

The Disparity in the Dedication to the Principle of Popular Sovereignty Between Text and Application in Algeria

Dr. Tahar Aribi Ben Chergui

University IBN khaldoun TIARET, Algeria (Alegria)

Email: tahararib.bencherku@univ-tiaret.dz

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Abstract:

The principle of popular sovereignty is an ancient yet recurring philosophical idea. It is a fundamental pillar for strengthening the foundations of democracy in modern societies that embody the meaning of a state of law and justice. Many democratic states have adopted this principle in their constitutional texts, focusing on the essence of realizing the popular will. This principle obligates the authorities to implement a state of law and justice within a framework of legitimacy. Algeria, one of these modern democracies, has incorporated the principle of popular sovereignty into its successive constitutions, recognizing the people's right to exercise their sovereignty according to methods and mechanisms derived from the spirit of the constitution.

However, the actual implementation of these principles remains subject to challenges surrounding political will and the state's attempt to further expand rights and freedoms, enabling citizens to participate with authorities and public bodies in decision-making.

Keywords: Algerian constitutions, sovereignty of the people and the nation, popular will, direct and indirect popular oversight.

Introduction:

Over successive periods, Algeria has witnessed several ideological shifts and political transformations aimed at containing the worsening political, social, and economic conditions resulting from the political isolation and unilateral decision-making practiced by the one-party system. Amid these significant transformations within the state, the ruling regime has shifted toward political openness and the expansion of freedoms, while simultaneously seeking to contain the concept of good governance. This has led to the growth of political awareness among various segments of the population. This awareness contributed to liberating their orientations and choices and embracing the concept of citizenship. The people moved toward demanding the implementation of the principle of popular sovereignty through their direct intervention in joint decision-making or by choosing their representatives to represent them, whether in their will to elect the President of the Republic or elected central and local councils, with the goal of conferring legitimacy on the regime in power. This shift resulted in a trend

toward renewing the state's constitutional institutions and defining their relationship with citizens, establishing constitutional and legal foundations, and ensuring their implementation in accordance with democratic principles. This stems from the embodiment of the state of law and justice and the enshrinement of the principle of legitimacy.

Thus, the objectives of this study are to explore indicators of the consecration of popular sovereignty through successive Algerian constitutions, and the reasons for its reduction or expansion, depending on the nature of the regime during periods of one-party rule and the era of political openness.

The importance of the study lies in the impact of the topic within the practical context and how it contributes to understanding the development of rights, freedoms, and democratic practice in the Algerian constitution.

Accordingly, the following question can be posed: To what extent is the principle of popular sovereignty enshrined in constitutional texts in Algeria? To study this issue, we can rely on the descriptive and analytical approach, describing the nature of the political system and its connection to the implementation of popular sovereignty, while analyzing relevant constitutional and legal texts. The analysis of the topic can be divided into two sections: the first addresses the enshrinement of popular sovereignty in successive Algerian constitutions and the mechanisms for its implementation, while the second section addresses guarantees of popular sovereignty and their applications..

Section One: Establishing Popular Sovereignty and Mechanisms for its Implementation

The concept of popular sovereignty expresses the essence of realizing the popular will, which realizes the idea that the people are the source of all authority, partners with public administration in decision-making, and a true actor in running the state and determining its public policy, based on various legal mechanisms that embody this.

First Requirement: Indicators of Popular Sovereignty in Algerian Constitutions:

The Algerian constitutional founder combined the theory of the people and the theory of the nation, expressing that national sovereignty belongs to the people alone (jun gui'2021 ٠). This was embodied by the state's orientation toward establishing popular sovereignty in two phases in the history of independent Algeria. The first phase was characterized by a one-party system with a narrow margin of freedoms. The second phase, however, saw the unification of freedoms and the move toward political pluralism and openness aimed at achieving democracy.

Section One: The Stages of the One-Party System:

The stage of one-party rule, characterized by the unilateral management of the state, extended from 1962 to 1989. The constitutional founder at the time sought to thwart any attempt to seize power, embodying the choices guiding the liberation revolution adopted by the people, driven by their belief in preserving political and national unity, the nation's independence, and the need to avoid regressing to the past.

The first constitution of independent Algeria was adopted in 1963. It was characterized by its socialist character, adopting a one-party system of government that served as a fundamental

reference for the nation's political preparation and oversight. This system's approach focused on organizing, mobilizing, and directing the masses toward achieving socialism, while taking into account the aspirations and concerns of the people through continuous communication with them. This approach also contributed to defining the nation's policy and monitoring its implementation. However, this approach led to a reduction in the idea of absolute popular sovereignty, as the people were not given multiple options for choosing their leaders and representatives, but rather were limited to what was decided or proposed by a single party. Although the preamble to the 1963 Constitution affirmed the people's right to sovereignty, the reality was that this sovereignty was declining (jun, gui, 2021).

Article 27 of the 1963 (**Gazette No. 64, dated September 10, 1963**) Constitution stipulated that national sovereignty would be exercised by the people through representatives chosen by a National Assembly, nominated by the National Liberation Front (FLN), and elected by direct and secret universal suffrage for a five-year term. Article 39 of the 1963 Constitution stipulated that the Head of State, who held the title of President of the Republic, would exercise executive power and be elected for a five-year term by direct and secret universal suffrage, after receiving the endorsement of the FLN.

However, this constitution lasted no more than 23 days, as it was suspended due to the prevailing circumstances of the period and the announcement of the revolutionary correction led by Houari Boumediene, which led to the abolition of the 1963 Constitution (**Boukafa Abdullah 2002**).

Constitutional institutions continued to operate from 1965 to 1976 without a constitutional document until a decision was made to hold a referendum on the 1976 Constitution, which remained in effect until 1989. The same approach was followed in the system of government and the running of the state, with minor changes related to rights and freedoms.

However, this constitution continued to reinforce the principle of monopolizing power and the vision of a single party, represented by the National Liberation Front (FLN), in accordance with Articles 94 and 95 of the 1976 (**Algeria 1976**) Constitution.

As for the approach followed, it continued to adopt a socialist approach to running the state. The changes in the size of the state and the changes of time contributed to the change and disparity between the 1976 Constitution and its predecessor in terms of the status and extent of its attention to rights and freedoms (**Lazraq 2012**).

The principle of Popular sovereignty is enshrined in several of its articles.

Article 5 (**constitution 1976**) clearly states that national sovereignty belongs to the people, who exercise it through their elected representatives or through popular referendums. Article 26 of the 1976 (**constitution 1976**) Constitution clearly states that the state may derive its legitimacy from the will of the people, but actual practice and the actions of the authorities remain characterized by some ambiguity and lack of clarity in the management of the state and its revenues.

This has created a deep gap and lack of trust among the components of the state. This raises

the question: Is it the will of the people or the will of the leadership of the National Liberation Front (FLN), and how balanced is this will? Section Two: Stages of the Political Openness Era: This stage witnessed the events of October 1988, which paved the way for the adoption of political and partisan openness. This culminated in the issuance of the 1989 Constitution, characterized by a liberal ideology, in contrast to the socialist system that prevailed from 1962 to 1989.

The 1989 Constitution adopted a liberal approach and enshrined political and partisan pluralism under the guise of political associations, while maintaining the combination of the theory of the people and the theory of the nation, whereby the people retained national sovereignty with the aim of protecting the revolution and preserving national independence.

This is the second stage in the history of independent Algeria, resulting from the popular uprising against the regime in power at the time. The 1989 Constitution is distinguished by being a constitution of law, not a constitution of programs. The change in it is that it explicitly defines individual and collective freedoms and the necessity of their practical implementation. It also added the adoption of a parliamentary system that ensures mutual oversight between the executive and legislative branches. Political pluralism was also adopted after abandoning the idea of one-party rule, which sought to monopolize political power. The right to establish political associations was affirmed, thus effectively enshrining the principle of popular sovereignty, in contrast to the situation in the 1963 and 1976 constitutions. This was embodied by the 1989 constitution's allocation of an entire chapter entitled "The People." Article 6 stipulated that the people are the source of all authority, affirming that national sovereignty resides in the people (**Constitution 1989**).

Article 7 states that "constituent power rests with the people, who exercise their sovereignty through the constitutional institutions they choose. The people can exercise this sovereignty through referendums and through their elected representatives. The President of the Republic also has the right to directly appeal to the will of the people." This has led to a thaw in political pluralism and the emergence of positive indicators for the adoption of democracy.

The 1996 Constitution, in turn, enshrined political openness and was characterized by the adoption of a dual legislative authority consisting of the National People's Assembly and the Council of the Nation (**Boukrit December 2020,**), in accordance with Article 98. Articles 7 and 8 also stipulate that sovereignty rests with the people, who exercise it in accordance with the laws of the Republic.

This Constitution represents a relative turning point in the path of democracy by affirming the principle of popular sovereignty and democratic rule.

The 2020 constitutional amendment has the same concept in Articles 7 and 8, where the people are defined in the preamble as the nation composed of generations spanning the three epochs of the past, the present, and the future. It was emphasized that sovereignty rests with the people. This amendment established a set of reforms in state institutions, aiming to restore trust between the state and the people, and adopting the principle of exposing shortcomings and finding

appropriate solutions.

Second Requirement: Mechanisms for Exercising Popular Sovereignty.

In addition to Article 7 of the 2020 Constitutional Amendment, which affirms that the people are the source of all authority and that national sovereignty belongs to them alone, the Algerian constitutional founder established guarantees and mechanisms for exercising popular sovereignty. Article 8 stipulates that the people, the possessor of sovereignty, exercise it through their elected representatives, namely the President of the Republic, members and deputies of Parliament, and elected local councils.

This text implies that the people exercise sovereignty indirectly through their representatives at the central and local levels, in accordance with legal and oversight mechanisms that ensure the embodiment of this sovereignty and its protection.

Section One: The Mechanism for Electing the President of the Republic and the People's Representatives.

Elections are the primary means of democracy, enabling citizens to express their opinions and choose who will govern and manage the affairs of the state. They also provide them with the opportunity to elect their representatives in national and local popular councils to manage their local affairs.

Elections reflect democratic practice and embody the principle of the people's right to sovereignty and its exercise. This right is manifested by granting citizens the opportunity to strengthen popular sovereignty. This mechanism contributes to the emergence of legitimate constitutional institutions that manage the state and public affairs. (Saadawi 2018– 2019)

First: The Mechanism for Electing the President of the Republic:

The direct or indirect election of the President of the Republic is one of the distinguishing characteristics of a republican system, unlike monarchical systems, where the head of state is appointed by inheritance (l'état 2002).

The republican system is based on three main foundations. The first is that the people are the source of all authority, as evidenced by the process of electing the President of the Republic, whether by the people's representatives in Parliament or through direct popular vote. The second is the principle of criminal liability for the president in specific cases stipulated by the Constitution as one of the important foundations. The third foundation is the determination of the duration of the presidential term, embodying the principle of rotation of power and respect for the foundations of democracy (Sharit 2011).

With regard to the Algerian system, successive Algerian constitutions have affirmed the principle of electing the President of the Republic through direct universal suffrage. This principle was adopted by successive Algerian constitutions, and was confirmed by the 2020 constitutional amendment. Article 85 stipulates that the President of the Republic shall be elected by direct and secret universal suffrage, and that winning the election requires an absolute majority of the voters. Article 87 also clarifies the conditions for running for the presidency (Gazette, the Constitutional Amendment, issued by Presidential Decree 2020).

The formal procedures for running for the office of President of the Republic are set out in Article 249 of Order No. 21-10 of Rajab 26, 1442 (corresponding to March 10, 2021), Official Gazette No. 17, regarding the Organic Election Law. The presidential election is held by an absolute majority of the votes cast, as stipulated in Article 85 of the 2020 Constitutional Amendment (**Gazette, the Constitutional Amendment, issued by Presidential Decree 2020**).

Second: Method of Electing Parliamentary Assemblies:

The legislative authority is considered one of the most prominent constitutional institutions in Algeria, reflecting the people's right to exercise their sovereignty. As stated in the provisions of Article 144 of the 2020 Constitutional Amendment, legislative authority is exercised through a parliament consisting of two chambers: the National People's Assembly and the Council of the Nation.

The legislative authority enjoys independence in drafting and voting on laws, in accordance with the internal regulations of each chamber and the areas allocated to them. Article 121 of the same constitution stipulates that members of the National People's Assembly shall be elected by direct and secret universal suffrage, while two-thirds of the members of the Council of the Nation shall be elected by indirect and secret ballot.

A close examination of the text of Article 121 reveals that the constitutional founder combined the theories of popular sovereignty and national sovereignty. This idea was embodied in practice within the parliamentary representation system through the use of direct and indirect voting.

Regarding the term of parliamentary terms, Article 122, paragraphs 1, 2, and 3 of the 2020 Constitution stipulates that "The National People's Assembly shall be elected for a term of five years, while the term of the Council of the Nation shall be set at six years, with half of its composition renewed every three years." It should be noted that the legislator has placed limits on the term of parliamentary terms in the 2020 Constitution, in contrast to the 1996 Constitution.

Third: The method of popular referendum:

Paragraph 3 of Article 8 of the 2020 constitutional amendment stipulates that a referendum is a means by which the people exercise their sovereignty, directly or through their representatives.

A referendum is defined in constitutional jurisprudence as presenting a public issue to the people to seek their opinion on it, whether in approval or rejection.

A referendum is considered a form of semi-direct democracy, whereby the people express their will and are allowed to choose their representatives who exercise power on their behalf, while retaining certain powers they exercise directly, most notably the referendum on public issues. As for the binding nature of referendum results, some are binding and others are not. A referendum is binding if the referendum presents laws to the people before their issuance, requiring the outcome of the referendum to be accepted or rejected. For example, a

constitutional amendment is not final unless the people approve it. If the people do not vote in favor, the bill is withdrawn. For reference, the referendum is not meant to be binding on the people, but rather the referendum's outcome and the public's opinion regarding their approval or rejection of the referendum topic.

In addition to the referendum topic, it must be clear, simple, specific, and precise, as voting in a referendum is generally defined as "yes" or "no."

The referendum is based on the assumption that the people will discuss a topic presented to them and provide their fatwa, which they may reject or approve, especially regarding issues of rights and freedoms.

Fourth: The Direct Oversight Method:

The direct oversight method is represented by several methods, the most important of which can be listed as follows:

1- Public Opinion:

Public opinion is the majority viewpoint on a particular public issue presented for discussion and criticism to find solutions with the goal of realizing the public interest. Public opinion is also shaped by several different factors, depending on traditions, customs, religion, psychological warfare, current events, the regime's behavior, etc.

These factors combine to shape and spread public opinion, until it becomes a major concern for the authorities, who may rush to contain it by engaging the various components of public opinion and finding solutions to the current situation. Ignoring it, however, could create a deep rift between them, potentially leading to widespread strikes or protests.

As for the role of public opinion in contributing to the consolidation of popular sovereignty and the protection of rights and freedoms, it may rely on several oversight mechanisms to detect the extent to which constitutional and legal texts are being implemented and the regime's behavior in this regard. 2- Civil Society:

Civil society is the space where citizens, organizations, and associations meet voluntarily and interact freely to achieve common interests that serve the public good or find solutions to issues of concern to society. Civil society, with all its components, contributes to shaping and directing public opinion through peaceful means, given the direct communication between civil society institutions and the government, with the goal of promoting participatory democracy. Consequently, it influences the regime through optimal means, with the goal of peaceful change and national consensus. It also mobilizes the masses to influence the state's public policies, while standing up to the government and all forces that might violate the principle of popular sovereignty, rights, and freedoms. Civil society, with all its components, including citizens, associations, the media, and political parties, can contribute to bringing about change and imposing popular sovereignty.

3- Direct popular intervention to establish popular sovereignty.

Protests within the state aim to pressure the political regime to respond to the demands of protesting groups, regardless of their interests. The people engage in these protests

through peaceful or other means, with the goal of changing the regime's policies or isolating it.

Algeria has not been isolated from these protests across several stages, the most important of which was the events of October 1988, when the people rose up to change the regime's policies and implement popular sovereignty and the principle of democracy. These protests succeeded in changing the regime's mindset, moving toward political openness and the practice of democracy while upholding rights and freedoms. The February 22, 2019, movement, in which millions of people from across the spectrum participated, was a result of the lack of trust between the government and the people and the exhaustion of all indirect means of exercising popular sovereignty. This movement had a profound impact on the public's sense that unconstitutional forces had seized control of the state and the political sphere. This was inevitable, resulting in protests and a peaceful, informed popular movement that, on the one hand, preserved the nation's integrity, and, on the other hand, exerted pressure on the government to activate popular sovereignty, reconsider the constitutional formulation, and establish a social contract, as enshrined in Article 7 of the constitutional amendment, which stipulates that the people are the source of all authority and that national sovereignty resides with the people. Article 8 adds that constituent power belongs to the people, and the people exercise their sovereignty through constitutional institutions chosen by them. The people also exercise sovereignty through a referendum or through their elected representatives, and the President of the Republic may appeal directly to the people.

Indeed, the President of the Republic submitted his resignation in accordance with the will of the people.

Thus, the popular movement played a significant role in changing the regime and removing the president, based on the concept of direct intervention to establish popular sovereignty.

Section Two: Guarantees of Popular Sovereignty and Their Applications The constitution is the highest legal document, defining the fundamental principles of the form and system of government in the state, specifying the powers of public authorities, and outlining the rights and duties of citizens. Thus, the legislature has regulated the issue of popular sovereignty, relying on guarantees for its realization and implementation.

First Requirement: Guarantees for the Exercise of Popular Sovereignty.

Most modern democracies agree on the right of the people to exercise sovereignty through representatives who express their will and are chosen through the electoral mechanism, which is considered the ideal means for assuming government in a democratic and peaceful manner. Guarantees have been established to regulate the relationship between the people and the authorities, with the aim of protecting individual and collective rights and freedoms from any deviation, abuse, or arbitrary use of power. This is intended to establish the strengthening of the state of law and justice within a framework of legitimacy.

First Section: Guaranteeing Individual and Collective Freedoms.

Freedom is the foundation and driving force of popular sovereignty, achieved when both the

ruler and the ruled are subject to the law, known as the principle of legitimacy. On this basis, equality and adherence to the rule of law are achieved.

Most successive constitutions in Algeria have emphasized the importance of enshrining freedom. Article 12 of the 1963 Constitution stipulates that all citizens, regardless of gender, enjoy the same rights and bear the same duties. Article 39 of the 1976 Constitution and Article 28 of the 1989 Constitution stipulate that "all citizens are equal before the law, and no personal or social condition or circumstance, such as origin, race, or gender, may be invoked."

Article 32 of the 1996 Constitution, amended in 2016, and Article 37 of the 2020 constitutional amendment, emphasizes the importance of preserving individual and collective freedoms, protecting them, and guaranteeing them for all individuals without exception.

Article 35 of the 2020 constitutional amendment stipulates that the state guarantees fundamental rights and freedoms to all citizens and affirms their equality before the law. The Constitution is considered the supreme document in the country, guaranteeing individual and collective freedoms and occupying the highest position in the legal system. All laws and regulations are subject to constitutional oversight. Therefore, all authorities within state structures must respect and implement constitutional provisions without deviating from them.

Section Two: Guaranteeing the Right to Alternate Power.

Freedom is achieved when citizens enjoy the right to seek power equally. Popular sovereignty is achieved when all members of society are natural rulers, but the one who holds power and authority among them is determined through elections.

The Algerian constitutional system expresses this principle and its manifestations. One of the most prominent guarantees established by the 2020 Constitution is the limitation of presidential and parliamentary terms. No more than two consecutive or separate parliamentary terms are permitted. According to the provisions of the last paragraph of Article 122, the President of the Republic may not run for more than two terms, reinforcing the principle of alternation.

The peaceful transfer of power and the renewal of governance in accordance with a clear constitutional text. This reflects the legislator's desire to promote the shift toward the rotation of power and not its monopoly, as well as the move toward participatory democracy, which entails the participation of citizens and the government in joint decision-making to build the state.

Third Section: Embodying the Principle of Separation of Powers:

The embodiment of the principle of separation of powers is a concept developed by the jurist Montesquieu, who emphasized the importance of separating the judicial, legislative, and executive powers, while taking into account the element of balance and cooperation between them. Most modern democratic systems have adopted this principle and made it a fundamental principle for achieving balance and mutual oversight among the state's authorities. Most constitutions have regulated the principle of the separation of powers in ways that are appropriate to the governing systems of each country. Some constitutions have adopted a rigid

separation of powers, while others have adopted a relative or flexible separation of powers. In the case of Algeria, the current Algerian Constitution devotes Chapter One of Part Three to the organization and separation of powers. Chapter Two addresses each branch separately, but it does not preclude cooperation, balance, and mutual oversight between these branches in their work. Accordingly, the principle of the separation of powers is manifested as a guarantee of the exercise of popular sovereignty, as representatives represent the will and aspirations of the people, while other branches reflect the authority and choices of the people.

Second Requirement: Applications of the Exercise of Popular Sovereignty

The Algerian Constitution recognizes the principle of popular sovereignty, considering the people as the constituent authority and the original source of all powers. This has been embodied in the successive constitutions of the Algerian Republic, which stipulate that the people elect their representatives, including the President of the Republic and members of the parliamentary assemblies. As a guarantee against abuse of power, the constitutional founder established oversight mechanisms that enable the people to monitor the authorities at all levels and hold accountable anyone who exceeds the powers granted to them by the constitution and entrusted to them by the people. Through this, we can mention some of the types of indirect oversight exercised by the people through their elected representatives in parliament.

First Section: Discussion of the government's plan and the possibility of issuing regulations.

The government presents its strategy for planning and implementing the programs outlined in the form of a presentation of the government's general policy, which it presents in the form of an action plan with a specific timeframe. It submits it to the National People's Assembly and then to the Council of the Nation. The government commits to implementing it in the prescribed form, subject to parliamentary approval or rejection. This plan is considered one of the material tools over which Parliament exercises direct oversight (**S. Saadawi 2018– 2019**).

After the President of the Republic appoints the Prime Minister or the Prime Minister, as appropriate, and the members of the government, the Prime Minister or the Prime Minister, as appropriate, drafts the government's action plan and presents it to the Council of Ministers. The Prime Minister then submits it to the National People's Assembly for discussion and vote. The Assembly has the authority to discuss development programs and plans that primarily concern citizens and their aspirations, on behalf of the people, who have delegated the Assembly to oversee the government's plans and programs, a form of indirect popular oversight (**Francis 2002**).

The vote or approval by Parliament also obligates the government to ensure implementation and follow-through on its commitments, under penalty of its collapse and the withdrawal of confidence. If Parliament rejects the government's plan on grounds that it does not respond to popular sovereignty, this procedure entails the government's resignation. Algerian lawmakers have empowered the Council of the Nation to issue a motion serving as a warning and

reprimand to the government, in accordance with Article 106 of the 2020 constitutional amendment. This is an expression of the indirect mechanisms of popular oversight over the government's plans and strategies (Sharit 2011).

Section Two: Cases of Rejection or Withdrawal of Confidence:

The mechanism of withdrawing confidence is considered a means of holding the government politically accountable and is considered one of the most prominent forms of effective oversight of the executive branch.

The government presents its program outline to Parliament. If it fails to convince the representatives, the law grants them the right to hold the government accountable and hold it responsible for failure or failure to adhere to its program through the mechanism of withdrawing confidence. In this case, the Prime Minister submits the government's resignation to the President of the Republic, who in turn appoints a new Prime Minister or Prime Minister, in accordance with the Constitution, to form a new government and develop its program. If this government fails to receive approval again, the National People's Assembly is automatically dissolved, and the current government continues to manage state affairs until a new National People's Assembly is elected within a period of three months, in accordance with Articles 107 and 102 of the 2020 Constitution. The mechanism of withdrawing confidence is an effective oversight mechanism and ensures the consecration of popular sovereignty through the representatives who represent the people in Parliament.

Section Three: Requesting a Vote of Confidence

According to Article 111, Paragraph 5 of the 2020 Constitutional Amendment, the Prime Minister or Head of Government may request a vote of confidence from the National People's Assembly. This request aims to strengthen Parliament's support for the government and its program, whether vis-à-vis the President of the Republic, as the case may be, or vis-à-vis the opposition within Parliament when discussing general policy.

Section Four: Parliamentary Interrogation and Investigation:

Article 158 of the 2020 Constitutional Amendment stipulates that members of Parliament may direct any question, whether oral or written, to any member of the government. Written questions must be responded to within 30 days, and the same procedure applies to oral questions.

First: Parliamentary oversight of the government through the interrogation mechanism.

An interrogation is defined as an accusation directed at a member of the government regarding a matter related to the responsibilities of the ministry they hold. This interrogation is based on information possessed by the interrogating member of Parliament and aims to hold the minister accountable for his performance, especially after MPs have criticized him regarding his ministry.

Article 160 of the 2020 Constitutional Amendment stipulates that "Members of Parliament may question the government on any matter of national importance, as well as on the implementation of laws. The government must respond within a maximum period of 30 days (**Donia 2006**)."

Second: Parliamentary oversight through the parliamentary investigation mechanism.

A parliamentary investigation is a means of oversight whereby a committee of members of Parliament is formed to investigate a matter or issue of public importance, with the aim of uncovering the material and moral aspects related thereto. The committee may review all documents and records related to the subject of the investigation, in addition to inquiring about all facts and circumstances. It also has the right to summon the relevant official to appear before it and conduct an investigation.

Article 159 of the 2020 Constitution stipulates that both chambers of Parliament may, within their jurisdiction, establish investigation committees into matters of public interest at any time.

Conclusion:

The principle of popular sovereignty has been enshrined in all successive constitutions, given that the constitutional text recognizes that the people are the source of all authority. This reflects the state's commitment to enhancing the participation of all segments of the population in making joint decisions aimed at building the state and achieving development. The constitutional founder sought to provide constitutional mechanisms that allow citizens the right to elect their representatives in presidential and parliamentary elections, whether at the national or local levels, and to enable them to express their will and choices, as the original holder of authority and sovereignty in the state. They are empowered to hold referendums, elect, represent, and exercise power. These mechanisms are a constitutional right and a mechanism that allows the people to exercise their sovereignty, directly or indirectly, and in full democracy. However, these mechanisms can only be implemented in the presence of genuine guarantees explicitly established by the constitution, through the activation of open oversight mechanisms such as parliamentary oversight, investigation, and accountability of government actions, with the aim of ensuring the proper management of state affairs within a framework of legitimacy and establishing a state of law and justice. Despite the existence of dedicated mechanisms and guarantees, actual implementation remains insufficient. This requires genuine political will, radical reforms from the bottom up, and the abandonment of all practices that hinder the people from effectively exercising their sovereignty. This is aimed at restoring trust between the government and the people. Therefore, it is imperative to re-evaluate the issue of popular sovereignty, its implementation mechanisms, and the associated guarantees. This requires strengthening, activating, and effectively implementing these means and guarantees, free from

any personal or partisan pressures or interests, or directives from the government. This is intended to embody the popular will that citizens aspire to, in order to achieve democracy and governance in the state. Efforts must also be made to improve and update laws, taking into account the time and place of each region, given that Algeria is a continental state that requires preserving the specificities of its components.

This is to ensure stability, prevent disintegration, and enhance citizens' sense of loyalty and citizenship. This is demonstrated by enshrining popular sovereignty within the framework of the law and adhering to the principle of legitimacy.

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