

# The Time Limit for Filing an Annulment Action under Algerian Law

Hiba Serdouk<sup>1\*</sup>, Abdessalem Saker<sup>2</sup>

<sup>1,2</sup>University of Badji Mokhtar, Annaba, Algeria; hiba.serdouk@univ-annaba.dz

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**Abstract.** The time limit for judicial appeal is a highly important procedural matter, as it balances two fundamental and opposing interests: the interest of the public administration and that of the individual affected by the decision. This balance helps ensure the stability of legal transactions and the elimination of unlawful or inappropriate decisions. Although at first glance this time limit may seem like a simple and clear matter, the current wording of Article 829 of the Code of Civil and Administrative Procedure, as amended by Law No. 22-13, still suffers from significant shortcomings and raises several issues when applied by administrative courts. It is therefore necessary to address and clarify these concerns.

## 1. INTRODUCTION

The public administration is responsible for ensuring the proper and continuous functioning of public services to meet various societal needs and serve the public interest. In doing so, it is subject to judicial oversight to ensure its actions remain within the bounds of legality and to protect the rights and freedoms of individuals in a state governed by the rule of law.

This principle is affirmed in Article 164 of the 2020 constitutional amendment, which states: *"The judiciary protects society and the rights and freedoms of citizens in accordance with the Constitution."* Algeria's successive constitutions have consistently upheld the right of individuals to access justice. For instance, Article 177 of the 2020 amendment provides: *"Litigants have the right to claim their rights before judicial authorities and may be assisted by a lawyer during all judicial proceedings."*

Among the most important legal remedies available to individuals for challenging public administrative decisions is the annulment action, which is distinguished from other types of administrative lawsuits by its strict conditions for admissibility. Unlike full jurisdiction or compensation claims, which are not subject to specific deadlines and instead follow the rules of statute limitations, annulment actions must be filed within a legally defined period of four months.

This time limit is a necessary consequence of the nature of annulment actions, which fall under objective litigation. These actions aim to protect legal positions that are public, regulatory, or organizational in nature. Sometimes, they may involve mixed legal positions with regulatory aspects. In essence, annulment actions seek to protect legal positions directly derived from the law, and in doing so, they aim to uphold the rule of law itself. Therefore, any violation of legal norms must be addressed, either by the administration or the administrative judiciary, to nullify the flawed decision in defense of the public interest.

At the same time, an administrative decision also establishes a legal status for the individual concerned, who has a legitimate interest in preserving the stability of this status. In other words, when it comes to annulling a decision issued unilaterally by the administration that creates substantive rights for the concerned party, a balance must be struck between two competing interests: the interest of the administration—responsible for the regular and continuous functioning of public services—and the interest of the individual affected by the decision, in a way that ensures transactional stability and eliminates flawed or inappropriate decisions.

This is why the legislator often intervenes to establish a reasonable period during which the affected party may seek a review, withdrawal, or annulment of the administrative decision, either through an administrative grievance or by filing a case before the administrative courts, in line with the principle of legality.

Although the time limit for filing an annulment action may seem straightforward, the practical application of Article 829 of the amended Code of Civil and Administrative Procedure in administrative courts has led to numerous complex situations and legal questions. These have often resulted in cases being dismissed at the admissibility stage due to being filed outside the permitted time limit—thus preventing the claimant from defending their rights. This is because administrative judges examine admissibility conditions, including time limits, before considering the merits of a case.

Issues related to annulment deadlines have gained further importance following the amendment of the Code of Civil and Administrative Procedure by Law No. 22-13, dated July 12, 2022, which restructured jurisdiction between administrative courts and created administrative courts of appeal—thus reinforcing the constitutional principle of "two-tiered litigation."

The administrative judge, as the master of the administrative case and through his repeated engagement with the issue of time limits, had initially established a clear approach by adopting the theory of certain knowledge (*"théorie de la connaissance certaine"*) as the starting point for the four-month time limit to file an annulment action—this was before the establishment of the Council of State.

However, the Algerian Council of State later revised this position, explicitly requiring personal notification in the manner specified by the Code of Civil and Administrative Procedure, in order for the time limit for filing an annulment action to be considered valid against the party harmed by the administrative decision. This change aimed to protect the latter as the weaker party and to close any loopholes the administration might exploit to implement decisions without the knowledge of the affected individual.

In this study, we attempted to answer the following question:

What are the legal provisions governing the time limit for judicial appeals in Algerian law?

Answering this question requires understanding the deadline for filing an annulment action, how it begins and ends, and the causes for its suspension or interruption.

We will address this by examining:

- The running of the annulment deadline (*First*).
- The incidents that affect this deadline (*Second*).

#### First: The Running of the Annulment Deadline

The legislator, under Law No. 08-09 (Code of Civil and Administrative Procedure<sup>i</sup>, as amended), set a four-month period for filing appeals before administrative courts. This period begins from the date of personal notification of the individual administrative decision, or from the date of publication of the general or regulatory administrative decision<sup>ii</sup>.

Therefore, as a general rule, an annulment action must be initiated within the judicial appeal period<sup>iii</sup>, since it specifically concerns the administrative decision. This is in contrast to full-jurisdiction claims, which are not subject to a specific time limit, and instead fall under the statute of limitations applicable to the claimed right<sup>iv</sup>. Hence, determining the starting point of the annulment deadline and the manner in which it is calculated, as well as the cases that affect its computation, becomes crucial. This is discussed as follows:

## 2. THE JUDICIAL APPEAL PERIOD

The time limit for filing an annulment action before the administrative court<sup>v</sup> is the same as that before the administrative courts of appeal—four months, during which the injured party can either file a lawsuit or submit a complaint before the competent administrative authorities.

This fixed time frame for annulment actions<sup>vi</sup> serves a purpose: once the period expires, the administrative decision becomes immune from cancellation or withdrawal<sup>vii</sup>—whether by request of the affected party or by the issuing administrative body itself. This limitation reflects the need to balance the public interest and the individual's interest, in a way that upholds legal stability and protects acquired rights.

For this reason, the Algerian legislator set a four-month period, during which the public administration may review, withdraw, or revoke its decision, whether due to realizing its illegality, its violation of the law, or simply because the decision no longer serves the goals of sound administrative functioning, even if it was lawful—applying the principle of expediency.

On the other hand, this same period ensures that the person affected by the decision can exercise their constitutional right to bring the matter before a judge<sup>viii</sup>, either to compel the administration to respect the law or to alert it to a mistake through the administrative grievance procedure<sup>ix</sup>. Once the time limit expires, the right of the injured party to seek annulment—either through the administration or via the administrative judiciary—is lost<sup>x</sup>.

### 2.1. Determining the Starting Point of the Judicial Appeal Period

Determining the starting point for calculating the time limits to file an annulment action is of great importance, as it relates to the conditions for admissibility of the case, under penalty of rejection. This is an issue that the administrative judge examines before addressing the merits of the case<sup>xi</sup>.

The annulment deadline begins on the day following the announcement of the administrative decision—either through personal notification<sup>xii</sup> for individual administrative decisions, or publication for collective or regulatory decisions<sup>xiii</sup>. Some legal scholars further argue that knowledge of the decision's content may also be achieved through the theory of certain (actual) knowledge<sup>xiv</sup> ("théorie de la connaissance certaine").

### 2.2. Start of the Time Limit by Publication or Notification

The legal start of the judicial appeal period is determined by the moment the person concerned becomes aware of the administrative decision so that it can be enforced against them. The legislator distinguished between notification and publication based on the type of administrative decision (individual or regulatory).

- An individual administrative decision addresses a specific person or a group of specifically identified individuals.
- A regulatory decision, on the other hand, applies to anyone meeting the legal conditions established objectively by the law<sup>xv</sup>.

Personal notification is the standard means of informing individuals about such decisions, and it must be done in the legally prescribed manner. If the law does not require a specific method, the administration may choose a method it deems appropriate, such as direct delivery, electronic notification, postal mail, or even verbal communication.

Publication, by contrast, is the method used to inform about collective or regulatory administrative decisions and must follow the forms and procedures set out by law. If the legislator does not specify a particular method, the administration may use methods such as publication in the Official Gazette, ministerial bulletins, or posting in designated areas within public administration offices<sup>xvi</sup>.

It is important to note that the Algerian legislator, in the amended Code of Civil and Administrative Procedure, did not distinguish between an individual decision concerning a single person and a collective decision concerning a group of specifically identified individuals. It adopted personal notification as the starting point of the annulment deadline<sup>xvii</sup>. Therefore, whether the decision is addressed to one person or a group, each affected party must be individually informed of its content.

To ensure that notification or publication triggers the annulment deadline, the communication must clearly include all elements and content of the administrative decision, so that the person concerned has real and accurate knowledge of it<sup>xviii</sup>.

### 2.3. The Time Limit as a Legal Guarantee for the Concerned Party

It is worth mentioning that Article 831 of the amended Code of Civil and Administrative Procedure provides that the annulment time limit is a guarantee for the person concerned by the decision. It states:

"The appeal period referred to in Article 830 above shall not be enforceable unless mentioned in the notification of the contested decision."

This provision departs from the general rule on determining the annulment deadline—which seeks to balance public interest (represented by the administration) and private interest (of the individual affected). In other words, the annulment time limit does not start and is not enforceable unless it is explicitly mentioned in the notification. This makes the deadline a legal guarantee for the person affected, and if it is omitted from the notification, the appeal period remains open.

Conversely, the administration loses the right to rely on the appeal deadline if it fails to include it in the notification—even if the notification itself was made—due to the presumption of bad faith. The administration therefore cannot benefit from its own

mistake.

## 2.4. The Theory of Certain Knowledge and Its Impact on the Time Limit

The theory of certain knowledge is subject to significant doctrinal debate, and administrative court rulings in Algeria have fluctuated between adopting and rejecting it—largely because its advantages are nearly equal to its drawbacks.

The theory holds that if the individual concerned becomes aware of the content of the administrative decision without any formal action by the administration, such as through an informal complaint or lawsuit, the annulment deadline begins to run from that moment. Publication or notification would then not be considered if they occurred after the person already had certain knowledge of the decision<sup>xxix</sup>.

This theory was developed by French courts, but they only applied it in very limited cases before ultimately abandoning it due to concerns that it was being used by administrations<sup>xxx</sup> to abuse their power—implementing decisions without proper notification.

In Algeria, before the establishment of the Council of State, the Administrative Chamber of the Supreme Court adopted this theory and rejected appeals submitted after the time limit, if it was shown that the claimant was aware of the decision's content<sup>xxxi</sup>. However, the Council of State expressed its intention to abandon this judicial approach in a series of decisions, aiming to unify the jurisprudence across various courts. It ruled that personal notification is mandatory for individual administrative decisions, thereby fully abandoning the theory of certain knowledge.

This change is particularly important given the ongoing division in legal doctrine: some support the theory, others reject it<sup>xxxii</sup>. The Council of State justified its position by arguing that the burden of proof for establishing certain knowledge—at a specific, verifiable date—falls on the administration, using all available evidence subject to the administrative judge's evaluation.

However, this approach may violate the principle of legality and jeopardize the rights of the individual affected by the decision, who may be surprised by its execution or lose their chance to appeal due to a lack of formal notification.

But the arguments made by the Council of State have weakened since the legislator intervened through the amended Code of Civil and Administrative Procedure, which made it mandatory to mention the appeal deadline in the notification. The deadline serves only the interest of the individual affected by the decision. Notification and publication are merely means of communication, not ends in themselves. Therefore, there is no objection to applying the theory of certain knowledge, especially to avoid denial of justice due to rejecting an appeal made before proper notification or publication.

In such cases, certain knowledge enables the concerned party to exercise their constitutional right to access the courts—particularly if the administration intentionally withholds notification<sup>xxxiii</sup>. Moreover, the issue of attaching a copy of the decision with the legal claim has already been resolved by the legislator, who now requires the administration to provide it to the court<sup>xxxiv</sup>.

## 3. CALCULATING THE TIME LIMIT FOR THE ANNULMENT LAWSUIT

The time limit for filing an annulment lawsuit is a procedural matter, and therefore it is governed by the provisions regulating time limits in the Code of Civil and Administrative Procedure, whether regarding its starting point, end, suspension, or interruption.

### 3.1. Method of Calculating the Four-Month Period

The legislator did not define the time limit for an annulment lawsuit in terms of days but rather stipulated a four-month deadline, which may cause some ambiguity. However, in judicial practice, a month is considered thirty (30) days, meaning the annulment period amounts to a full 120 days.

### 3.2. The Annulment Deadline Is a Full Period

Under Algerian law, time limits are considered complete periods; thus, neither the first day (i.e., the day of notification) nor the last day is counted. This is clarified in Article 405(1) of the amended Code of Civil and Administrative Procedure, which states:

“All time limits stipulated in this law shall be calculated in full. The day of notification or formal service or the expiration day of the time limit shall not be counted.”

Therefore, the day the decision is announced, published, or known with certainty is not counted; the count starts from the following day.

### 3.3. The Annulment Deadline Includes Holidays

Public holidays occurring within the annulment period are taken into account during its calculation. Their occurrence does not suspend or interrupt the countdown. According to Article 405(3) of the Code of Civil and Administrative Procedure<sup>xxxv</sup>, public holidays include official religious/national holidays and weekends, and they do not affect the time limit unless they coincide with the last day of the period.

## 4. END OF THE ANNULMENT DEADLINE

The **last day** of the annulment deadline is included in the four-month period designated for judicial appeal. Thus, the deadline ends the day after the last of the 120 days, in accordance with the rule of full time periods, as previously explained.

If the last day of the annulment period is not a working day (either fully or partially), the deadline is extended to the next working day<sup>xxxvi</sup>.

## 5. EFFECTS OF THE EXPIRY OF THE ANNULMENT DEADLINE

The annulment time limit relates to public order and cannot be modified, even by mutual agreement between the public administration and the person concerned. Once the deadline has passed, the administrative decision becomes final and immune, even if it is flawed.

Therefore, the administration can no longer withdraw or annul the decision, nor can the administrative judge. An annulment action filed after the legal deadline is deemed inadmissible due to the loss of the right to appeal—regardless of the merits of the case<sup>xxxvii</sup>.

The parties may raise the plea of inadmissibility at any stage of the proceedings<sup>xxviii</sup>, even after submitting arguments on the merits. The judge must also raise it *ex officio*<sup>xxix</sup>.

#### Second: Exceptions Affecting the Annulment Deadline

Although the annulment time limit is legally fixed at four months, certain legal events may extend the time limit, despite it being considered a limitation period, which normally cannot be suspended or interrupted<sup>xxx</sup>.

- The difference between *interruption* and *suspension* is that:
- An interruption causes the recalculation of a new time period after the reason for interruption ceases—as if no time had elapsed.
- A suspension merely pauses the countdown, and only the remaining time is calculated after the cause of suspension ends.

It is worth noting that when the 2008 Code of Civil and Administrative Procedure was enacted, it included provisions for interruption, but not suspension, except when the last day coincided with a holiday<sup>xxxi</sup>.

However, the 2022 amendment to the Code provided for both interruption and suspension cases, which will be detailed in the following sections.

#### 1. Cases of Extension of the Annulment Deadline Before the Amendment of the Code of Civil and Administrative Procedure.

Article 832 of the amended and supplemented Code of Civil and Administrative Procedure listed exhaustively the cases that interrupt the time limit for filing an annulment lawsuit. These cases include:

- Error in determining judicial jurisdiction.
- Request for legal aid.
- Death or change in the status of the plaintiff.
- Force majeure or unforeseen event.

In addition, filing an administrative grievance is considered another case of interruption, even if not explicitly mentioned in the legislation. The complainant benefits from a new deadline to file their judicial action, as implied by the meaning of Article 830 of the same code. Another case is when the last day of the period coincides with a holiday or public holiday, as previously explained. Below is a summary of the cases of interruption according to Article 832 of the Code before its amendment:

### 5.1. Appealing Before an Incompetent Judicial Authority

Filing a lawsuit indicates a person's intention to claim their rights and to annul a flawed decision issued against them. For this reason, the legislator considered an error in determining the judicial authority a valid reason for granting the individual a new deadline to exercise their right before the competent judicial body.

However, this interruptive effect occurs only once; any subsequent mistake in jurisdiction does not grant a new time period<sup>xxxii</sup>.

### 5.2. Request for Legal Aid

The Algerian legislator considered submitting a request for legal aid as a cause for interrupting the annulment time limit, acknowledging the constitutional right to access judicial bodies<sup>xxxiii</sup> and reinforcing the right to legal defense<sup>xxxiv</sup>.

Any person who is indigent or financially unable to bear litigation costs may request legal aid<sup>xxxv</sup>. Additionally, certain categories of individuals are automatically entitled to legal aid under the law or may request exemption from litigation costs.

The request must be submitted to the President of the Legal Aid Office<sup>xxxvi</sup>. It is filed with the permanent secretariat of the legal aid office at the level of the courts, administrative courts, courts of appeal, the Supreme Court, the Council of State, and the Tribunal of Jurisdictional Conflict<sup>xxxvii</sup>.

It is also necessary for the legislator to amend the law to create legal aid offices at the level of administrative courts of appeal.

The term litigation costs refers to all judicial expenses incurred in the course of legal proceedings, as detailed in Article 13 of Law No. 09-02, which amended and supplemented the legal aid law. These include, for example:

- Fees due to the state such as stamp duties and registration fees.
- Judicial charges.
- Fines.

A person granted legal aid is also exempt from paying amounts due to court clerks, notaries, lawyers, and legal representatives as fees, salaries, or compensations.

The time limit for filing an annulment lawsuit is interrupted from the date of submission of the legal aid request. A new time period begins to run from the date of notification of the decision by the Legal Aid Office, whether it approves or denies the aid request.

This differs from the previous provision in Article 29 of the amended and supplemented legal aid law, which considered the request for legal aid as a case of suspension, not interruption.

### 5.3. Death of the Plaintiff or Change in His/Her Status

The death of the plaintiff or a change in their legal status are both causes for interrupting the time limit for filing an annulment lawsuit. Naturally, in either case, the plaintiff has not yet filed the lawsuit, and legal proceedings have not yet been initiated. If the proceedings were already underway, death or change in status would not interrupt the time limit but rather interrupt the litigation itself.

To interrupt the time limit due to death or change in status, the plaintiff must have had an existing or potential legal interest in seeking the annulment of the administrative decision, as recognized by law<sup>xxxviii</sup>.

#### 5.3.1. Case of the Plaintiff's Death

The death of a person who has a legal interest in annulling the administrative decision interrupts the time limit for filing the lawsuit. In this case, the heirs must be granted a new deadline to initiate the action, as they now hold the legal interest. Otherwise, it would amount to a denial of justice and a loss of the heirs' rights.

It is worth noting that determining the start of the new deadline remains ambiguous due to the lack of clarity in the legal text.

It is not specified whether the new period starts from the date of death or from the date of the preparation of the inheritance deed. This ambiguity calls for legislative intervention to clarify the matter and ensure the protection of rights and stability of legal situations, especially since administrative courts in Algeria have not addressed this scenario yet.

### 5.3.2. Change in the Plaintiff's Status

A change in the plaintiff's legal status—such as the loss of legal capacity—renders them unable to exercise their rights. While legal capacity is not a condition for the admissibility of a lawsuit<sup>xix</sup>, it is required for the validity of legal proceedings<sup>xl</sup>. The court must automatically examine the lack of capacity or lack of authorization for both individual and legal entity representatives<sup>xli</sup>.

Filing lawsuits and initiating proceedings are legal acts that require the person carrying them out to have full legal capacity, or for someone to act on their behalf as a representative.

Any person who has reached the age of majority (19 years), is mentally competent, and has not been legally incapacitated, is considered to have full legal capacity to exercise civil rights<sup>xlii</sup>. Legal capacity is lost due to certain conditions such as insanity, dementia, or a judicial ruling resulting in criminal punishment, or due to judicial guardianship or bankruptcy.

In the case of legal entities, the time limit is interrupted upon the termination of their legal personality due to bankruptcy, dissolution, the expiration of the entity's purpose, mergers, or a change in the legal representative's status<sup>xliii</sup>.

### 5.4. Force Majeure or Sudden Event

The legislator considers force majeure or a sudden event as causes for interrupting the time limit for filing an annulment lawsuit, according to Article 832 of the Civil and Administrative Procedure Code. Referring to Article 322 of the same Code, all time limits set for exercising a right or for appealing are subject to forfeiture if not observed—except in cases of force majeure or events that may affect the normal functioning of the justice system.

The legislator merely refers to force majeure and sudden events as forms of foreign causes without providing a specific definition or exhaustive list of their forms or instances.

Two traditional conditions must be met for a situation to be considered force majeure or a sudden event:

- Unpredictability.
- Irresistibility (Inability to prevent the outcome).

Thus, whenever the cause is beyond foreseeable circumstances and it is impossible to prevent the risk, the situation qualifies as force majeure or a sudden event<sup>xliv</sup>.

The difference between them usually lies in the nature of the event:

- Force majeure generally refers to external events such as natural disasters (Earthquakes, floods) or human actions (wars, revolutions).
- A sudden event, on the other hand, is often internal in origin, such as a car engine breakdown<sup>xlv</sup>.

According to Article 322 of the Civil and Administrative Procedure Code, to confirm the existence of force majeure, a request must be submitted via a petition (order on request) to the head of the judicial authority handling the case, with the presence of the parties or after they have been properly summoned. This deviates from the general rule that orders on petitions are issued *ex parte* (without hearing the other party)<sup>xlvi</sup>.

Force majeure and sudden events can be proven by any available means of evidence, and the judge's decision on this matter cannot be appealed.

2. Cases of Extension of the Annulment Deadline after the Amendment of the Civil and Administrative Procedure Code.

After the 2022 amendment to the Civil and Administrative Procedure Code, the legislator abandoned some of the cases that previously led to the interruption of the annulment deadline. The new version distinguishes between interruption and suspension of the deadline. Previously, suspension only applied when the last day of the deadline coincided with an official holiday, in which case the deadline was extended to the next working day.

According to Article 832 of Law No. 22-13, which amends and supplements Law No. 08-09 (the Civil and Administrative Procedure Code), the legislator now recognizes only two cases for interrupting the time limit:

- Filing an appeal before a court lacking jurisdiction, and
- Death of the plaintiff or a change in their legal capacity, as previously explained.

On the other hand, the following are now considered causes for suspending the time limit (rather than interrupting it):

- Submitting a request for legal aid, and
- The occurrence of force majeure or a sudden event.

In these cases, the counting of the time limit resumes:

- From the date the Legal Aid Office responds to the request, or
- From the date the force majeure or sudden event ends.

The plaintiff then completes only the remaining portion of the four-month deadline to file the lawsuit.

3. The Effect of Administrative Grievance on the Deadlines for Filing an Annulment Lawsuit.

Submitting an administrative grievance has become optional and must be done within the four-month period allocated for filing the annulment lawsuit<sup>xlvii</sup>. The right to file the lawsuit during this period remains intact, and submitting the lawsuit does not prevent filing a grievance<sup>xlviii</sup>.

The Algerian legislator established that submitting a grievance, to enable the public administration to review and reconsider its decision, gives rise to new time limits for initiating the annulment lawsuit. The lawsuit must be filed within two months, either:

- From the date the administration responds.
- From the expiry of the two-month period without a response (i.e., implied rejection).

If the administration explicitly refuses<sup>xlix</sup>, the two-month deadline begins the day after the rejection is officially notified<sup>l</sup>. If the administration remains silent for two months, this silence is interpreted as an implicit rejection<sup>li</sup>. In that case, the applicant has two months to file the annulment lawsuit, starting from the end of the two-month silence period, which begins from the date the grievance was submitted.

The law requires that a copy of the grievance be submitted to the court competent to hear the annulment lawsuit, and the filing of the grievance must be proven by any written means<sup>lii</sup>.



#### 4. How to Apply Suspension and Interruption of the Deadline for the Annulment Lawsuit.

Logically, the cases of interruption and suspension of the deadline defined by law should only apply once in the context of the same annulment lawsuit. However, multiple causes may exist within the same lawsuit, provided that each cause applies only once<sup>liii</sup>.

## 6. CONCLUSION

The four-month deadline for initiating an annulment lawsuit before the Administrative Court or the Administrative Court of Appeal in Algiers, calculated from:

- The date of personal notification in the case of an individual administrative decision, or
- The date of publication in the case of collective or regulatory decisions.

Is a forfeiture period designed to stabilize legal situations after the issuance of an administrative decision. This period balances two opposing interests:

- The interest of the public administration, which is primarily responsible for ensuring the continuous and effective functioning of public services that serve the public interest.
- The interest of the individual affected by the administrative decision, who seeks to protect personal rights, even if the administrative decision is unlawful due to a defect in one of its legal elements (jurisdiction, form and procedure, object, reason, or purpose).

After studying the legal provisions governing this time limit in the Civil and Administrative Procedure Code and its amendments, we can summarize the following points:

1. The Algerian legislator limited the timeframe for filing an annulment lawsuit to four months, during which an administrative grievance can also be submitted to allow the administration to reconsider its decision. This is outlined in Articles 829 and 830 of the Civil and Administrative Procedure Code. Article 832 requires that the deadline be explicitly mentioned in the notification of the administrative decision, in order for the administration to rely on it against the recipient.
2. The legislator adopted personal notification as the method of informing the individual of the administrative decision. The countdown for the deadline starts the day after notification, since time limits in Algerian law are complete periods and their calculation is a matter of public order, and cannot be modified by mutual agreement between the parties.
3. The Algerian Council of State has moved away from applying the concept of actual knowledge (science certain) to prevent the administration from manipulating deadlines by enforcing decisions without notification. This approach protects the parties concerned (the weaker party) against the superior position and tools of the public administration.
4. The legislator has now distinguished between suspension and interruption of the deadline in Article 832, which is a significant step toward reinforcing the right to a two-tiered judicial system and enhancing judicial oversight. This allows aggrieved parties a second opportunity to file a lawsuit after the reason for the interruption has been removed. The regulation of suspension for the first time reflects the legislator's intention to consolidate the rule of law, as protecting an administrative decision merely because the time limit expired would be a blatant violation of rights and a clear denial of justice.

## 7. RECOMMENDATIONS

- Amend the Legal Aid Law to provide legal aid before the Administrative Court of Appeal in Algiers, in alignment with the amendments made to the Civil and Administrative Procedure Code.

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- <sup>ii</sup> Article 829 of the amended and supplemented Code of Civil and Administrative Procedure.
- <sup>iii</sup> Abdelghani Basyouni, *Administrative Judiciary*, Manshat Al-Maaref, Alexandria, 3rd Edition, 2006, p. 422; Dr. Mohamed El-Saghir Baali, *Administrative Judiciary – Annulment Lawsuit*, Dar Al-Uloom Publishing and Distribution, Algeria, 2007, p. 128.
- <sup>iv</sup> Supreme Court, Administrative Chamber, Decision No. 70 756, dated 13/01/1991, Case: University Hospital Center vs. Team K and others, *Judicial Journal*, 1996, No. 2, p. 127.
- <sup>v</sup> Article 830 of the amended and supplemented Code of Civil and Administrative Procedure; Article 7 of Law 22-13 amending and supplementing the Code of Civil and Administrative Procedure.
- <sup>vi</sup> Ibrahim Al-Monji, *The Administrative Compensation Lawsuit*, Manshat Al-Maaref, Alexandria, 1st Edition, 2023, p. 155.
- <sup>vii</sup> Dr. Majed Ragheb Al-Helo, *Administrative Law*, New University House for Publishing, Alexandria, 2004, p. 393.
- <sup>viii</sup> Presidential Decree No. 20-442, dated 30/12/2020, concerning the promulgation of the constitutional amendment approved by the referendum of November 1, 2020, Official Gazette No. 82, December 30, 2020.
- <sup>ix</sup> Article 165 of the 2020 Constitutional Amendment, Official Gazette No. 82, December 30, 2020.
- <sup>x</sup> Dr. Mostafa Abou Zeid Fahmy, *Administrative Judiciary and the Council of State – Annulment Jurisdiction*, New University House, Alexandria, 2004, p. 494.
- <sup>xi</sup> Case (L.M) vs. (T.N), Decision No. 07 1605, dated 19/04/1999, *Journal of the Council of State*, 2002, Issue 1, p. 103. Individual decision – Personal notification required – Mere knowledge of the decision is insufficient, p. 830.
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- <sup>xiii</sup> Mostafa Abou Zeid Fahmy, previous reference, p. 584.
- <sup>xiv</sup> Dr. Abdelghani Basyouni, previous reference, p. 529; Mohamed El-Saghir Baali, previous reference, p. 131.
- <sup>xv</sup> Mostafa Abou Zeid Fahmy, previous reference, p. 473; Mohamed El-Saghir Baali, previous reference, p. 133.
- <sup>xvi</sup> Dr. Abdelghani Basyouni, previous reference, p. 542; Haiba Sardouk, *Electronic Evidence in Administrative Transactions*, Doctoral Thesis in Public Law, Faculty of Law and Political Science, Mohamed Khider University – Biskra, 2014–2015, p. 239.
- <sup>xvii</sup> Article 829 of the amended and supplemented Code of Civil and Administrative Procedure.
- <sup>xviii</sup> Dr. Abdelghani Basyouni, previous reference, p. 524.
- <sup>xix</sup> Mohamed El-Saghir Baali, previous reference, p. 136; Lahcen Ben Sheikh Ath Melouia, *Selected Cases from the Jurisprudence of the Council of State*, Volume 1, Houma Publishing, Algiers, 2005, p. 368.
- <sup>xx</sup> “However, legally and based on the established jurisprudence of the former Administrative Chamber of the Supreme Court, currently the Council of State, the appeal period against an administrative decision does not begin until the official notification of the concerned party. Thus, the assumption of their awareness during the course of a lawsuit is not valid due to inaccuracy and non-compliance with the legal text. Therefore, this argument is not accepted.” – Case: Municipality of Hamr El Ain vs. (B.M), unpublished decision dated 28/06/1999, *Selected Cases from the Jurisprudence of the Council of State*, 2003, Volume 1, p. 137.
- <sup>xxi</sup> The jurisprudence of the Council of State is firmly established in excluding the doctrine of certain knowledge (“science certaine”) when calculating the time limit for appealing the annulment of individual administrative decisions. However, the principle of legal stability applies, and the appeal must be lodged within a reasonable time. Council of State, Decision No. 072133, dated 09/01/2014, Case (M.Y) vs. Wali of Tiaret Province, *Journal of the Council of State*, 2014, Issue 12.
- <sup>xxii</sup> Mohamed El-Saghir Baali, previous reference, p. 136; Ramadan Ghenai, previous reference, p. 129; Lahcen Ben Sheikh Ath Melouia, *Selected Cases from the Jurisprudence of the Council of State*, Vol. 1, Houma Publishing, Algiers, 2005, p. 368.
- <sup>xxiii</sup> Article 819/1 of the amended and supplemented Code of Civil and Administrative Procedure.
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- <sup>xxvi</sup> Article 405/4 of the same code.
- <sup>xxvii</sup> Article 67 of the same code.
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- <sup>xxxiii</sup> Article 165 of the 2020 Constitutional Amendment.
- <sup>xxxiv</sup> Article 175 of the 2020 Constitutional Amendment stipulates: “The right to defense is recognized.”
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<sup>xl</sup> Article 65 of the same code.

<sup>xli</sup> Article 40 of the amended and supplemented Civil Code.

<sup>xlii</sup> Article 81 of the Family Code.

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<sup>xliv</sup> <https://tanmia-idaria.ipa.edu.sa> (consulted on 12/12/2023 at 11:33)

<sup>xlvi</sup> Dr. Yasser Bassem Dhannoun, Force Majeure and Its Impact on the Provisions of the Code of Civil Procedure, Rafidain Journal of Law, Vol. 10, No. 36, 2008, p. 68.

<sup>xlvi</sup> Article 310 of the Code of Civil and Administrative Procedure: "An order upon request (ex parte order) is a temporary order issued without the presence of the opposing party, unless otherwise provided by law."

<sup>xlvi</sup> Article 830/1 of the amended and supplemented Code of Civil and Administrative Procedure.

<sup>xlvi</sup> Dr. Abdelghani Basyouni, previous reference, p. 543.

<sup>i</sup> Article 830/4 of the same code.

<sup>li</sup> Article 830/2 of the same code.

<sup>lii</sup> Article 830/5 of the same code.

<sup>lii</sup> Dr. Abdelghani Basyouni, previous reference, p. 560.