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**Interpretative Jurisdiction of the Constitutional Court of Algeria**

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**Abstract:**

The Algerian constitutional amendment of 2020 resulted in a series of reforms, most notably the establishment of the Constitutional Court, which was entrusted with a range of newly defined powers, chief among them being interpretive jurisdiction. This jurisdiction aims to eliminate ambiguity and conflict within constitutional texts and to outline the path for the legislative process, implementation, and law application.

The Algerian Constitutional Court has fulfilled its assigned role during the years 2023, 2024, and 2025, issuing a series of opinions based on notifications from constitutionally designated entities. It has utilized both internal and external resources to understand the true intent of the legislator while adhering to the spirit of the constitutional text and preserving it. This serves as a fundamental support for expanding the powers of the Constitutional Court.

**Keywords:**

**Introduction**

The Algerian constitutional amendment of 2020[[3]](#footnote-3) led to the establishment of new constitutional structures and institutions, with the Constitutional Court being one of the most significant. Algeria shifted from political oversight towards judicial oversight by creating the Constitutional Court under Article 185 of the amendment[[4]](#footnote-4).

This amendment not only changed the structure of the body responsible for overseeing the constitutionality of laws but also introduced new powers for the Constitutional Court that were previously unknown under the tenure of the former Constitutional Council. Among these powers is the interpretive jurisdiction granted to the Constitutional Court under Article 192 of the same constitutional amendment[[5]](#footnote-5).

Given that the constitution is a human endeavor, it inherently bears imperfections and ambiguities. Thus, the need to clarify these ambiguities and elucidate the uncertainties in constitutional provisions has emerged. Since the constitution is the highest document in the state, focusing on regulating political life and organizing its institutions, the interpretation of constitutional texts is seen as the first step toward their proper application. This places a heavy responsibility on the Constitutional Court in general and on the constitutional judge in particular, requiring diligence and expertise. The goal is for the Constitutional Court to provide a series of interpretive opinions in the future that eliminate ambiguities and vagueness from constitutional rules, ultimately achieving justice, which is the supreme objective of any constitutional and legal system.

The question arises: Has the Algerian Constitutional Court effectively fulfilled this interpretive jurisdiction?

To address this issue, our presentation is divided into two sections:

1. The Concept of Interpretive Jurisdiction

2. The Reality of the Interpretive Jurisdiction of the Algerian Constitutional Court

**First: The Concept of the Interpretive Jurisdiction of the Constitutional Court**

The interpretation of constitutional texts is one of the most important and challenging subjects in constitutional law, as it places upon the constitutional judge the responsibility to reveal the legislator’s intent in interpreting constitutional provisions and to ascertain their purposes and goals. This involves clarifying any ambiguities or vagueness, as well as removing conflicts between two or more texts or disputes over jurisdiction among public authorities using various interpretive methods.

**1. Definition of Interpretation**

Linguistically, interpretation is defined as explanation and clarification, revealing what is covered or obscured. It is derived from the Arabic root “فسر” (fasara), which carries these meanings[[6]](#footnote-6). It is said that it comes from “التفسير” (tafsir), meaning to explain something clearly. For instance, the Quran states, “They will not bring you a parable but that We bring you the truth and the best interpretation” (Quran 25:33). Here, “تفسيرًا” (tafsiran)[[7]](#footnote-7) means explanation and detailing[[8]](#footnote-8).

In French, the term originates from Latin and is expressed as “Interprétation,” derived from the verb “interpretari.” The term “interpres” consists of two parts: “inter” meaning connection, and “pres” meaning intermediary or broker. Thus, the etymological meaning of this word refers to intermediary activity, where the interpreter facilitates communication[[9]](#footnote-9).

From a legal perspective, scholars have provided various definitions of the interpretation of legal texts. One school of thought defines legislative interpretation as “the clarification of what is ambiguous in its words, the completion of what is abbreviated in its texts, the derivation of what is lacking in its provisions, and the reconciliation of its contradictory parts.[[10]](#footnote-10)”

Another view suggests that interpretation aims to uncover the legislator’s intents, clarify what is obscure in legislative language, reconcile contradictory texts, and complete what is lacking in provisions[[11]](#footnote-11).

However, this definition is seen as limited to the functions and objectives of interpretation, focusing on clarifying ambiguous words and reconciling conflicting texts without addressing other essential elements that should be included in the definition of interpretation in law, such as methods of interpretation, its goals, and the subject matter. Therefore, another approach defines interpretation as “a logical mental process that occurs within a regulated objective framework to uncover the content of the legal rule contained in the text.[[12]](#footnote-12)”

This definition is preferred because it contains the essential elements for interpreting constitutional rules and expands the definition to encompass all legal norms, whether written or unwritten. Constitutional interpretation (the constitutional rule) involves determining the meaning of the legal provision and clarifying its scope to reveal the true meaning of the legal rule, reaching the spirit of legislation to understand the “legislator’s intent.” While the definition of constitutional interpretation is similar to that of legal interpretation in general and shares several aspects with it, it possesses a distinctive nature due to its application to constitutional rules. Therefore, scholars define constitutional interpretation as “a mental process that, through scientific methods, achieves its purpose, which varies depending on the context of the constitutional text, in order to derive its ruling for application to real cases.[[13]](#footnote-13)”

**2. Importance and Justifications of Interpretation**

**A – Importance**

The importance of constitutional interpretation stems from the unique significance of the constitution itself. The constitution governs the entire legal system of the state as the foundational rule upon which this system is built, making its provisions the highest legal norms in the country. This has been affirmed by the Supreme Constitutional Court of Egypt in several rulings, stating that “the constitution possesses a unique nature that grants it sovereignty and supremacy, as it is the guarantor of freedoms, the cornerstone of constitutional life, and the basis of its system. Hence, its rules deserve to be at the pinnacle of the legal structure of the state, and the state must adhere to its provisions in its legislation, judiciary, and exercise of executive authority.[[14]](#footnote-14)”

Thus, the importance of constitutional interpretation lies in its flexibility and expansion in defining constitutional principles and rules while considering the intent of the original constituent authority that enacted them. This is achieved by providing interpretations of constitutional texts that align with the changing realities of society, taking into account the political, economic, and social conditions at the time of their application. Such an approach ensures a stable constitutional life and prevents it from being confined to the past without the need for amendments[[15]](#footnote-15).

Assigning constitutional interpretation to a specialized judge is significant as it leads to a unified interpretation that upholds the principles of the constitution and ensures its organic unity. It also guarantees adherence to the values of the community, as the body responsible for this task examines the compatibility of legislative provisions with constitutional rules. This examination naturally requires a deep understanding of the meaning, content, and substance of both constitutional and legislative texts[[16]](#footnote-16).

Moreover, the importance of interpreting constitutional texts lies in their ability to chart a clear roadmap for state authorities and institutions to achieve their intended objectives without hindrances that slow their progress or transgressions that undermine their legitimacy and the validity of their actions[[17]](#footnote-17). On one hand, a correct interpretation of constitutional texts is the first step toward their proper application, aiming to achieve justice, which is the ultimate goal of both the constitutional and legal systems in any state.

**B – Justifications**

The importance of constitutional interpretation lies in its role in eliminating ambiguity or conflict that may arise between texts and in attempting to rectify the constitutional rule, addressing any deficiencies and shortcomings it may have. This is where the role of the interpreting judge comes into play, as they must weigh the possible meanings and identify the most accurate interpretation that aligns with the intent of the constitutional framers.

**Ambiguity of Constitutional Texts:**

Ambiguity in constitutional texts refers to those unclear provisions that are open to interpretation or where the application of the text to the presented case is not feasible due to a misalignment between the legislator’s intent and the situation or due to the application itself[[18]](#footnote-18). The generality of terms, their broad implications, and lack of precise specification are among the factors that contribute to the ambiguity of constitutional texts. Therefore, the interpreter must delve into the text’s wording and uncover its meaning, clarifying the intended content and meaning as envisioned by the constitutional legislator[[19]](#footnote-19).

The use of imprecise terms or those that imply multiple meanings can lead to ambiguity and confusion in the text’s interpretation. The formulation of texts should avoid vague and broad terms that convey more than one meaning and refrain from using general, undefined language[[20]](#footnote-20).

In Algeria, we can point to some ambiguous terms that may require clarification, such as the phrase “a matter of national importance” as cited in the 2020 constitutional amendment in Article 160, which pertains to the parliamentary members’ authority to question the government. Another example is found in Article 97 regarding the phrase “if urgent necessity arises.[[21]](#footnote-21)”

**Deficiency of Constitutional Texts**

The deficiency of constitutional texts occurs when the legislator fails to address the actual situation at hand. One of the most prominent issues arises from the rapid occurrence of events that legislative amendments cannot keep pace with. In this context, interpretation inversely correlates with legislative deficiency[[22]](#footnote-22); the more deficient the legislation, the more active and expansive the role of interpretation becomes. Conversely, the more precise and comprehensive the legislation is, the less active the interpreter’s role, although it remains essential and cannot be disregarded.

The reasons for the deficiency of constitutional texts often include insufficient wording and phrases used by the constitutional legislator that do not clearly convey their true intent. In such cases, the responsible body, represented by the Constitutional Court, must seek to understand the legislator’s intent through a comprehensive reading of the relevant constitutional texts. Conversely, the constitutional legislator may use unnecessary terms in the text that do not alter the meaning, whether mentioned or omitted, leading to the embellishment of the constitutional text[[23]](#footnote-23).

**Conflict Between Texts and Jurisdictional Disputes:** Conflict refers to the existence of an actual contradiction between texts, where each text carries a ruling that contradicts the other. Such conflicts are common in various legal systems and are not uncommon in constitutional texts, as evidenced in practice. The division of the constitution into chapters and sections among specialized committees, each working on a set of texts that are ultimately compiled into a complete constitution, increases the likelihood of conflicts. Even if the constitutional texts are reviewed and scrutinized before their final approval, some contradictions may go unnoticed by committee members, who may not see them as conflicting, unlike the observing legal scholars.

Additionally, resorting to a body for interpretation can help resolve jurisdictional disputes between public authorities, especially when the legislator has been silent about granting certain powers to any authority. This aims to clarify the true intent of the constitutional legislator by contextualizing these texts and applying them within their broader framework.

Thus, if constitutional texts encounter situations like those mentioned above, which are among the most prominent reasons prompting the Constitutional Court to seek interpretation, the court is keen to provide constitutional interpretations that align with the legislator’s intent and the genuine purpose behind its enactment[[24]](#footnote-24).

**Second Axis: The Reality of the Interpretive Jurisdiction of the Algerian Constitutional Court**

Since the establishment of the Constitutional Court, and based on the provisions of the constitution, the court has commenced its work in the field of interpretation, issuing interpretive opinions after being notified by constitutionally designated entities. In doing so, it has employed various legal interpretive techniques, including: clarifying interpretation, structural or constructive interpretation, and guiding interpretation.

**First - Notification of the Constitutional Court in the Field of Interpretation**

The Constitutional Court does not act on its own initiative; rather, the constitutional legislator of 2020 has constrained it to respond only to notifications from specified entities. Article 192 states, “The Constitutional Court may be notified... regarding the interpretation of a provision or several constitutional provisions.” This means that notifications are discretionary rather than obligatory.

Referring to Article 193 of the same constitutional amendment, it becomes clear that the following entities have been granted the right to notify the court:

**1. The President of the Republic:** This authority has been conferred upon the President through all constitutional amendments, as the President is considered the guardian of the constitution and a fundamental pillar of the executive authority. Thus, the constitutional legislator designated the President as the first entity responsible for notifying the Constitutional Court regarding the interpretation of one or more provisions.

The President has exercised the authority to notify the court in matters of reviewing the constitutionality of laws, but not specifically in the field of interpretation.

**2. The Prime Minister or Head of Government:** The constitutional legislator has also granted the Prime Minister or Head of Government the authority to notify the Constitutional Court, similar to the President. This provision was established in the constitutional amendment of 2016 and maintained in the 2020 amendment, recognizing the Prime Minister as the second key figure in the executive authority.

As of now, there is no record of the Prime Minister notifying the Constitutional Court regarding matters of interpretation, similar to the situation with the President.

**3. The President of the National People’s Assembly:** The President of the National People’s Assembly is considered the most significant political figure at the head of the elected institution. The constitutional legislator granted him the authority to notify the Constitutional Court voluntarily. This was exemplified in 2023 when the President of the National People’s Assembly notified the court via a letter dated July 30, 2023, which was registered at the Constitutional Court’s secretariat on July 31, 2023, under number 23/06. In this letter, the President requested clarification regarding the constitutional ruling in Article 127 of the constitution, particularly in cases of a final conviction resulting in an active prison sentence, along with the application of Articles 73 and 74 of the internal regulations of the National People’s Assembly, which outline the procedures for revoking the parliamentary status of a member.

The Constitutional Court acknowledged that the purpose of its interpretation was to remove ambiguity surrounding the ruling or several provisions in the constitution, aiming to reveal their true meaning and derive their content based on their literal wording without exceeding their limits, in order to ensure the correct application of constitutional provisions. The court concluded that the provisions of Article 127 of the constitution were clear in their content[[25]](#footnote-25).

**4. The President of the Senate:** As the second highest official in the state after the President of the Republic, the constitutional legislator has empowered the President of the Senate with the authority to notify the Constitutional Court in the field of interpretation. In 2024, the Constitutional Court was notified by the President of the Senate through a letter dated November 11, 2024, registered at the court’s secretariat on November 12, 2024, under number 24/03. This notification sought clarification regarding the ruling in the last paragraph of Article 122 of the constitution[[26]](#footnote-26).

The Constitutional Court issued its opinion on this notification, stating that the phrase “No one can serve more than two separate or consecutive parliamentary terms” in the last paragraph of Article 122 means that no one can run for membership in either chamber of parliament if they have served two consecutive or separate parliamentary terms. This interpretation applies to both past and present scenarios.

The court later added the term “appointment,” adjusting the text to read: “No one can run for or be appointed to membership in either chamber of parliament.[[27]](#footnote-27)”

**5. Forty Members from the National People’s Assembly and Twenty Members from the Senate:** These members have been empowered to notify the Constitutional Court, especially following the reduction in the number of deputies and members required to sign notification petitions. In 2024, the Constitutional Court was notified by 46 deputies of the National People’s Assembly through a letter dated January 3, 2024, which was submitted by a representative of the petitioners and registered at the court’s secretariat on the same day under number 01/2024. This notification included a list of names, titles, and signatures, along with copies of the deputies’ identification cards, seeking clarification on the phrase “regulatory ruling” as mentioned in Articles 195 and 141 of the constitution.

The Constitutional Court expressed its opinion as follows: “The term ‘regulations’ mentioned in Article 190 (paragraph 3) and the term ‘regulatory ruling’ in Article 195 (paragraph 1) of the constitution refer to independent regulatory texts issued by the President of the Republic in exercising his regulatory authority in matters not designated for law according to the provisions of Article 141 (paragraph 1) of the constitution. These are solely subject to constitutional review and the plea of unconstitutionality, in addition to the legality review exercised by administrative courts in other cases. Meanwhile, the executive regulatory rulings that fall under the authority of the Prime Minister or Head of Government, as applicable, are subject to review by administrative courts.[[28]](#footnote-28)”

Additionally, a group of deputies from the National People’s Assembly submitted a notification to the Constitutional Court via a letter dated June 29, 2024, which was registered at the court’s secretariat on June 30, 2024, under number 2024/02. This notification sought clarification on Article 187 (paragraph 1, item 2) of the constitution. The Constitutional Court issued its opinion regarding this matter: “The phrase ‘having at least twenty (20) years of legal experience’ in Article 187 (paragraph 1, item 2) of the constitution refers to the period that a law professor has served, as evidenced by the certificate specified in Article 10 of the mentioned decree. Only actual teaching years in accordance with applicable legislation and regulations can be included.[[29]](#footnote-29)”

**Second - Interpretation Tools Available to the Algerian Constitutional Judge**

To clarify ambiguity in constitutional texts, the judge relies on various tools and methods that assist in uncovering the intent of the constitutional framers. These tools can be classified into internal and external means.

**1. Internal Interpretation Tools**

Judges often refer to internal tools and methods when interpreting constitutional texts, relying solely on elements connected to the constitutional document itself without resorting to external evidence. Among these tools are:

**A - Literal Interpretation**

Literal interpretation is the primary internal tool that the interpreting judge should utilize. Through this method, the judge derives meaning from the specific words of the text. In reality, no text can be fully understood in isolation due to its inherent complexities. Therefore, in applying literal interpretation, judges must possess a comprehensive understanding of the words and their meanings, relying on linguistic definitions and considering the syntactic structures of the language used.

The interpreter must grasp each term and phrase within the text, uncovering the meanings and implications of the words. Afterward, they extract the overall meaning from the collection of phrases, thereby revealing the true intent of the legislator concerning the text[[30]](#footnote-30).

Legal scholars have categorized constitutional texts into two sections:

**1. The First Section:** This includes texts that are precisely defined in their wording and clear in their implications, making the interpretation of these texts straightforward. However, such clarity often leads to disputes or debates.

**2. The Second Section:** This consists of texts that establish broad criteria for legitimate dealings, along with principles that can be inferred from certain foundational concepts. For instance, terms like “freedom,” “property,” and “equality” fall into this category. It can be said that the Constitutional Court does not merely extract meaning from these vague expressions; instead, it assigns specific meanings to them from an external perspective[[31]](#footnote-31).

If a term has two meanings, one linguistic and the other conventional, the interpreter should adopt the conventional meaning unless it is clear that the legislator intended the linguistic meaning, indicated by a specific word. Some terms may have a linguistic meaning and another in legal language, which is the conventional meaning. The Algerian constitutional judge has not relied on specific tools for interpretation, justifying that his interpretations do not create new provisions but rather align with the text being interpreted; thus, they are an extension of it in the sense that the Constitutional Court has given it.

The Algerian Constitutional Court indicated in its interpretation of Article 127 that parliamentary immunity is a privilege but did not clarify the nature of this privilege—whether it is personal or functional. It noted that parliamentary immunity protects the independence of the member and ensures the proper functioning of parliamentary activities. This suggests two privileges: one specific to the member and the other related to their activities. However, it would have been preferable for the Constitutional Court to clarify that the privilege pertains to parliamentary activity, even though it hinted at this by stating, “... these two privileges are not established by the personal interest of the member but justified by the interest of parliament and the reputation of the state.” This implies that immunity is intended to protect the parliamentary mandate on one hand and parliamentary activity on the other, distancing it from the narrow personal interests of the member.

Additionally, the Constitutional Court addressed two types of responsibility: criminal and civil, while the text specifies criminal responsibility. The constitutional judge also referenced ethical responsibility through the term “breach of honor,” despite the common understanding that members are required to adhere to a code regulating their conduct, which is notably absent in the Algerian parliament. As such, there is no ethical code, raising questions about the conduct of members.

The Constitutional Court also mentioned the need for authorization if a parliament member is caught committing a felony or misdemeanor, while excluding minor offenses. There is also inconsistency in the terminology used in the interpretation, such as the terms “criminal or penal offense” and “guilty member,” where the constitutional judge attributed a designation to the member that does not exist in the constitutional texts. This designation should be the right of the prosecuting judge. There is also confusion regarding the term “can be arrested,” which should have been phrased as “arrested and prosecuted.”

Moreover, the court used the term “... to define the concept of being caught in the act,” even though the Penal Code defines “being caught in the act” and outlines its manifestations. The constitutional judge indicated that Article 127 of the constitution (the constitutional amendment) refers to the internal regulations of each chamber of parliament regarding the exclusion of a parliament member. It is worth noting that the term “parliament member” was used, although it specifically pertains to a deputy of the National People’s Assembly. The court also mentioned that the internal regulations of both chambers of parliament are subject to the Constitutional Court’s review (obligatory), while the internal regulations of the National People’s Assembly have not yet been amended. In contrast, the internal regulations of the Senate were amended in 2017, prior to those of the National People’s Assembly. How, then, did the Constitutional Court review the internal regulations? (The internal regulations of the National People’s Assembly do not align with the constitutional amendment of 2020.)

The constitutional judge also noted that Article 127 of the 2020 constitutional amendment does not raise any ambiguity in its content, while this article actually evokes numerous interpretations and uncertainties, including the act that breaches honor. What is its definition, and what are its circumstances?

It is also recognized that the parliament is governed by party blocs, making it very challenging for colleagues from the same party to move to strip a member of their parliamentary mandate. Additionally, the ambiguity of the term “exclusion” refers only to one specific case: the act that breaches honor (the honor of the mandate). The exclusion decision is restricted to the approval of the majority of members, while the number of members in the National People’s Assembly exceeds that of the Senate.

Another question arises: what if the quorum stipulated in the constitution is not met? In this case, the deputy or member would evade prosecution. Furthermore, what are the other legal actions available? Is it a claim for compensation, imprisonment, etc.?

From this, we conclude that the interpretation of Article 127 of the Algerian constitutional amendment of 2020 is a general interpretation and merely aligns with the provisions of the constitution.

**B - Logical Interpretation:**

The judge resorts to logical interpretation when the application of a text leads to results that contradict logic. This is evident when the text’s expressions appear incomplete or flawed, obscuring the legal rule’s content. When the judge turns to logical interpretation, they employ more precise research methods than those of literal interpretation, as logical interpretation operates at a higher level and delves deeper to reach the text’s spirit[[32]](#footnote-32). There may be instances where the literal interpretation of a text is inadequate due to the variance in meaning that the interpreter should recognize. In such cases, the judge must rely on logical interpretation to extract additional legal rules from those specified by the legislator, by comparing the texts and analyzing their content, leading to rational conclusions that enable the discovery of the legal rule.

An example of this is the Constitutional Court’s ruling regarding the interpretation of Articles 195 and 141 concerning regulatory rulings, where the Algerian constitutional judge employed various interpretive methods to define the meanings of different terms, considering the intention of the constitution’s drafters. This requires the constitutional judge to explore the depths of the drafters’ intentions, which is extremely difficult to prove, as it leans more towards the political than the legal.

Additionally, in the interpretation of the Constitutional Court regarding the ruling in the last paragraph of Article 122 of the constitution, it stated, “... among the methods the Constitutional Court follows in its interpretation of constitutional provisions is to ascertain the intent of the constitutional legislator when enacting the constitutional provisions and the context in which they were established.”

The 2020 constitution was adopted in the context of the genuine popular movement that began on February 22, 2019, which called for the moralization of political life and the establishment of the principle of power rotation through the renewal of the political class, embodying representative democracy. This was achieved through the provisions of the last paragraph of Article 122 of the aforementioned constitution, which limited the number of parliamentary mandates to two consecutive or separate terms. This was indeed applied during the legislative elections held in 2021 and the partial renewal and election of Senate members in 2022. Thus, the provisions of the last paragraph of Article 122 of the constitution are clear, with no ambiguity, vagueness, or contradiction with other provisions[[33]](#footnote-33).

The constitutional judge also refers to the texts of the constitution in interpretation and the laws, and their subjection to oversight, whether it is prior and mandatory compliance. However, the true interpretation relies on constitutional jurisprudence, as noted by the Constitutional Court: “... while the method adopted by the Constitutional Court in exercising its interpretive jurisdiction requires it to adhere strictly to constitutional provisions and to conduct the interpretation within its framework and limits, taking into account their content. However, the specificity of the notification subject compelled the Constitutional Court to refer to the regulations issued by the President of the Republic, in line with a clear and explicit constitutional referral on the matter, in order to nobly achieve clarity regarding any ambiguity concerning constitutional provisions, enabling it to resolve the subject of the notification without contradicting the provisions set out in the constitution.[[34]](#footnote-34)”

The constitutional judge has relied on various grounds for interpretation, including laws such as: the constitution, organic laws, orders, regulatory decrees, etc. To arrive at these conclusions, the interpreting judge may resort to logical reasoning, including three types of analogical reasoning: ordinary analogy, a fortiori reasoning, and reasoning by contrary implication.

**2. External Interpretation Tools**

These consist of a set of external means beyond the constitutional texts being interpreted, which can assist the constitutional judge in understanding the meaning of the text in question and clarifying any ambiguities, especially when internal means have been exhausted without elucidating the text’s meaning or intent.

**A - The Purpose and Objective of Legislation**

The purpose of legislation implies that every piece of legislation has an objective intended by the legislator, which may be moral, social, or utilitarian. Legal texts are always backed by an aim set by the legislator to achieve. Diving deep into the legislator’s intent to uncover the desired purpose of the text assists the interpreter, particularly in determining the true meaning of ambiguous texts.

It is essential to note that the purpose of legislation should only be invoked if the legal text is ambiguous. If the text is clear in meaning, there is no need to seek the purpose behind its enactment. This consideration arises only when there is ambiguity or vagueness in the texts; at that point, the interpreter is obliged to clarify the correct meaning of the legal text. If the legal texts are clear and evident, it is not permissible to rely on interpretations that contradict or restrict them, as this would create a judgment contrary to the legislator’s intent through misinterpretation. An example of this is the purpose and rationale of the legislation in the Algerian constitution, which aims to preserve legal security, a principle that the constitutional judge considers a manifestation of the rule of law.

**B- Preparatory Works and Historical Sources**

**Preparatory Works:** Refer to the collection of documents, memos, and discussions that occurred during the drafting of the constitution. The most significant document among these preparatory works is the explanatory (interpretive) memorandum, as it reveals the intent and purpose behind the legislation. This document encompasses all relevant data concerning the subject of the text, thereby clarifying the legislator’s intent for the interpreter. Before a constitution is finalized, it undergoes various stages, including discussions by the legislative council for voting and final approval. However, it is important to note that the explanatory memorandum sometimes reflects personal opinions and does not carry a binding character.

The explanatory memorandum is considered a source of interpretation in comparative constitutions, such as the Kuwaiti constitution. It does not have the binding force of the legislative texts it seeks to interpret unless the constitution explicitly provides for this. Its role is limited to revealing the true intent of the legislator to understand the meaning of legal texts[[35]](#footnote-35). Nevertheless, caution should be exercised when resorting to such means for legal interpretation, as they often consist of personal opinions and individual interpretations[[36]](#footnote-36).

**Historical Sources**

refer to the historical origins from which the legislator derived the legislative texts under interpretation[[37]](#footnote-37). These sources may include general legal principles or prior interpretations from which the legislator adopted provisions[[38]](#footnote-38). In this case, the interpreter can refer to and utilize these constitutions to assist in clarifying ambiguities within the text of the constitution[[39]](#footnote-39).

**Conclusion**:

From the above, we conclude that the Algerian constitutional framers, through the 2020 constitutional amendment, have made a significant step in expanding the jurisdiction of the Constitutional Court. This expansion moves from mere oversight of the constitutionality of laws to include scrutiny of unconstitutionality and the interpretive jurisdiction as an inherent responsibility of the Constitutional Court. This aims to uphold the principle of constitutional supremacy (the sanctity of the constitution) and to solidify the principle of legal security while protecting individual rights and freedoms.

However, this jurisdiction is fraught with risks due to the potential for interpretive deviations, given its complex and delicate nature. It requires the constitutional judge to delve deeply into their responsibilities to adhere strictly to constitutional provisions and to utilize both internal and external means to clarify ambiguities within the text.

The Algerian constitutional framers rightly expanded the avenues for triggering the Constitutional Court’s interpretive function, especially in the absence of self-referral mechanisms. This is clearly evidenced in practice by direct notifications from the President of the National People’s Assembly, the President of the Senate, and a group of Senators, contrasted with the lack of notifications from the President or ministers in this area compared to their roles in constitutionality oversight.

**Recommendations**

- The experience of the Constitutional Court in the realm of interpretation is still very nascent and requires more activation, diligence, and depth to address the gaps and shortcomings that exist within the constitutional text. Correct interpretation of constitutional provisions leads to accurate application of the law.

- The constitutional judge should employ all available means, whether internal or external, to reach the true meaning of ambiguous texts while adhering to the spirit of the constitution and not deviating from it.

- There should be a deeper examination of the laws governing the operations of the Constitutional Court regarding the withdrawal from interpreted texts and their impact on legal security and individuals’ acquired rights.

- It is essential to study comparative constitutional experiences and previous judicial rulings to enrich the Algerian experience in the field of interpretation.

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