Nation.

Article 157

On the demand of the President of the Republic or of the President of the National People's Assembly, it can open a debate on foreign policy.

This debate may be concluded, as need be, with a resolution of the National People's Assembly which will be communicated by its President to the President of the Republic.

Article 158

The political treaties as well as the treaties modifying a law, are ratified by the President of the Republic after their explicit approval by the National People's Assembly.

Article 159

The international treaties duly ratified by the President of the Republic, within the conditions specified by the Constitution, have force of law.

Article 160

If all or a part of the provision of a treaty is contrary to the Constitution, the authorization of ratification may only intervene after the revision of the Constitution.

Article 161

The members of the National People's Assembly can interpellate the Government on a current question.

The commissions of the National People's Assembly can hear the members of the Government.

Article 162

The members of the National People's Assembly can address, exclusively in written form, any question to any member of the Government, who will respond in the same form, within a time period of fifteen (15) days.

The questions and the responses are published under the same conditions as the record of the debates of the National People's Assembly.

Article 163

The directive instance of the Party and the Government [having] met, the President of the Republic can decide on the dissolution or the anticipated elections of the National People's Assembly.

New legislative elections take place within a time period of three (3) months.

Chapter IV

Of the Judicial Function

Article 164

Justice guarantees to all and to each the legitimate safeguarding of their freedoms and of their fundamental rights.

Article 165

Justice is equal for all, accessible to all and is expressed by respect for the law as well as by the search for equity.

Article 166

Justice concurs in the defense of the achievements of the socialist Revolution and in the protection of the interest of it.

Article 167

Justice is rendered in the name of the people.

Article 168

Justice is rendered by magistrates who may be assisted by people's assessors [*assesseurs populaires*] within the conditions established by the law.

Article 169

The criminal sanctions obey the principles of legality and of personality.

Article 170

The decisions of justice are substantiated and pronounced in public audience.

Article 171

All the qualified organs of the State are required to assure at all times, in every place and in every circumstance, the execution of the decisions of justice.

Article 172

The judge obeys only the law.

Article 173

The judge concurs in the defense of and in the protection of the socialist Revolution.

He is protected against any forms of pressure, interventions or maneuvers of [any] nature that could damage [*nuire*] the accomplishment of his mission or respect for his free arbitration.

Article 174

The magistrate is responsible before the Superior Council of the Magistrature and in the forms prescribed by the law, for the manner in which he performs his mission.

Article 175

The law protects the [person] justiciable against any eventual abuse or deviation of the judge.

Article 176

The right to a defense is recognized.

In criminal matter, it is guaranteed.

Article 177

The Supreme Court constitutes, in all the domains of the law [*droit*], the regulatory organ of the activity of the courts and tribunals.

It assures the unification of jurisprudence throughout the country and sees to respect for the law [*droit*].

Article 178

The Supreme Court takes cognizance of the recourses against the regulatory acts.

Article 179

The organization, the functioning and the attributions of the Supreme Court are established by the law.

Article 180

The Superior Council of the Magistrature has as [its] mission to give opinions to the President of the Republic, in the conditions and the cases specified by Article 182 of the Constitution.

Article 181

The Superior Council of the Magistrature is presided over by the President of the Republic.

The Minister of Justice is its [en] Vice President.

The composition, the functioning and the other attributions of the Superior Council of the Magistrature are established by the law.

Article 182

The Superior Council of the Magistrature gives [its] consultative opinion prior to the exercise of the right of pardon by the President of the Republic.

It decides within the conditions that the law determines, on the appointment, the transfers [*mutations*] and the development of the carrier of the magistrates, and participates, in accordance with the provisions of the law, to the control of the discipline of the magistrates.

Chapter V

Of the Function of Control

Article 183

The function of control is an essential element of the revolutionary process. It is inscribed in the coherent organization that characterizes the socialist State. Control is effectuated within an organized framework and it is accompanied by sanctions.

Article 184

Control has as [its] object to assure the good functioning of the organs of the State within the respect for the National Charter, for the Constitution and for the laws of the country.

It has as [its] mission to verify the conditions of utilization and of administration [*gestion*] of the human and material means by the administrative and economic organs of the State, to prevent insufficiencies, deficiencies [*carences*] and deviations, to allow the repression of racketeering, of the diversions [*détournements*] and of all the criminal acts damaging to the national patrimony and to so guarantee an administration of the country in order, clarity and rationality.

Control has finally as [its] function to verify the conformity of the acts of the administration with the legislation and the directives of the State.

Article 185

Control is exercised by the appropriate national institutions and the permanent organs of the State.

In its popular dimension, and to respond to the necessities of the socialist democracy, it is realized by the intermediary of the elected institutions at all levels: National People's Assembly, People's Assemblies of *Wilayas*, Communal People's Assemblies and Assemblies of Workers.

Article 186

The political control attributed to the directive organs of the Party and of the State is effectuated in accordance with the National Charter and accordingly to the provisions of the Constitution.

The other forms of control, at all levels and in all sectors, are effectuated within the framework of the provisions provided for to that effect by the Constitution and the legislation.

Article 187

At the end of each budgetary fiscal year [*exercice*], the Government renders account to the National People's Assembly, of the utilization of the budgetary credits which it has voted for it for that period.

This period is closed, as far as the National People's Assembly is concerned, by the vote of a law providing the budgetary regulation for the fiscal year under consideration.

Article 188

The National People's Assembly can, within the framework of its prerogatives, institute at any time a commission of inquiry to the effect of inquiring on any matter of general interest.

The National People's Assembly designates [from] within it the members of the commission of inquiry.

The law determines the modalities of the functioning of this commission.

Article 189

The National People's Assembly can proceed to the control of the socialist enterprises of all natures.

The modalities of the functioning of the control as well as the measures to which these results may give rise, are established by the law.

Article 190

A Court of Accounts is instituted[,] responsible for the control *a posteriori* of all the public expenditures of the State, of the Party, of the local and regional collectivities and of the socialist enterprises of all natures.

The Court of Accounts establishes an annual report which it addresses to the President of the Republic.

A law will determine the organization and the functioning of the Court of Accounts and the sanction of its investigations.

Chapter VI

Of the Constituent Function

Article 191

The Constitution may be modified on the initiative of the President of the Republic, within the framework of the provisions of this chapter.

Article 192

The bill of law of the constitutional revision is adopted by the National People's Assembly with a majority of two-thirds of its members.

Article 193

The majority of three-quarters of [its] members is required of the National People's Assembly, if the bill of law of revision affects the constitutional provisions concerning the revision of the Constitution.

These provisions do not apply to Article 195 of the Constitution which may not be made the object of any revision.

Article 194

No procedure of revision may be engaged in or pursued when it infringes on the integrity of the national territory.

Article 195

No bill of constitutional revision may infringe on:

- 1) the republican form of Government;
- 2) the religion of the State;
- 3) the socialist option;
- 4) the fundamental freedoms of Man and of the Citizen;
- 5) the principle of universal, direct and secret suffrage;
- 6) the integrity of the national territory;

Article 196

The law concerning [the] constitutional revision is promulgated by the President of the Republic.

**TITLE III
DIVERS PROVISIONS**

Article 197

The legislative measures necessary to the establishment of the organs specified by the Constitution will be taken by way of ordinance by the President of the Council of the Revolution, [the] President of the Council of Ministers, the Council of the Revolution and the Council of Ministers [having] met.

Article 198

The entering into force of the Constitution will not affect the powers of the existing organs as long as the corresponding institutions specified by the Constitution have not been established.

Article 199

This Constitution will be executed as fundamental law of the Republic.