

The Political Responsibility of the Prime Minister or Head of Government, as the Case May Be, in Light of the 2020 Constitutional Amendment

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Received: 26/05/2026,

Accepted: 29-08-2026

Published: 22-09-2026

Abstract

In line with the principle of interdependent powers and responsibilities, the 2020 amendments to the Algerian Constitution maintained the dual political responsibility of the Prime Minister to both the President of the Republic and Parliament. Under the Algerian the Constitution, the President of the Republic appoints a Prime Minister to lead the government, depending on the outcome of the legislative elections. If the legislative elections result in a presidential majority, the Prime Minister implements the presidential programme. Conversely, if a parliamentary majority is elected, the Head of Government implements their programme. Although the constitutional framers intended to adopt a democratic approach by establishing the position of Head of Government as completely independent from the President of the Republic, an imbalance remains in the distribution of power and responsibilities between the Prime Minister and the Head of Government. This is because both remain subject to the President of the Republic with regard to appointment and termination of functions. They are also subject to parliamentary mechanisms for scrutinising the government action and ensuring political responsibility. Furthermore, the political opposition is weak.

Keywords: Prime Minister, Head of Government, political responsibility, President of the Republic, Parliament, oversight.

Introduction

The concept of political responsibility of the executive first emerged in England as part of the parliamentary system and subsequently spread to the political systems of other countries. It has since become an independent principle underpinning modern political systems, ensuring a balance between the executive and the legislature. Algeria is one of the states that provide for the political responsibility of the executive branch. Under the 1963 and 1976 Constitutions, the executive branch was a unified body entirely subject to the President of the Republic. However, it was reorganised under the 1989 Constitution, which established a dual executive and separation of powers, as well as a multi-party system. The 1989 Constitution adopted the principle of a dual executive by introducing the office of Head of Government, a constitutional institution representing the second component of the executive branch. The Head of Government exercises powers that afford them a degree of independence from the President of the Republic, and they are responsible for implementing their government's programme and is accountable to Parliament for its implementation. This approach was also maintained under the 1996 Constitution until its amendment in 2008, in which the executive branch was reorganised by abolishing the office of Head of Government and replacing it with the office of Prime Minister. The Prime Minister's powers are limited, primarily overseeing the implementation of the President's programme rather than a the government programme. They are also responsible for coordinating the work of the government and acting as a political official responsible to the President of the Republic. The Constitution grants the President of the Republic the power to appoint and termination of the Prime Minister's function, thereby placing the Prime Minister in a position of strong dependence to the President. Furthermore, the Prime Minister is responsible to Parliament, which the Constitution has empowered with effective mechanisms to hold the Prime Minister to politically responsible, withdraw confidence from them, and bring down the government as part of its oversight of their actions.

Although the Prime Minister is responsible for implementing the President's programme and acts as his assistant, curtailing the President's powers contradicts the idea that 'where there is power, there is responsibility'. Following the 2000 constitutional amendment, which introduced significant changes to the organisation and restructuring of the executive branch — a precedent not previously seen in the Algerian Constitution or comparable legal systems — the constitutional framers established the office of Prime Minister alongside that of President of the Republic. If the legislative elections result in presidential majority is elected in , the Prime Minister implements the President's programme. Conversely, If the legislative elections result in a parliamentary majority other than the presidential majority , the Prime Minister implements the parliamentary majority's programme.

It is worth noting that the constitutional amendment introduced new provisions reflecting the constitutional framers' intention to restore Parliament's status. This is evident in the position of the parliamentary majority and its relationship with the government and the programme that the government is tasked with implementing, as However, should the parliamentary majority not align with that of the President, the Prime Minister will appoint a head of government to implement the parliamentary majority's programme.

In light of the above, the following question arises:

To what extent is the Prime Minister (or Head of Government, as appropriate) politically responsible to the President of the Republic and Parliament, given the internal reorganization and restructuring of the executive branch under the 2020 constitutional amendment?

To answer this question, the study is divided into two sections.

The first section: We will address the concept, origins and evolution of political responsibility by examining its development in comparative legal systems, as well as in the Algerian constitutional experience. We will also define political responsibility and outline its various forms.

The second section will address the political responsibility of the Prime Minister or Head of Government to the President of the Republic and Parliament. We will examine the political responsibility of the Prime Minister's or Head of Government to the President Republic. We will then focus on the most significant changes introduced by the 2020 constitutional amendment.

Section One : The Concept, Origins and Development of Political Responsibility

In order to fully grasp the meaning of political responsibility, it is essential to examine its origins and development in comparative legal systems and within the Algerian constitutional experience, as well as to clarify its definition and forms. This will facilitate our subsequent examination of the political responsibility of the Prime Minister in the light of the 2020 constitutional amendment.

Subsection One : The Origins and Development of Political Responsibility

In the past, governance was absolute and irresponsible until the emergence of democracy and the parliamentary system, which came to oversee the actions of the executive branch and hold ministers to account; it was then that the responsibility of the Prime Minister emerged as a constraint on the exercise of power, preventing ministers from acting in an autocratic or tyrannical manner. The political Responsibility of ministers originated in the United Kingdom as one of the features of the parliamentary system that developed there; it was the cradle of this concept, from where it spread to France, one of the first European countries to embrace the principles of modern democracy. The political system in Egypt did not recognise political responsibility until late in the modern era, despite the fact that it had experienced a civilised culture prior to the modern era.

First: The emergence of ministers' political responsibility in comparative systems

Political responsibility is one of the constitutional mechanisms for subjecting the executive branch to oversight and accountability; it has historically taken shape within the context of the evolving relationship between the legislative and executive branches, and its forms have varied according to different constitutional systems.

Consequently, its examination in comparative systems requires an analysis of the most significant stages of its emergence and development, particularly within the British and French systems.

1. The Origins of Ministers' Political Accountability in the United Kingdom

The system of government in England was an absolute monarchy, and ministers were merely men and advisers to the Crown, which had complete freedom to appoint and dismiss termination of their function; they were also subject to criminal prosecution before the courts of common law, just like other Crown officials. Towards the end of the fourteenth century, Parliament succeeded in securing the power to bring criminal charges against ministers, through the House of Commons, should they commit a criminal offence; trials were held before the House of Lords. Criminal liability through criminal indictment was an individual liability resting solely on the minister who had committed the act.

From the seventeenth century onwards, a shift occurred in criminal liability through criminal indictment, which took on a mixed criminal and political character; Parliament began to use criminal indictment against ministers, due to what constituted errors in a minister's conduct. Parliament gained absolute discretion to determine the nature, degree and type of act warranting accountability, as well as to determine the appropriate penalty for it. Hence, political considerations began to feature in the system of criminal indictment, and criminal liability transformed into a form of criminal and political liability. By the beginning of the eighteenth century, Parliament had succeeded in giving the system of criminal liability a political character, and the outcome of a criminal indictment became limited to the minister's removal from office. Further signs of the principle of ministers' political responsibility emerged with the abandonment of the system of criminal impeachment from the second half of the eighteenth century onwards, and the features of political responsibility were established through the system of censure or withdrawal of confidence by the end of the eighteenth century. The electorate played a role in the development of political responsibility. This followed reforms to the electoral system, which introduced a new dimension to the principle of ministers' political responsibility. The Cabinet was then able to dissolve Parliament if it lost its confidence due to a dispute, rather than having to resign. In such cases, the dispute was put to the people – the electorate – to express their view on the matter. The electorate has come to act as an arbitrator between the Cabinet and Parliament in the event of a dispute between them, which has led to the development of the principle of ministers' political responsibility. The people, in their political capacity, have become the centre of balance between Parliament and the Cabinet. Furthermore, the existence of political parties has contributed to the emergence and consolidation of political accountability.

2. The Emergence of Political Responsibility in France

Until the end of the eighteenth century, France was governed by an absolute monarchy based on the direct divine right of kings; ministers were merely personal aides to the king, and he alone had the power to hold them to account and remove them from office. Following the French Revolution of 1789 and the abolition of absolute monarchy, several constitutions were drawn up which gradually adopted the principle of political responsibility. This began with the successive constitutions of the First Republic, which did not explicitly stipulate the political responsibility of ministers and retained criminal liability, which was invoked by the holder of executive power without any role for parliament in the matter. Nevertheless, Parliament managed to secure the application of political responsibility by invoking criminal liability, which was usually followed by the minister's removal and dismissal from office, as was the case under the Constitution of 4 June 1814. Furthermore, the Constitution of 14 August 1830 established ministers' political responsibility to both Parliament and the King, though this was not sufficiently consolidated.

As for the Second Republic, beginning with the Constitution of 4 November 1848, it established a presidential republican system based on a semi-rigid separation of powers between the legislative and executive branches; the President of the Republic was responsible for appointing ministers, who were politically responsible to Parliament.

As for the Third Republic, which was governed by the 1875 Constitution, this established a parliamentary republican system headed by a President who bore no political responsibility, whilst ministers exercised executive functions and were politically responsible, both individually and collectively, to the Chamber of Deputies and the

Senate; This constitution saw an increase in parliamentary influence at the expense of the ministers' power, leading to governmental instability. In the Fourth Republic, under the Constitution of 27 October 1946, which retained the ministers' political responsibility, several efforts were made to rationalise parliamentary proceedings and promote political stability, as reflected in the inclusion of various constitutional provisions in this regard.

As for the Fifth Republic, the French system transitioned at this stage from a parliamentary system to a presidential system under the Constitution of 4 October 1958, and was thus termed 'semi-presidential' . It organised the executive branch on a dualistic model, whereby ministers serve alongside the Head of State, who is directly elected by the people and enjoys effective powers, as is the case in a parliamentary system, which gives him power and a distinguished role in political life and increases the executive's influence vis-à-vis parliament. This constitution placed the entire political responsibility on the government rather than on the President of the Republic, who is accountable only to the nation.

Second: The political responsibility of ministers in the Algerian constitutional experience

The executive branch in the Algerian constitutional system has evolved in terms of its organisation, shifting from a unipolar to a bipolar structure following its division between the President of the Republic—who is the head of the executive branch but not politically responsible—and the government.

The political responsibility of ministers in the Algerian political system has undergone several significant phases. These included a phase in which ministers were held politically responsible to Parliament under both the Rules of Procedure of the Constituent National Assembly and the 1963 Constitution; a subsequent phase in which this was abandoned under the 1976 Constitution; before being re-established in a third phase under the 1989 Constitution, where it occupies a prominent position in the 1996 Constitution, which has been amended several times, most recently in 2020.

1. Under the one-party system (Constitution of 1963–1976):

The National Constituent Assembly witnessed extensive debate regarding the nature of its relationship with the government, as Assembly members wished to hold the government fully responsible to them; they proposed that the Assembly must approve the list of its members, whilst ensuring that they remain politically responsible to the National Constituent Assembly, yet the Assembly could withdraw its confidence from the government as a whole, or from one or more ministers, and could also accept the resignation of the government or of one or more ministers . The Rules of Procedure of the National Constituent Assembly specify the circumstances in which the government's political responsibility may be determined; the Head of Government may put his government's responsibility to the vote on the occasion of a vote on a bill, on his government's programme, or on a general policy statement.

The 1963 Constitution affirmed the government's political responsibility to the National Assembly, stipulating that the President of the Republic is responsible to the National Assembly; it is he who determines the country's domestic and foreign policy in accordance with the will of the people, as outlined by the party and expressed by the National Assembly .

The government's political responsibility to the National Assembly during this period was manifested in the Constitution's provision enabling the National Assembly to table a motion of no confidence in the President of the Republic, leading to the President's resignation and the automatic dissolution of the Assembly , Although the government's political responsibility was established under the 1963 Constitution, this period saw numerous criticisms levelled at the drafters of the Constitution and the President of the Republic, who was accused of monopolising and usurping power; opponents regarded this as a departure from the revolutionary path, This led to his removal from power on 19 June 1965, an event known at the time as the 'revolutionary correction' , which resulted in a greater concentration of power in the hands of the President of the Revolutionary Council, who was simultaneously considered the Head of Government and Minister of Defence, whilst the government bore no responsibility other than that exercised by the Revolutionary Council.

As for the 1976 Constitution, it reaffirmed the concentration of power and enshrined it in law, whilst excluding any political responsibility of the government to Parliament; the President of the Republic thus assumed leadership of the executive branch . The government exercises executive functions under his leadership .

The exclusion of political responsibility in the 1976 Constitution is seen as contradictory to the provision allowing for the dissolution of the National People's Assembly, which clearly highlighted the imbalance between the legislative and executive branches. This approach was at odds with the prevailing discourse at the time, which emphasised the necessity and importance of oversight as a tool for achieving the desired development .

2. Under a multi-party system (Constitutions of 1989 and 1996)

The events of October 1988 played a significant role in prompting the authorities to undertake major political reforms, and the constitutional amendment of 1989 marked a significant turning point in the Algerian constitutional system. A notable feature of this Constitution is the President of the Republic's reduced involvement in government affairs, such that the Prime Minister is now responsible to Parliament, whilst enshrining the Parliament's right to dissolve the government—a mandatory right in the event of repeated rejection of the programme of another Prime Minister, which may indicate the failure of the first even after amending his programme . Should the Prime Minister obtain the Council's approval, he remains obliged to present an annual statement on the government's general policy.

This system, which was practised under a one-party system and enshrined in the Constitutions of 1989 and 1996, and within the framework of the multi-party system enshrined in the 1989 Constitution, the provisions for the election of a multi-party parliament were not implemented due to the political circumstances the country faced as a result of the suspension of the electoral process; however, it did establish the government's political responsibility through a motion of no confidence: once approved, the government submits its resignation to the President of the Republic, This takes place through a debate on the general policy statement, which requires the signatures of at least one-seventh of the members of parliament and a two-thirds majority vote in parliament .

Referring to the 1996 Constitution, which saw the holding of pluralist legislative elections in which opposition parties participated and entered parliament, the government remained accountable only to the National People's Assembly, whilst oversight by the Council of the Nation did not entail any political responsibility , The government's political responsibility to the National People's Assembly is determined on two occasions during which the Prime Minister submits his resignation to the President of the Republic: firstly, when Members of Parliament refuse to approve the government's action plan , and secondly, following the presentation of the annual general policy statement, in the event that Members of Parliament vote in favour of a motion of censure by a two-thirds majority, and the government may be brought down if Members of Parliament do not vote to renew their confidence in the government at the request of the Prime Minister, unless the President of the Republic chooses to reject the government's resignation and dissolve the National People's Assembly.

Section Two: Definition of Political Responsibility and an Overview of its Forms

An understanding of the subject of political responsibility requires an explanation of its meaning, substance and definition, as well as a clarification of its forms

First: Definition of Political Responsibility

Political responsibility is considered a modern feature of the parliamentary system and one of its fundamental pillars; it is a means of ensuring that the government is in line with public opinion, a safeguard for freedoms, a check on political power, and a means of combating dictatorship.

Political responsibility, also known as ministerial responsibility, can be defined as the responsibility of ministers for their policies in the administration of the state's public affairs. Parliament has the authority to assess this responsibility, and it entails a political sanction in the form of the dismissal of the ministers or the minister concerned . Political responsibility emerged as a result of the British House of Commons' use of criminal charges against individual members of the government or the government as a whole who committed unlawful acts, until

the seventeenth century, when criminal responsibility became political in nature to encompass charges and actions whereby ministers committed serious errors in the course of their duties . Political responsibility is the embodiment of Parliament's right to withdraw confidence from the government as a whole or from an individual minister; this parliamentary action necessitates the resignation of the government or the minister as a result of the withdrawal of confidence.

It is also defined by André Hauriou as: 'the loss of power by a ministry that has lost the confidence of Parliament' . Political responsibility is a constitutional right that exists within the relationship between the ministry and Parliament on the one hand, and the Head of State on the other; empowering Parliament or the Head of State, as the case may be, to withdraw confidence from the entire cabinet or from one of its members in response to an act committed whilst performing their duties, which Parliament or the Head of State deems to warrant the exercise of that responsibility, such that the consequence of its exercise is the resignation of the cabinet or the minister in question.

Political responsibility means holding a person responsible and requiring them to bear the consequences of their actions.

Second: Forms of political responsibility

In a parliamentary system, the political responsibility of ministers is divided into individual responsibility, which rests with the minister personally and for which he or she is accountable, and collective responsibility, which rests with the ministry as a whole, regarded as a single body, and which arises in relation to the actions and conduct attributed to it as a whole, This entails relinquishing authority and the ministerial post by tendering one's resignation in accordance with the Constitution.

1. Individual responsibility

This is a democratic constitutional principle that applies when a specific minister acts independently in assessing the matter subject to accountability, in the event that a particular minister or ministers request to be questioned about a specific act (), where responsibility in this case rests only with one member of the government and the consequences are limited to that individual alone, without affecting the rest of their colleagues in the government, The responsibility is personal and lies with the minister as an individual; individual political responsibility is raised in relation to actions or matters concerning a specific minister within their sector, and expresses the legislative authority's rejection of the policy pursued by that minister in the affairs of their ministry and within their sphere of competence, leading to a vote of no confidence and the minister's removal from office without bringing down the government as a whole.

Political responsibility is a cornerstone of accountability in democratic systems; it serves to maintain the balance of powers, as it constitutes one of the mechanisms of parliamentary oversight over the actions of the executive authority, whilst also ensuring integrity by scrutinising the activities of the ministry and accurately identifying those responsible for any dereliction of duty.

2- Collective responsibility:

Collective responsibility refers to a vote of no confidence in the entire ministry; that is, the ministry is responsible to Parliament. It necessitates the resignation of the entire ministry , and Collective responsibility rests with all ministers, including the Prime Minister in his capacity as head of government. It arises in response to actions or policies attributed to the ministry as a whole, Furthermore, the act giving rise to liability must be attributed to the Prime Minister in his capacity as the representative of the Ministry, and the Ministry stands in solidarity with a minister when his individual liability is raised, as responsibility is linked to a matter relating to the Ministry's general policy; this is because the Ministry and the Government constitute a single political entity with its own structure, and the Government bears political responsibility before Parliament, It is therefore within Parliament's powers to compel the government to resign by passing a motion of no confidence.

The political responsibility of the Ministry to Parliament in both its forms constitutes a fundamental feature of the parliamentary system, given that the oversight mechanisms that trigger the government's political responsibility have a direct impact on the government apparatus, namely the bringing down of the government should Parliament withdraw its confidence in it, and to ensure the smooth functioning of state institutions and public affairs, the constitutional framers usually surround this with safeguards and legal procedures to ensure that Parliament does not rush to invoke it.

Section Two: The political responsibility of the Prime Minister or Head of Government, as the case may be, to the President of the Republic and Parliament in light of the 2020 constitutional amendment

Through the constitutional revision of 2020, the constitutional framers sought to restructure the institution of government and to constitutionally redefine the office of the Head of Government in order to enhance the Algerian political system and model it on the parliamentary system; and, within the framework of creating a balance between the two poles of the executive authority on the one hand, and between the government and Parliament on the other, The constitutional framers established the dual responsibility of the Prime Minister or Head of Government, as the case may be: firstly, to the President of the Republic, through the President's power to dismiss the Prime Minister or Head of Government, as well as when the President chairs the Council of Ministers; the second is to Parliament, specifically to the National People's Assembly, which exercises oversight over the Government that may give rise to responsibility, either during the debate on the Government's action plan or programme, as the case may be, or during the debate on the general policy statement, through the constitutional means available to Parliament and entailing responsibility.

Subsection One: The responsibility of the Prime Minister or Head of Government to the President of the Republic

The responsibility of the Prime Minister or Head of Government stems from his organisational subordination to the President of the Republic; this is reflected in the President's authority to appoint and dismiss him, as well as in the fact that the President of the Republic chairs the Council of Ministers, to which the government's action plan or programme is submitted, as the case may be.

First: The President of the Republic's authority to appoint and dismiss the Prime Minister or Head of Government

Before addressing the issue of the termination of the Prime Minister's or Head of Government's term of office, it is worth noting that the President of the Republic, in his capacity as Head of State and Guardian of the Constitution, has the exclusive power to appoint the Prime Minister or Head of Government and the members of his government. This appointment is considered one of the President of the Republic's exclusive powers, which cannot be delegated under any circumstances. Referring to the 2020 constitutional amendment, we find that it has curtailed the President of the Republic's absolute authority to appoint the Prime Minister or Head of Government, and for the first time has linked the matter of appointment to the ballot box; this represents a recognition of the will of the people, whereas in previous constitutions his authority in this regard had been absolute. By analysing the text of Article 103 of the 2020 constitutional amendment, we find that the appointment of the head of government is subject to two cases:

- The first case: a Prime Minister is appointed if the parliamentary elections result in a presidential majority.
- The second case: A head of government is appointed if the legislative elections result in a parliamentary majority.

Ayman Benabderrahmane was appointed Prime Minister by the President of the Republic, Abdelmadjid Tebboune, following the 2020 constitutional amendment, after the announcement of the results of the parliamentary elections held on 12 June 2021, which resulted in a non-parliamentary majority.

Article 91, paragraph 5, stipulates that the President of the Republic "shall appoint the Prime Minister or the Head of Government, as the case may be, and shall relieve him of his duties", Although the President of the Republic

enjoys broad authority in appointing the Prime Minister or the Head of Government, and indeed, as the guardian of the Constitution, the embodiment of national unity and the guarantor of the stability of constitutional institutions, he must take into account a number of considerations when appointing the Prime Minister or the Head of Government, the most important of which are competence, reputation and political affiliation , which contribute to the stability of the government. Whilst the appointment of the Prime Minister or Head of Government falls within the powers of the President of the Republic, the latter retains the power to exert direct influence over the composition of the Prime Minister's or Head of Government's cabinet through the appointment process, based on the principle that 'he who appoints has the power to dismiss'. The President of the Republic has retained the power to terminate the Prime Minister's or Head of Government's term of office , thereby upholding the principle of parity of forms: the President of the Republic has the authority to appoint the Prime Minister or Head of Government by presidential decree, and it is also the President who terminates their term of office in the same manner, namely by presidential decree.

Whilst under the Algerian constitutional system the President of the Republic had, under previous constitutions, the power to dismiss the Prime Minister without restriction or condition and enjoyed absolute freedom to do so whenever he wished and whenever he deemed it necessary, the most recent constitutional amendment has limited him to dismissing the Prime Minister only if the latter is a Head of Government appointed by Parliament.

The criterion for dismissal is usually the President's satisfaction with the government's performance; therefore, the power to dismiss granted to the President raises many fundamental questions regarding the extent of the Head of Government's independence from the President, since the head of government's continued tenure in office is always contingent upon the confidence and acceptance of the legislative body, which alone has the authority to withdraw confidence from him, particularly as he represents a parliamentary majority whose political orientation differs from that of the President of the Republic.

This prerogative enjoyed by the President of the Republic in the area of dismissal – or what Dr Abdullah Bougueffa termed 'a dismissal disguised as resignation' – is essentially based on a presidential request and governmental acceptance, achieved through the Prime Minister submitting his government's resignation , which serves to strengthen and reinforce the position of the President of the Republic at the expense of that of the Prime Minister. The issue arises regarding the procedure for terminating the Prime Minister's term of office; the constitutional framers made the procedure for terminating the Prime Minister's term of office similar to that applied to the Minister-President, even though the two constitutional positions are distinct: the former results from a presidential appointment and the latter from a parliamentary appointment.

Furthermore, the framers of the Constitution stipulated that the appointed Head of Government must form his government within a period not exceeding thirty (30) days from the date of his appointment to this post; if he fails to submit the names of his cabinet members to the President of the Republic for appointment within the specified period, the President of the Republic shall accept the Prime Minister's resignation and appoint a new Prime Minister in the same manner, as provided for in Article 110 of the most recent constitutional amendment. Furthermore, the President of the Republic retains the power to appoint members of the government on the proposal of the Prime Minister or the Head of Government, as the case may be, in accordance with Article 104 of the 2020 Constitutional Amendment, which states: 'The President of the Republic shall appoint members of the government on the proposal of the Prime Minister or the Head of Government, as the case may be', It is worth noting that the constitutional framers have restored the power of nomination to either the Prime Minister or the Head of Government, as the case may be; however, the matter of nomination does not imply that the Prime Minister or the Head of Government will impose their own views on the appointment of the government team.

Second: The President of the Republic chairs the Council of Ministers

The Council of Ministers is a body comprising all members of the government, including the Prime Minister or the Head of Government, as the case may be, under the chairmanship of the President of the Republic. It constitutes the ideal framework for discussing fundamental and important matters of national concern and for taking appropriate decisions based on collective deliberation under the leadership of the Head of State , Referring to the

constitutional provisions of the 2020 constitutional amendment, we find that, should the President of the Republic appoint a Prime Minister following parliamentary elections that result in a presidential majority, the Prime Minister is obliged to draw up an action plan for the implementation of the presidential programme and is constitutionally required to present it to the Council of Ministers. The Prime Minister then submits his action plan to the National People's Assembly for approval, and the latter holds a general debate; the Prime Minister's fate remains contingent upon that approval.

As previously noted, the 2020 constitutional amendment, as part of efforts to strengthen the government's effectiveness and affirm its independence from the President of the Republic, provided that the Head of State may appoint the Head of Government in the event that parliamentary elections result in a parliamentary majority that does not align with the political orientation of the President of the Republic. The Head of Government then forms his government and prepares the parliamentary majority's programme, which is submitted to the Council of Ministers before being presented to Parliament for debate. Despite this step towards consolidating democracy, the fact that the Prime Minister's programme is submitted to the Council of Ministers before being presented to Parliament has a direct impact on the Prime Minister's freedom to implement the majority's programme, particularly as the Council of Ministers lacks rules of procedure defining its working methods and voting procedures. Consequently, the Council of Ministers acts as a monitoring body for the Prime Minister, who follows the President's directives regarding the means to be employed; the Council may amend the programme's parameters, which could lead to radical changes to the plan, whilst the Prime Minister ensures the smooth functioning of state institutions and safeguards the public interest. Consequently, the approval of the government's action plan by the Council of Ministers is considered the most crucial stage before it can be deemed implementable.

It should be noted that the government also submits draft legislation proposed by it to the Council of Ministers, as stipulated in Article 143 of the latest constitutional amendment, which states: 'The Prime Minister or Head of Government, as the case may be, as well as Members of Parliament and members of the National Assembly, have the right to initiate legislation; draft legislation shall be submitted to the Council of Ministers following the opinion of the Council of State.'

From the above, we can infer that most matters relating to the government are presented to the Council of Ministers, which is chaired by the President of the Republic, who determines the state's general policy and sets its choices and priorities; the President of the Republic is responsible for defining the broad directions and setting the objectives. The government's programme is presented to the Council of Ministers to ensure its consistency with the political programme and its embodiment of the state's general policy. Given the considerable influence wielded by the President of the Republic within the Council of Ministers and his control over its proceedings, his influence on the government's programme seems self-evident; this constitutes an important stage in the President's oversight of the government's programme. The Prime Minister's or Head of Government's organic subordination to the President of the Republic, and the fact that the government's action plan or programme must be approved by the Council of Ministers, ensures that the government's work is monitored in an organised and continuous manner, and places the responsibility of the Prime Minister and Head of Government before the President of the Republic.

Subsection Two: The Prime Minister's or Head of Government's responsibility to Parliament

The government's political responsibility to Parliament is one of the manifestations of the flexible separation of powers and one of the fundamental pillars of the parliamentary system. The Algerian constitutional framework, pursuant to the 2020 constitutional amendment, seeks to strengthen parliamentary oversight of the government's actions by activating parliamentary oversight mechanisms. The responsibility of the Prime Minister or Head of Government, as the case may be, is raised within the Algerian constitutional system through Parliament's debate on the government's action plan or programme, or on the general policy statement, in addition to the questioning procedure included by the constitutional framers among the mechanisms governing the government's political responsibility following the 2020 constitutional amendment. If successful, these measures lead to the fall of the government.

First: Discussion of the government's action plan or programme, as the case may be

The government's presentation of its action plan is considered the first official step it takes to commence its activities, and this mechanism is of paramount importance, as the action plan constitutes a general strategic framework covering all sectors and includes assessments and projections relating to the plan that must be followed to organise government activity in accordance with available resources, which requires parliamentary approval. Following the constitutional amendment of 2020, the government's action plan now varies depending on the parliamentary majority. If the general election results in a presidential majority, the government is led by a Prime Minister, who is tasked with proposing the formation of the government and preparing the government's action plan to implement the presidential programme, which sets out the work of the Council of Ministers as described in Article 105 of the 2020 constitutional amendment.

Should the legislative elections result in a parliamentary majority, the government is led by the Head of Government, who is tasked with forming his government and preparing the parliamentary majority's programme in accordance with Article 110, paragraph 1, of the 2020 Constitutional Amendment; this is considered a significant addition not provided for in previous constitutions, which strengthens the legislative authority and creates a degree of balance with the executive authority.

Once the government has been formed and its members appointed, the Prime Minister or Head of Government, as the case may be, shall submit the government's action plan or programme to the National People's Assembly for approval. A general debate shall be held on this, culminating in a vote in accordance with Article 106, paragraph 01, of the 2020 Constitutional Amendment, which stipulates that "The Prime Minister shall submit the government's action plan to the National People's Assembly for approval, and the National People's Assembly shall, for this purpose, hold a general debate", as well as the final paragraph of Article 110 of the 2020 Constitutional Amendment, which stipulates that "In all cases, the Head of Government shall present his government's programme to the Council of Ministers and then submit it to Parliament in accordance with the conditions set out in Articles 106 (paragraphs 1, 3 and 4), 107 and 108."

It is worth noting that, with a view to enhancing the effectiveness of the government and giving greater power to the parliamentary majority, the framers of the Constitution have provided for the possibility of putting the government's programme into practice. This results in a lack of political responsibility to the President of the Republic and instead entails responsibility to the parliamentary majority that brought the government to power. However, what affects the implementation of this new development is the difficulty in securing a parliamentary majority of the same political persuasion capable of forming a government and implementing its political programme.

The Prime Minister or Head of Government may adapt the government's action plan or programme in the light of the debate before the National People's Assembly, in consultation with the President of the Republic. The National People's Assembly's debate on the government's action plan or programme results either in its approval and adoption, which allows the Prime Minister or Head of Government to commence their duties. Should the National People's Assembly not approve the government's action plan or programme, the Prime Minister or Head of Government, as the case may be, shall tender the government's resignation to the President of the Republic.

As a preliminary ruling on the political responsibility of the Prime Minister or Head of Government before the lower house of Parliament, a rejection is deemed to occur where there is a conflict between the government's action plan and the orientation of the parliamentary majority, and where reconciliation between the two positions is not possible through adaptation; this decision results in the automatic fall of the government.

The President of the Republic is required to appoint a new Prime Minister or Head of Government, as the case may be, in accordance with Article 107, paragraph 2, and Article 110, paragraph 2, of the 2020 Constitutional Amendment, following the same procedures and formalities as those applied when a new government was first appointed, and to resubmit the government's action plan or programme to the National People's Assembly for debate. Should the action plan or government programme be rejected for a second time by the members of the

National People's Assembly, the Assembly shall be dissolved in accordance with the provisions of Article 108 of the 2020 Constitutional Amendment, which is signed by the President of the Republic without the possibility of delegating this authority, given its gravity and importance, and the fact that Algerian constitutional history has never seen the National People's Assembly bring down a government following the rejection of its programme, which reflects the executive's supremacy over the legislature; An example of this is the debate on the action plan of the government of Ayman Benabderrahmane, appointed as Prime Minister following the 2020 constitutional amendment, which took place before the National People's Assembly on 13 September 2021, and was put to a vote on 16 September 2021, The vote resulted in 318 MPs voting in favour of the government's action plan, against minor opposition from some parliamentary groups; the plan secured a comfortable majority in parliament, and the government commenced its work following approval.

As for the National Assembly, it has no authority to approve the government's action plan or programme, as the government is not responsible to it. However, its role in the process is not entirely absent, as the constitutional framers obliged the Prime Minister or Head of Government to present an outline of his programme to the Council of the Nation and granted the latter the power to issue a resolution on it. The constitutional framers did not stipulate any penalty for such a resolution, but it will necessarily be significant, particularly if it expresses the Council members' support for the programme.

It is worth noting that Organic Law 16-12, which sets out the organisation and functioning of the National People's Assembly and the Council of the Nation, as well as the relations between them and the government, has laid down the deadlines and procedures that the Prime Minister must follow; and requires the Prime Minister to present the government's action plan to the National People's Assembly within forty-five (45) days of the government's appointment, provided that the general debate on the government's action plan shall not commence until seven (07) days after the plan has been communicated to the deputies, whilst the vote on the government's action plan, following its amendment, shall take place within a maximum of 10 days from the date of its submission to the sitting; and the Prime Minister shall submit the government's action plan to the Council of the Nation within a maximum of 10 days following its approval by the National People's Assembly.

Second: The political responsibility of the Prime Minister or the Head of Government, as the case may be, on the occasion of the presentation of the general policy statement

The annual general policy statement is a very important means by which the government informs Members of Parliament, bringing them up to date on what has been implemented during the year since the programme was presented, what is currently being implemented, the future plans the government intends to carry out, and the difficulties it has encountered. Referring to the Constitutional Amendment of 2020, we find that the Algerian Constitution requires the government to present an annual policy statement to the National People's Assembly. This is explicitly stipulated in Article 111, paragraph 1, of the Constitutional Amendment of 2020, which states: "The Prime Minister or the Head of Government, as the case may be, shall present an annual statement on general policy to the National People's Assembly."

Furthermore, Article 51 of Organic Law No. 16/12 stipulates: "Each year, from the date of approval of its action plan, the Government must submit to the National People's Assembly a statement on general policy in accordance with the provisions of Article 98 of the Constitution." An analysis of the text of both articles reveals that they are couched in mandatory terms, unlike previous amendments; consequently, Article 111 of the 2020 Constitutional Amendment is regarded as a constitutional safeguard against governments' reluctance to present the general policy statement, which enables Parliament to scrutinise the Government's work and ensures its coherence. The general policy statement is followed by a debate by members of the National People's Assembly, which may result in the adoption of a motion supporting or opposing that policy, or the submission of a motion of no confidence by members; the government may also request a vote of confidence.

Adoption of a motion

A motion refers to the procedure whereby members of parliament express their position on the government, whether in support or opposition, without determining the consequences of its actions . Article 111, paragraph 3, of the 2020 Constitutional Amendment stipulates that : ‘This debate may be concluded with a motion’, For this motion to be admissible, it must comply with the conditions set out in Organic Law No. 16-12 governing the National People’s Assembly, in Articles 51 to 62, whereby it must be submitted within 72 hours of the debate on the policy statement, signed by at least 20 Members of Parliament, and lodged with the Bureau of the National People’s Assembly by the representative of those proposing the motion, It is worth noting that the conclusion of the debate on the general policy statement with the adoption of a motion does not entail any constitutional consequences, as the Constitution does not stipulate any resulting effect; The motion does not lead to the fall of the government ; it may be in support of the government, in which case it is regarded as backing for it, strengthening its position and renewing confidence in it, or it may express reservations about the government’s policy and draw its attention to areas of shortcomings and failure to adhere to the agreed plan.

The proposal of the motion is a first step towards drawing the government’s attention to, and warning it of, the existence of opposition to its policies; ignoring this may lead to the invocation of its political responsibility under a motion of no confidence , In practice, however, the issuance of such a motion is extremely rare, and the National People’s Assembly seldom resorts to it. This is due to the negligible impact of its adoption, coupled with the complexity and intricacy of the procedures involved, the difficulty of gathering signatures from MPs to propose it, and their realisation of its futility.

Motion of censure

A motion of no censure is a procedure that holds the government to account; it is the most significant and potent of the means available to parliament, aimed at forcing the government to resign. Should it succeed, the government is obliged to resign. It is the second measure to which MPs resort to put pressure on the government and even compel it to tender its resignation, provided the constitutionally required quorum is met. The Algerian legislature has subject it to a set of conditions and restrictions laid down in Articles 161 and 162 of the 2020 constitutional amendment, such a motion is only admissible if signed by at least one-seventh (7/1) of the members of parliament ; no member may sign more than one motion of no confidence; and the text of the motion must be submitted by a representative of the proposers to the Bureau of the National People’s Assembly, whereupon it is posted and distributed to all members of parliament.

Following the conclusion of the debate, a vote shall be taken three (03) full days after the date of its submission, in accordance with Article 162, paragraph 2, of the 2020 Constitutional Amendment, which stipulates: “A vote shall not take place until three (03) days have elapsed from the date of the submission of the motion of censure ; for the motion to be accepted, it must be approved by two-thirds (3/2) of the members of parliament .

If all the legal conditions for tabling a motion of censure are met and the members of parliament vote in favour of it, the Prime Minister or Head of Government shall tender his government’s resignation to the President of the Republic. He may accept the resignation and appoint another head of government, or he may reject it and dissolve the National People’s Assembly, as he is constitutionally authorised to do under Article 151 of the 2020 Constitutional Amendment, and call early parliamentary elections.

Given the gravity and impact of this measure, the framers of the Constitution—in order to safeguard the stability of the government, even at the expense of democratic principles—imposed virtually impossible and unreasonable conditions on its use, rendering it an impracticable and unworkable concept in reality , Consequently, the Algerian Parliament has never succeeded in tabling a motion of no confidence and forcing the government to resign under the Algerian constitutional framework.

Request for a vote of confidence

A vote of confidence is a parliamentary mechanism that grants the Prime Minister or the Head of Government, as the case may be, the right to address the National People's Assembly to put the question of a vote of confidence in the government to a vote. A vote of confidence constitutes a legitimate mandate for the government to carry out the duties entrusted to it. In accordance with Article 111(5) of the 2020 Constitutional Amendment, the Prime Minister or the Head of Government, as the case may be, may request a vote of confidence from the National People's Assembly. This serves to protect the government's political standing and strengthen its position against the opposition.

The vote of confidence is conducted in accordance with a set of procedures laid down in Articles 63 to 65 of the aforementioned Organic Law 16-12. This takes place during the debate on the general policy statement, during which the motion for a vote of confidence is discussed, after which Members of Parliament vote. If a simple majority of the members present at the sitting approve the motion, the government is deemed to have secured the confidence of the National People's Assembly and may continue its work; if the vote of confidence is rejected, the Prime Minister shall tender the resignation of his government, as provided for in Article 111, paragraph 6, and in the event that the motion of confidence is not approved, the Prime Minister or the Head of Government, as the case may be, shall tender the government's resignation." to the President of the Republic, who may, before accepting the resignation, dissolve the National People's Assembly in accordance with the provisions of Article 151 of the 2020 Constitutional Amendment, and call early parliamentary elections. Consequently, the vote of confidence is not a means of directly bringing down the government, as it is precluded by the potential presidential dissolution of the National People's Assembly. This is why parliament usually approves the motion of confidence to avoid dissolution. We note that the National People's Assembly retains the most important oversight mechanisms, despite the shortcomings in their application; however, the role of the Council of the Nation remains very marginal when it comes to the presentation of the general policy statement and does not result in any consequences that threaten the government.

Interpellation

An interpellation is a supervisory procedure whereby a group of Members of Parliament seeks clarification from the Government on a topical issue; it constitutes an investigation by Members of Parliament into specific facts or truths concerning issues and matters falling within the remit of the executive authorities, in accordance with procedures and conditions laid down by law. The 2020 Constitutional Amendment enshrined interpellation as a constitutional mechanism for parliamentary oversight of the government's work, as stipulated in the first paragraph of Article 160 of the 2020 Constitutional Amendment, which states: "Members of Parliament may interpellate the government on any matter of national importance, as well as on the implementation of laws."

A new feature introduced by the 2020 Constitutional Amendment is that interpellation has a direct impact on the government, which may lead to its removal by holding it accountable through a vote on a motion of censure, as stipulated in Article 161 of the 2020 Constitutional Amendment, in addition to a change in the scope of interpellation, which now covers any matter of national importance. Furthermore, the government may now be interpellated regarding its implementation of laws, whereas previously this was limited to current affairs. The Constitution does not specify what is meant by 'matters of national importance'. In addition, the Constitution permits the government to respond to the interpellation within a maximum of 30 days. Interpellations are conducted in accordance with the conditions set out in Articles 66 to 68 of Organic Law No. 16-12, the most important of which are: the text of the interpellation must be signed by no fewer than 30 deputies or 30 members of the Council of the Nation, the President of the National People's Assembly or the President of the Council of the Nation shall notify the government of the text of the interpellation within 48 hours of its submission; thereafter, a debate shall take place and the sitting shall conclude either with a motion of support and thanks to the government or a motion of censure entailing the liability of the government as a whole or the minister concerned. This consequence thus serves as an incentive for deputies to exercise their right to question the government, despite the complexity of the procedure, given the objectives it achieves: it may culminate in the government being held politically responsible

through a motion of censure if approved by seven (7/1) of the members of the National People's Assembly, particularly as it has become an inevitable consequence of a failure to answer oral and written questions. It should be noted that the Constitution grants the right to question the government to both chambers of Parliament; however, it stipulates the consequences of the government's political responsibility when it is questioned by members of the National People's Assembly, but not when questioned by members of the Council of the Nation.

Conclusion

In conclusion, this study shows that political responsibility is one of the most important constitutional mechanisms aimed at achieving a balance of powers. It has undergone several historical phases in modern political systems before becoming one of the fundamental pillars of democratic systems as a means of overseeing the actions of the executive branch. The political responsibility of the Prime Minister or Head of Government in Algeria has evolved alongside successive constitutions. This responsibility has ranged from a complete absence of political responsibility under the dominance of the President of the Republic to its constitutional recognition, a principle enshrined in the 2020 constitutional amendment. This constitutional amendment reorganised the executive branch by distinguishing between the offices of Prime Minister and Head of Government based on the outcome of the legislative elections. This represents a development in the constitutional framework governing the political responsibility of the Prime Minister and the Head of Government in relation to the President of the Republic. This is reflected in the President's extensive authority to appoint and dismiss the Prime Minister or the Head of Government, as well as in the Council of Ministers, which is presided over by the President. Parliament's oversight role over the executive branch has also been strengthened. Previously, the political responsibility of the Prime Minister or Head of Government was linked to the presentation of the annual general policy statement, which could give rise to a motion of no censure. Members of Parliament are now able to exercise parliamentary scrutiny outside the designated period by interpellates to the Government on matters of national importance. This could potentially result in the withdrawal of confidence in the Prime Minister or Head of Government. However, the framers of the Constitution imposed a series of conditions and procedures governing the application of this mechanism, which prevented its implementation throughout the ninth parliamentary term. It is therefore necessary to strengthen Parliament's oversight role by reviewing oversight procedures in all their forms. The relevant constitutional provisions should also be reviewed, and oversight mechanisms reinforced with appropriate legal sanctions. This would strengthen the principle of the separation of powers and ensure the proper functioning of constitutional institutions within the framework of the rule of law.

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