



الجمهورية الجزائرية الديمقراطية الشعبية
People's Democratic Republic of Algeria
وزارة التعليم العالي والبحث العلمي
Ministry of Higher Education and Scientific Research
جامعة أحمد دراية - أدرار
Ahmed Draia University - Adrar
مخبر القانون والمجتمع
Law and Society Laboratory



شهادة مشاركة

يشهد كل من عميد كلية الحقوق والعلوم السياسية ومدير مخبر القانون والمجتمع بجامعة أحمد دراية - أدرار - الجزائر بأن:

Dr. Abdelghani Hadjab

قد ساهم (ت) بمقال تحت عنوان:

Local Governance Reform and Sustainable Development in Algeria

في كتاب جماعي دولي محكم موسوم بـ "الحكومة المحلية كآلية لتحقيق التنمية المستدامة، دراسة حول: الإدارة المحلية، الديمقراطية التشاركية، والصفقات العمومية المحلية".

الكتاب يحمل الرقم الدولي المعياري ردمك 6-2-9663-9931-978 ISBN.

مدير مخبر القانون والمجتمع



الأستاذ الدكتور حمليق مهالم
مدير مخبر القانون والمجتمع

عميد كلية الحقوق والعلوم السياسية

العميد
عميد كلية الحقوق والعلوم السياسية
أ.د. إبراهيم



الديباجة

تعد الحوكمة المحلية أحد الركائز الأساسية لتحقيق التنمية المستدامة، حيث تقوم على مبادئ الشفافية، المشاركة، المساءلة، وسيادة القانون في تدبير الشأن المحلي. وقد أصبحت الحاجة إلى تطبيق مبادئ الحوكمة المحلية أكثر إلحاحاً في ظل التوجهات الحديثة نحو اللامركزية، والتي تهدف إلى منح الجماعات المحلية سلطات أوسع في اتخاذ القرارات وتدير الموارد، وفقاً لمقتضيات القوانين والتشريعات المنظمة للإدارة المحلية. من الناحية القانونية، تستند الحوكمة المحلية إلى مجموعة من النصوص التشريعية والتنظيمية التي تحدد اختصاصات الجماعات المحلية، وآليات تسيير الشأن العام، مثل القوانين المنظمة للجماعات المحلية، القوانين المالية الخاصة بالميزانية المحلية، والتشريعات المتعلقة بالصفقات العمومية، بالإضافة إلى المواثيق الدولية ذات الصلة بالحكم الرشيد والتنمية المستدامة. كما أن تعزيز الديمقراطية التشاركية يجد أساسه القانوني في القوانين التي تنظم مشاركة المواطنين في اتخاذ القرارات العمومية، سواء عبر مختلف الآليات المتاحة.

أهداف المشروع

يهدف هذا البحث إلى تحليل دور الحوكمة المحلية في تحقيق التنمية المستدامة من خلال استعراض الإطار القانوني للإدارة المحلية، وبيان أهمية الديمقراطية التشاركية كأداة لتعزيز الشفافية والمساءلة، مع التركيز على الصفقات العمومية المحلية باعتبارها إحدى الوسائل القانونية لتنفيذ المشاريع التنموية، وما يترتب عنها من تحديات مرتبطة بالرقابة والفساد. كما يتناول البحث التجارب الناجحة في هذا المجال، مع تقديم مقترحات لتعزيز الحوكمة المحلية وفق مقارنة قانونية وإدارية متكاملة، تضمن تحقيق التنمية المستدامة بما يتماشى مع الالتزامات الوطنية والدولية.

ويمكن اختصار مجموعة هذه الأهداف في النقاط التالية:

تحليل الإطار القانوني والتنظيمي للحوكمة المحلية، واستعراض مدى توافقه مع مبادئ الحكم الرشيد والتنمية المستدامة.

تقييم دور الإدارة المحلية في تحسين تدبير الموارد والخدمات العامة بما يعزز التنمية الاقتصادية، الاجتماعية، والبيئية.



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كلية الحقوق والعلوم السياسية
مخبر القانون والمجتمع
فرقة الإدارة المحلية والتنمية المستدامة

دعوة للمساهمة في

مشروع كتاب جماعي محكم ذو ترقيم دولي

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بعنوان

الحوكمة المحلية كآلية لتحقيق التنمية المستدامة
دراسة حول: " الإدارة المحلية، الديمقراطية التشاركية،
والصفقات العمومية المحلية "



الحوكمة

دراسة فاعلية الديمقراطية التشاركية في إشراك المواطنين في صنع القرار المحلي، وتحديد العقوبات القانونية والإدارية التي تواجهها.

تحليل تأثير الصفقات العمومية على التنمية المحلية، مع التركيز على آليات الشفافية والمنافسة العادلة في تدبير الشأن العام.

رصد التحديات التي تعيق تحقيق حوكمة محلية فعالة، سواء من حيث الإطار القانوني، البنية الإدارية، أو الموارد المالية والبشرية.

استكشاف الفرص المتاحة لتعزيز الحوكمة المحلية، بما في ذلك الإصلاحات القانونية، التحول الرقمي، والشراكات بين القطاعين العام والخاص.

دراسة التجارب الناجحة في الحوكمة المحلية على المستوى الوطني والدولي، واستخلاص الدروس التي يمكن الاستفادة منها في السياقات المحلية.

اقترح حلول وآليات عملية لتعزيز الحوكمة المحلية وضمان تحقيق التنمية المستدامة من خلال إدارة أكثر شفافية وكفاءة.

إشكالية المشروع

رغم التطورات التشريعية والإدارية التي شهدتها الحوكمة المحلية، لا تزال العديد من الجماعات المحلية تواجه تحديات جوهرية في تحقيق التنمية المستدامة. فبينما تهدف الإدارة المحلية إلى تحسين تدبير الشأن العام عبر آليات اللامركزية، يظل ضعف الموارد، غياب الكفاءة، ومحدودية التنسيق بين الفاعلين المحليين عائقاً أمام تحقيق تنمية شاملة. من جهة أخرى، تعتبر الديمقراطية التشاركية ركيزة أساسية في تعزيز الشفافية وإشراك المواطنين في صنع القرار، إلا أن تطبيقها العملي يواجه عراقيل قانونية وإدارية، كتأخر اعتماد آليات فعالة للمشاركة وضعف الوعي المجتمعي بدورها. كما تشكل الصفقات العمومية أداة أساسية لتنفيذ المشاريع التنموية، لكن إشكالات الفساد، ضعف الرقابة، وغياب المنافسة العادلة تؤثر على نجاعة هذه الصفقات وتحد من تأثيرها الإيجابي على التنمية.

بناءً على كل هذه المعطيات، تتمثل الإشكالية المركزية لهذا البحث في:

إلى أي مدى تساهم الحوكمة المحلية، في تحقيق التنمية المستدامة،

وما هي الإشكالات القانونية والإدارية التي تعيق تطبيقها الفعلي؟.



الهيئة المشرفة

الرئيس الشرفي : أ.د. بن عمر محمد الأمين (مدير الجامعة)

الإشراف العام للكتاب: أ.د. يامه إبراهيم (عميد الكلية)

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المحور الأول: مفهوم الحوكمة المحلية وأهميتها

المحور الثاني: الإدارة المحلية والتنمية المستدامة

المحور الثالث: الديمقراطية التشاركية في الحوكمة المحلية

المحور الرابع: الصفقات العمومية كأداة للتنمية المحلية

المحور الخامس: تجارب مقارنة في الحوكمة المحلية

المحور السادس: التحديات والفرص في تحقيق الحوكمة

المحلية والتنمية المستدامة

المحور السابع: آفاق تطوير الحوكمة المحلية



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منسق الكتاب: أ.د. حمليل صالح

رئيس هيئة تحرير الكتاب: د. حيلة حنان

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ترسل المساهمات البحثية إلى أحد العناوين الإلكترونية التالية:

ali.mohammed@univ-adrar.edu.dz

hila.hanane@univ-adrar.edu.dz

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1. أن يجب أن يندرج البحث ضمن المحاور المقترحة، وأن يتسم البحث بالأصالة والتجديد والموضوعية
2. تقبل البحوث باللغة العربية والانجليزية.
3. الالتزام التام بضوابط البحث العلمي المتعارف عليها أكاديميا.
4. ألا يكون البحث قد نشر أو قدم للنشر لجهة أخرى، وألا يزيد عدد صفحاته عن 20 صفحة ولا يقل عن 12.
5. الخط المعتمد وحجمه SimplifiedArabic 14 في المتن و 12 في الهامش وخط times new roman للغة الأجنبية.
6. التباعد بين الأسطر 1، وبين الفقرات: 1.5
7. الهوامش مفهرسة آليا، وتوضع الإحالات في كل صفحة مع الالتزام التام بترتيب بيانات التوثيق كالتالي:
8. اسم لقب واسم المؤلف، عنوان الكتاب، الجزء
9. رقم الطبعة وتاريخها، دار النشر، سنة النشر، الصفحة.
10. يذيل البحث بالمصادر والمراجع مرتبة ترتيبا علميا.
11. تخضع جميع البحوث للتحكيم من قبل لجنة علمية متخصصة
12. إرسال سيرة ذاتية مختصرة للباحث.
13. يرسل البحث بملف ورد ولا تقبل أي صيغة أخرى



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كلية الحقوق والعلوم السياسية

مخبر القانون والمجتمع

فرقة الإدارة المحلية والتنمية المستدامة

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الهيئة المشرفة

الرئيس الشرفي : أ.د.بن عمر محمد الامين (مدير الجامعة)

الإشراف العام للكتاب: أ.د.يامة ابراهيم (عميد الكلية) أ.د.حميل صالح (مدير المخبر)

رئيس الكتاب: أ.د.علي محمد

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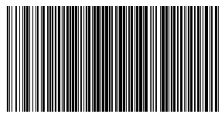
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مخبر القانون والمجتمع سنة 2025



الجمهورية الجزائرية الديمقراطية الشعبية

People's Democratic Republic of Algeria

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شهادة نشر

كتاب جماعي محكم ذو ترقيم دولي:

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يشهد كل من عميد كلية الحقوق والعلوم السياسية ومدير مخبر القانون والمجتمع بجامعة أحمد دراية - أدرار - الجزائر بأن الأستاذ الدكتور **علي محمد** ترأس عملية نشر كتاب جماعي دولي محكم من تحرير الدكتورة **حيلة حنان** رئيسة اللجنة العلمية، ومن تأليف مجموعة من الباحثين موسوم بـ "**الحوكمة المحلية كآلية لتحقيق التنمية المستدامة دراسة حول: الإدارة المحلية، الديمقراطية التشاركية، والصفقات العمومية المحلية**".

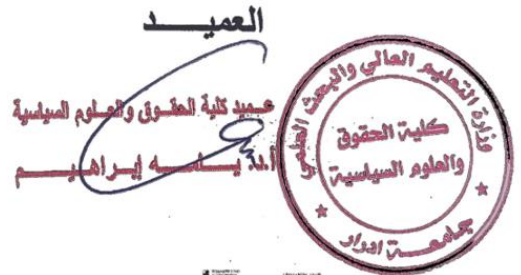
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حرر في: 2025/12/25

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عميد كلية الحقوق والعلوم السياسية





الديباجة

تعد الحوكمة المحلية أحد الركائز الأساسية لتحقيق التنمية المستدامة، حيث تقوم على مبادئ الشفافية، المشاركة، المساءلة، وسيادة القانون في تدبير الشأن المحلي. وقد أصبحت الحاجة إلى تطبيق مبادئ الحوكمة المحلية أكثر إلحاحًا في ظل التوجهات الحديثة نحو اللامركزية، والتي تهدف إلى منح الجماعات المحلية سلطات أوسع في اتخاذ القرارات وتدبير الموارد، وفقًا لمقتضيات القوانين والتشريعات المنظمة للإدارة المحلية.

من الناحية القانونية، تستند الحوكمة المحلية إلى مجموعة من النصوص التشريعية والتنظيمية التي تحدد اختصاصات الجماعات المحلية، وآليات تسيير الشأن العام، مثل القوانين المنظمة للجماعات المحلية، القوانين المالية الخاصة بالميزانية المحلية، والتشريعات المتعلقة بالصفقات العمومية، بالإضافة إلى المواثيق الدولية ذات الصلة بالحكم الرشيد والتنمية المستدامة. كما أن تعزيز الديمقراطية التشاركية يجد أساسه القانوني في القوانين التي تنظم مشاركة المواطنين في اتخاذ القرارات العمومية، سواء عبر مختلف الآليات المتاحة.

الإشكالية

رغم التطورات التشريعية والإدارية التي شهدتها الحوكمة المحلية، لا تزال العديد من الجماعات المحلية تواجه تحديات جوهرية في تحقيق التنمية المستدامة. فبينما تهدف الإدارة المحلية إلى تحسين تدبير الشأن العام عبر آليات اللامركزية، يظل ضعف الموارد، غياب الكفاءة، ومحدودية التنسيق بين الفاعلين المحليين عائقًا أمام تحقيق تنمية شاملة. من جهة أخرى، تعتبر الديمقراطية التشاركية ركيزة أساسية في تعزيز الشفافية وإشراك المواطنين في صنع القرار، إلا أن تطبيقها العملي يواجه عراقيل قانونية وإدارية، كتأخر اعتماد آليات فعالة للمشاركة وضعف الوعي المجتمعي بدورها. كما تشكل الصفقات العمومية أداة أساسية لتنفيذ المشاريع التنموية، لكن إشكالات الفساد، ضعف الرقابة، وغياب المنافسة العادلة تؤثر على نجاعة هذه الصفقات وتحد من تأثيرها الإيجابي على التنمية.

بناءً على كل هذه المعطيات، تتمثل الإشكالية المركزية لهذا البحث في:

إلى أي مدى تساهم الحوكمة المحلية، في تحقيق التنمية المستدامة، وما هي الإشكالات القانونية والإدارية التي تعيق تطبيقها

الفعلي؟.

الأهداف

يهدف هذا البحث إلى تحقيق مجموعة من الأهداف تتمثل في التالي:

- تحليل الإطار القانوني والتنظيمي للحكومة المحلية، واستعراض مدى توافقه مع مبادئ الحكم الرشيد والتنمية المستدامة.
- تقييم دور الإدارة المحلية في تحسين تدبير الموارد والخدمات العامة بما يعزز التنمية الاقتصادية، الاجتماعية، والبيئية.
- دراسة فاعلية الديمقراطية التشاركية في إشراك المواطنين في صنع القرار المحلي، وتحديد العقوبات القانونية والإدارية التي تواجهها.
- تحليل تأثير الصفقات العمومية على التنمية المحلية، مع التركيز على آليات الشفافية والمنافسة العادلة في تدبير الشأن العام.
- رصد التحديات التي تعيق تحقيق حوكمة محلية فعالة، سواء من حيث الإطار القانوني، البنية الإدارية، أو الموارد المالية والبشرية.
- استكشاف الفرص المتاحة لتعزيز الحوكمة المحلية، بما في ذلك الإصلاحات القانونية، التحول الرقمي، والشراكات بين القطاعين العام والخاص.
- دراسة التجارب الناجحة في الحوكمة المحلية على المستوى الوطني والدولي، واستخلاص الدروس التي يمكن الاستفادة منها في السياقات المحلية.
- اقتراح حلول وآليات عملية لتعزيز الحوكمة المحلية وضمان تحقيق التنمية المستدامة من خلال إدارة أكثر شفافية وكفاءة.

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Local Governance Reform and Sustainable Development in Algeria

إصلاح الحوكمة المحلية والتنمية المستدامة في الجزائر

Dr. Abdelghani Hadjab* Dr. Said Mellah

<https://orcid.org/my-orcid?orcid=0009-0001-8595-4553>

- Mohamed Boudiaf University-M'sila (Algeria) abdelghani.hadjab@univ-msila.dz
- Mohamed Boudiaf University-M'sila (Algeria) said.mellah@univ-msila.dz

Abstract:

This monograph provides a critical analysis of the institutional barriers impeding local sustainable development in Algeria. The analysis reveals that despite legal reforms, a strategic retention of fiscal authority by the central state cripples local administrative autonomy, leading to inefficiency and incomplete projects. While recent public procurement (Law 23-12) and its digital portal represent a significant techno-legal leap towards integrity, their effectiveness is contingent upon overcoming deep-seated administrative weaknesses and ensuring robust judicial oversight. The report concludes that isolated reforms are insufficient; achieving meaningful local governance for sustainable development requires an integrated strategy of fiscal decentralization, the institutionalization of participatory mechanisms, and the reinforcement of digital integrity systems.

Keywords: Local Governance; Decentralization; Participatory Democracy; Public Procurement; Sustainable Development Goals (SDGs)

ملخص:

تقدم هذه الدراسة تحليلاً نقدياً للعوائق المؤسسية التي تعيق التنمية المحلية المستدامة في الجزائر. ومن خلال دراسة ثلاثة ركائز أساسية - الإدارة المحلية، والديمقراطية التشاركية، والمشتريات العامة - تحدد الدراسة خلافاً منهجياً متجذراً في إرث الجزائر من السيطرة المركزية. ويكشف التحليل أنه على الرغم من الإصلاحات القانونية، فإن احتفاظ الدولة المركزية بالسلطة المالية بشكل استراتيجي يقوض استقلالية الإدارة المحلية، مما يؤدي إلى انعدام الكفاءة وعدم اكتمال المشاريع. علاوة على ذلك، لا تزال الآليات التشاركية، مثل الموازنة التشاركية، رمزية إلى حد كبير بسبب غياب أطر التنفيذ الإلزامية، مما يحد من التمكين الحقيقي للمواطنين. وبينما يمثل قانون الصفقات العمومية الأخير (القانون 23-12) وبوابته الرقمية قفزة تقنية وقانونية هامة نحو النزاهة، فإن فعاليتها مشروطة بتجاوز نقاط الضعف الإدارية المتجذرة وضمان رقابة قضائية فعالة. ويخلص التقرير إلى أن الإصلاحات المنعزلة غير كافية؛ إذ يتطلب تحقيق حوكمة محلية فعالة للتنمية المستدامة استراتيجية متكاملة للامركزية المالية، ومأسسة الآليات التشاركية، وتعزيز أنظمة النزاهة الرقمية.

الكلمات المفتاحية: الحوكمة المحلية؛ اللامركزية؛ الديمقراطية التشاركية؛ الصفقات العمومية؛ أهداف التنمية المستدامة.

***Corresponding author**

Introduction

The global agenda for sustainable development, crystallized in the Sustainable Development Goals (SDGs), inherently requires a fundamental shift in how governance is conceptualized and executed. The achievement of these ambitious goals necessitates moving beyond purely national policy frameworks to robust subnational implementation. Local authorities, positioned as the governmental tier closest to citizens, are universally recognized as crucial actors responsible for translating global and national strategies into tangible, localized action. This localization mandate implies that effective local action, encompassing environmental stewardship, social equity, and economic growth, is indispensable for the comprehensive realization of the SDGs.

The successful implementation of the SDG agenda, however, critically depends on effective local governance (LG). LG is defined by a set of foundational principles, including transparency, responsiveness, accountability, and inclusivity. Where these principles are weak or absent, a significant governance deficit emerges, hindering local authorities' capacity to manage resources, coordinate policies, and engage citizens effectively. This deficit is often pronounced in states transitioning from highly centralized political and economic models.

Algeria, positioned within the Maghreb region, exemplifies a context characterized by a historical reliance on centralized systems, economic dependency (often tied to hydrocarbon revenues), and political transitions that have amplified demands for democratic accountability and resource sharing. The nation inherited a centralized governance system at independence in 1962, where policy and decision-making were firmly controlled by the central government, often excluding local authorities and communities from meaningful engagement. This history informs Algeria's specificity: despite multiple administrative reforms—including Municipal Codes enacted in 1967, 1990, and 2011—the institutional architecture has struggled to achieve genuine devolution of power and establish local autonomy.

A key structural challenge underlying the struggle for SDG localization in highly centralized states like Algeria is the **mismatch between international expectations of multi-level governance (MLG) and deeply entrenched state ideology focused on central control**. Global development discourse mandates significant local autonomy to allow for tailored, context-specific solutions, yet Algeria's system, influenced by its historical trajectory and security concerns, maintains strong central authority. Consequently, local efforts, such as Municipal Development Plans (PCD) or decentralized sectoral programs (PSD), often operate as centrally dictated mandates rather than autonomously developed priorities. This mechanism invariably leads to systemic operational problems, such as a high percentage of incomplete projects, because local actors lack the requisite ownership and flexible resource allocation required for successful completion.

The decentralization history in Algeria, spanning from 1962 to 2025, demonstrates a pattern of **cyclical administrative reforms that ultimately reinforce central authority**. While new laws might be promulgated to reorganize administrative divisions and grant nominal powers, the central government consistently restricts critical financial levers, such as retaining control over state subsidies. This strategic retention of fiscal control ensures that local authorities cannot self-fund or implement truly independent

policies, guaranteeing that central power is maintained despite any superficial legal rhetoric promoting devolution.

Research Questions and Objectives

This report seeks to provide an expert analysis of the institutional barriers preventing Algerian local governance from effectively achieving sustainable development goals through the lens of local administration, participatory democracy, and public procurement integrity.

The primary research questions guiding this analysis are:

1. To what extent does Algeria's centralized institutional architecture impede the realization of local administrative and fiscal autonomy necessary for robust local development and SDG achievement?
2. What are the primary legal and operational impediments facing participatory democracy mechanisms, such as Participatory Budgeting (PB), in achieving genuine citizen empowerment and increasing local administrative transparency?
3. How effective are Algeria's recent legal reforms in public procurement, particularly Law 23-12 and its mandate for digitization, in fostering transparency, ensuring fair competition, and mitigating chronic corruption risks at the local level?
4. What integrated governance reforms (legal, financial, and technological) are required to systematically transition Algerian local governance into a genuinely effective mechanism for sustainable and equitable development?

Structure of the Monograph

The remainder of this report is structured into five subsequent chapters. Chapter II establishes the essential theoretical framework, defining Local Governance for Sustainable Development (LGSD) and analyzing the core tenets and constraints of the decentralization paradigm. Chapter III analyzes Pillar 1, focusing on the institutional and administrative challenges of local government in Algeria. Chapter IV addresses Pillar 2, investigating the status and limitations of participatory democracy, particularly Participatory Budgeting. Chapter V examines Pillar 3, scrutinizing the legal framework and implementation of public procurement reform and its role in fighting local corruption. Finally, Chapter VI synthesizes the critical findings, identifying systemic obstacles, and proposing integrated policy recommendations for meaningful institutional reform.

1- Theoretical and Conceptual Foundations of Local SD Governance

1.1- Defining Local Governance for Sustainable Development (LGSD)

The concept of Local Governance for Sustainable Development (LGSD) marks a pivotal evolution from the traditional hierarchical notion of "government" to the more collaborative structure of "governance." Governance is characterized by networked interactions involving governmental, private, and civil society actors, moving beyond state-centric mandates to achieve collective outcomes. For sustainable development, this requires local authorities to engage proactively with external stakeholders—research institutes, non-governmental organizations (NGOs), and interest groups—to communicate the urgency of the SDGs and coordinate local action¹.

Fundamental to LGSD are the core principles of good governance, which serve as essential prerequisites for institutional legitimacy. These principles include transparency, ensuring openness in decision-making and resource management; accountability, holding officials responsible for their actions; responsiveness, aligning public services with citizen preferences; and effectiveness, ensuring efficient delivery of services².

Crucially, transparency in this context is not merely defined as the passive disclosure of information. Rather, it is viewed as an active tool of democratic governance where interested parties can gather information and actively negotiate their preferences, opinions, and demands³. This participatory understanding ensures that transparency reinforces corollary principles like non-discrimination and competitive fairness, underpinning the entire local governance ecosystem.

1.2- Multi-Level Governance (MLG) and the Decentralization Paradigm

Achieving complex global objectives like the SDGs demands an effective Multi-Level Governance (MLG) system, requiring smooth and coordinated interaction across global, national, regional, and local tiers⁴. This vertical coordination imperative acknowledges that national governments integrate global goals into policy, but implementation and service delivery largely rest with subnational entities.

Decentralization, the administrative, fiscal, and political shift of authority from central to subnational levels, provides the institutional context for MLG. While administrative decentralization transfers implementation responsibilities, fiscal decentralization grants local taxing authority and resource management discretion, and political decentralization involves devolution of decision-making power to elected local bodies. The institutional context is vital: even in highly decentralized, federal states like Germany and Switzerland, the local level is often responsible for policy implementation and service delivery, requiring robust, regular collaboration through inter-communal, inter-cantonal, and tripartite cooperation mechanisms with the federal

¹ Christopher Ansell; Eva Sørensen; Jacob Torfing. The Key Role of Local Governance in Achieving the SDGs. Book Chapter in: Co-Creation for Sustainability: The UN SDGs and the Power of Local Partnership, 2022, <https://doi.org/10.1108/978-1-80043-798-220220002>

² Anona Armstrong; Yongqiang Li. Governance and Sustainability in Local Government. *Australasian Accounting, Business and Finance Journal*, Vol. 16, no. 2, 2022, p. 12-31. <https://doi.org/10.14453/aabfj.v16i2.3>

³ Şerafettin Erten; Yurdanur Ural Uslan. Does participation have an impact on transparency and trust? A local government case [Special issue]. *Journal of Governance & Regulation*, Vol. 14, no. 2, 2025, p. 224–233. <https://doi.org/10.22495/jgrv14i2siart1>

⁴ Christopher Ansell et al., Op.cit.

government⁵. This complexity underscores that decentralization is not a simple transfer of power but a continuous administrative challenge requiring refined legal and institutional support.

Despite its theoretical promise, decentralization faces pervasive structural constraints that frequently undermine its effectiveness. These constraints include: weak administrative or technical capacity at local levels, leading to inefficient service delivery; the transfer of administrative responsibilities without commensurate financial resources, making equitable service provision difficult; and the potential for local elite capture, where local functions are co-opted for private interests⁶.

A critical theoretical contradiction arises from the tendency of national governments to delegate administrative *implementation* responsibilities (e.g., service delivery) while strategically retaining control over necessary *financial resources* or legal autonomy. When local authorities are tasked with execution but denied the means to fund and manage these services independently, inevitable inefficiency results, often leading to coordination conflicts between hierarchical levels⁷.

1.3- The Legal and Political Economy of Decentralized States

The analysis of local governance requires a foundation in public law and political economy. Traditional administrative law has exhibited a "double lacuna," historically neglecting the institutional structure, agency processes, and judicial oversight specific to local administration, focusing primarily on federal or central government⁸. A robust understanding of administrative legitimacy, particularly in developmental contexts, requires a renewed focus on subnational legal and institutional arrangements.

From a fiscal perspective, the theory of public finance underscores the necessity of local fiscal discretion—including control over taxation and borrowing capacity—for effective service delivery and responsiveness to local preferences⁹. Conversely, when local financial levers are weak, the entire framework of local governance weakens.

In the realm of political science, the concept of participatory democracy relies on "democratic innovations," new institutional designs that enhance citizen participation. These innovations seek to boost accountability, responsiveness, social equality, and the enforcement of the rule of law. Participatory mechanisms can manifest in different forms: those implemented top-down by the government, creating an "invited space" for citizen inclusion, or those developed bottom-up by civil society, creating an "invented space" as a political arena¹⁰.

⁵ Simo Krsmanovic. The Impact of Decentralization on Creating Enabling Environments: Whole-of-Society Implementation of the United Nations 2030 Agenda for Sustainable Development, accessed October 17, 2025, <https://www.uvu.edu/global/docs/wim22/sdg17/sdg17-krsmanovic.pdf>

⁶ Decentralization and environmental issues, accessed October 17, 2025, <https://www.fao.org/4/y4256e/y4256e05.htm>

⁷ Jamie Boex; Serdar Yilmaz, An analytical framework for assessing decentralized local governance and the local public sector, Urban Institute, IDG Working Paper No. 2010-06 December 2010, p. 1-35, accessed October 17, 2025, <https://www.urban.org/sites/default/files/publication/29451/412279-an-analytical-framework-for-assessing-decentralized-local-governance-and-the-local-public-sector.pdf>

⁸ Nestor Davidson, Localist Administrative Law. The Yale Law Journal, Vol. 126, no. 3, 2017, p. 564- 634. accessed October 17, 2025, https://www.yalelawjournal.org/pdf/DavidsonFinalforWebsite_2gdcg18q.pdf

⁹ Jamie Boex; Serdar Yilmaz, Op.cit.

¹⁰ Norbert Kersting. Participatory Democracy and Sustainability. Deliberative Democratic Innovation and Its Acceptance by Citizens and German Local Councilors. *Sustainability*, Vol. 13, no. 13, 2021, 7214. <https://doi.org/10.3390/su13137214>

Finally, the nature of citizen participation is undergoing a rapid transformation due to technology. Digitalization is not necessarily creating radically new participatory structures but rather **recalibrating the composition of citizen activity**. While traditional models emphasize inputting expertise and preferences *before* a decision is made, digital tools (such as platforms allowing citizens to rate services or report issues) enable real-time tracking, oversight, and judgment of decisions and their implementation *after* policy rollout. This shift places a much higher emphasis on post-implementation accountability, which profoundly affects the requirements for local administrative transparency and legitimacy¹¹.

2- Pillar 1: Local Administration and the Challenge of Decentralization in Algeria

2.1- The Institutional Landscape of Local Governance in Algeria

Algeria's approach to local governance is inextricably linked to its historical legacy of centralization, a system inherited and reinforced since 1962. This history establishes centralization as the dominant operational ideology, despite various legal attempts to restructure the administrative framework, including reforms in 1963, 1974, 1984, and 2015. Comparative analysis confirms that Algeria maintains a local governance system that blends elements of centralization and decentralization, but with the central government retaining significant control over decision-making and resource allocation¹².

The fundamental administrative unit at the grassroots level is the Municipal People's Assembly (Assemblée Populaire Communale, APC). The structure of the APCs is determined by unified administrative divisions across the country, rather than being based on localized criteria such as population or revenue thresholds. This structural approach reinforces central mandate and uniform application over local self-determination. Although elected officials formally take the lead in local governance, the persistence of central government interference in their mandate and operational functions remains a significant institutional constraint¹³.

2.2- Administrative Capacity Deficits and Service Delivery Efficiency

The political decision to maintain central control has clear consequences for administrative efficiency and local development outcomes. Studies examining local development efforts in Algeria, such as the case of Annaba Province, consistently identify severe operational obstacles that undermine the goals of comprehensive national development. These administrative barriers include pervasive bureaucracy, critically weak human resources, poor performance standards, and a notable lack of incentive systems. The practical result of this operational failure is a significant project completion gap. Despite dedicated efforts to promote local development through

¹¹ Rikki Dean. Participatory Governance in the Digital Age. International Journal of Communication, Vol. 17, 2023, p. 3562-3581, accessed October 17, 2025, <https://ijoc.org/index.php/ijoc/article/download/18833/4189>

¹² Abdallahi Beyate; Nde Zama. Analysis of Local Governance in the Maghreb Region—The Case of Mauritania and Algeria, Addaiyan Journal of Arts, Humanities and Social Sciences, Vol. 6, no. 8, p. 13-27, <https://doi.org/10.36099/ajahss.6.8.2>

¹³ ILCS, An example of decentralised land governance: the introduction of the wilayain Algeria. International Land Coalition Secretariat, accessed October 17, 2025, https://d3o3cb4w253x5q.cloudfront.net/media/documents/ilc_case_study_0117_algeria_1.pdf

municipal development plans (PCD) and decentralized sectoral programs (PSD), a high percentage of these projects remain incomplete¹⁴.

This endemic inefficiency wastes public resources, hinders developmental impact, and systematically erodes citizen trust in local institutions.

Furthermore, the bureaucratic hurdles extend beyond public service delivery to constrain local economic vitality. Small and Medium Enterprises (SMEs), which are vital engines for local economic growth and development, consistently face complex administrative and economic difficulties. These challenges include issues related to financing and cumbersome procedures, particularly banking and customs processes. When the local administrative environment is characterized by high bureaucracy, the ability of private investment to thrive and contribute to local development is severely limited¹⁵.

2.3- Fiscal Dependence as a Barrier to Sustainable Autonomy

The most formidable institutional obstacle to genuine decentralization in Algeria is the system of **fiscal dependence**. Local institutions are heavily reliant on the central government, particularly for funding economic interventions and managing basic public finances.

This reliance stems from structural deficiencies in Algeria's local taxation system. Research identifies problems such as restricted tax regulations, inadequate income generation capacity at the local level, and sustained dependency on central transfers. This structural constraint means that the ability of local communes to generate sufficient funds and effectively handle public finances remains significantly constrained, particularly in rural areas¹⁶.

The consequence of this reliance is demonstrated by the finding that local public finances were paradoxically less severely impacted than the State's finances during the global health crisis of 2020. This stability, is not a sign of resilience but an alarming indicator of the severe lack of self-sufficiency: the municipality remains the "driving force" of local development only as a sub-national entity heavily reliant on state aid¹⁷.

The phenomenon where local administrative failure (bureaucracy, weak capacity) is functionally supported by fiscal dependence demonstrates a critical **causal link between external financing and bureaucratic inertia**. When local authorities do not rely on local tax revenue for their operational survival, their accountability runs vertically—to the central state that provides the subsidies—rather than horizontally, to the local taxpayers and citizens¹⁸. This lack of localized pressure for efficiency allows for a tolerance of weak performance, bureaucracy, and high rates of project failure.

¹⁴ Aboubaker Houaled; Abdelghani Lebza; Ali Bin Tayeb. Regional Development in Algeria: Trends, Obstacles, and Measures to Overcome Them (Based on the Case of Annaba Province). Bulletin of Vitebsk State Technological University, Vol. 49, no. 3, 2024, p. 148-162. [www.doi.org/10.24412/2079-7958-2024-3-148-162](https://doi.org/10.24412/2079-7958-2024-3-148-162)

¹⁵ Zighed Rahma; Mekimah Sabri. Analyzing the economic and administrative difficulties of small and medium enterprises in Algeria. Review of Economic and Business Studies, Alexandru Ioan Cuza University, Faculty of Economics and Business Administration, Vol. 15, no. 2, 2022, p. 9-24. <https://doi.org/10.47743/rebs-2022-2-0001>

¹⁶ Almi Hassiba; Mehadjebia Nassira. Assessing Algeria's Local Taxation: An Analysis of Current Realities and Emerging Challenges. The Journal of North African Studies, Vol. 19, no. 33, 2023, p. 203-220, accessed October 17, 2025, <https://asjp.cerist.dz/en/article/233805>

¹⁷ Mohamed Mouloud Belaid et al., Op.cit, p. 886-895.

¹⁸ Sekfali Rim. Local governance in Algeria: reality and prospects, Russian Law Journal, no. 1, 2025. <https://cyberleninka.ru/article/n/local-governance-in-algeria-reality-and-prospects>

This institutional environment, characterized by high bureaucracy, financial dependence, and chronic administrative weakness, contributes to a generalized erosion of legitimacy. Citizens experience this as administrative failure and a continued sense of **exclusion from the remaining benefits of Algeria's rentier system**, which drives popular demand for fundamental institutional reforms, such as fighting corruption and promoting democracy¹⁹.

The critical constraints facing local administration in Algeria are summarized in the table below:

Algerian Local Administrative Constraints: From Legal Mandate to Operational Reality

Dimension of Governance	Legal/Formal Status	Operational Reality/Constraint	Impact on SD
Decentralization	Structuring administrative divisions (1963-2015), elected APCs.	Persistent centralization, strong central control, non-use of legal capacity.	Limits local tailored solutions and autonomous policy-making.
Fiscal Autonomy	Recognised need for local revenue generation (taxation).	Heavy financial dependency on central subsidies; restricted tax base and inadequate income generation.	Restricts long-term planning, investment capacity, and local ownership.
Administrative Efficiency	Mandate for public service improvement and modernization (e-governance).	Bureaucracy, weak human resources, low performance standards, high percentage of incomplete projects.	Impedes effective service delivery (health, education) and wastes resources.

Source:

Abdallahi Beyate; Nde Zama. Analysis of Local Governance in the Maghreb Region—The Case of Mauritania and Algeria, *Addaiyan Journal of Arts, Humanities and Social Sciences*, Vol. 6, no. 8, p. 13-27, <https://doi.org/10.36099/ajahss.6.8.2>
Aboubaker Houaled, p. 148-162.

Hayet Kebaili; Lamia Halimi; Mohammed Grinat; Khaider Khenfri. Digitization and Public Service Improvement in Algerian Local Authorities: Current Realities and Future Aspirations. *The International Tax Journal*, Vol. 52, no. 5, 2025, p. 2576-94.
<https://internationaltaxjournal.online/index.php/itj/article/view/267/347>

2.4- The Role of E-Governance in Administrative Modernization

In response to the pressures for greater efficiency and transparency, the Algerian government has prioritized the digital transformation of public services through e-governance initiatives. The establishment of agencies like the National Agency for the Promotion and Rationalization of the Use of Information and Communication

¹⁹ Zighed Rahma; Mekimah Sabri. Op.cit, p. 9-24.

Technology (ANPT) highlights the strategic intent to coordinate ICT projects, streamline administrative processes, and improve public service delivery²⁰.

The implementation of e-governance faces significant organizational and technological challenges. Constraints include complex factors affecting the adoption by firms and citizens, such as low trust in digital processes²¹. Moreover, studies indicate that communication between local authorities and citizens remains limited, reflecting a general lack of a culture of openness to citizen input among local officials. The limited deployment and effective use of ICT tools, particularly social media, by local authorities ultimately hinder the active citizen engagement that modern governance requires²².

3- Pillar 2: Participatory Democracy and Citizen Empowerment

3.1- Legal and Conceptual Basis for Participation in Algeria

The increased focus on participatory democracy in Algeria is part of a broader regional and national response to demands for greater political inclusion and legitimacy, often spurred by internal popular movements. The goal of adopting democratic innovations is precisely to transcend simple representative democracy, using citizen participation as a critical means to enhance transparency, accountability, and the rule of law²³.

Conceptually, participatory democracy serves a dual function: it is a governance tool and a form of political education. By engaging citizens in consultative frameworks, they are encouraged to reconcile individual preferences to formulate collective opinions, thereby positioning the citizen as an active contributor—more than a passive voter, though typically stopping short of becoming a primary decision-maker²⁴.

Evaluating the quality of participation in Algeria requires applying established theoretical frameworks, such as Arnstein's ladder, which classifies participation based on the degree of citizen power achieved (e.g., negotiation, delegated power, or citizen control). Key process criteria for effective participation, such as representativeness, early involvement, transparency, and resource accessibility, must also be assessed²⁵.

3.2- Mechanisms of Citizen Engagement in Algerian Local Affairs

Formal mechanisms for citizen engagement exist, including voting in local elections, attending public meetings, and engaging in public consultations. Citizens may also influence decisions through petitions, initiatives, or direct communication with local

²⁰ Soufyane Bouguetaia; Ettayib mezouri. E-Governance in the public sector in Algeria: challenges and progress. *Journal of Contemporary Issues in Business and Government*, Vol. 30, No. 1, 2024, accessed October 17, 2025, <https://cibgp.com/index.php/1323-6903/article/download/1743/2809/5517>

²¹ Benmoussa Mohammed Soufiane; Marhaiza Binti Ibrahim, The Factors Affecting on E-Government Adoption in Algeria: The Moderating Role of Trust. *SSRG International Journal of Economics and Management Studies*, Vol. 8, no. 3, p. 35-40, 2021, <https://doi.org/10.14445/23939125/IJEMS-V8I3P105>

²² Abderrahmane Benlahcene; Abbas Ramdani; Boubakeur Safi. The Nature of Government-Citizen Communication in the Algerian Southern States. *Cogent Social Sciences*, Vol. 10, no. 1, 2024. <https://doi.org/10.1080/23311886.2024.2355697>

²³ Valesca Lima. Strengthening Participatory Governance Through Resilience and Tech-Enabled Democratic Innovations. *Journal of Deliberative Democracy*, Vol. 21, no. 1, 2025. <https://doi.org/10.16997/jdd.1613>

²⁴ Amine Nedjar. Participatory in Algeria and Ways to Enhance Local Development: Selected Projects as Case Studies. *The journal of El-Nebras for legal studies*, Vol. 8, no. 2, 2025. P. 125-142, <https://asjp.cerist.dz/en/downArticle/470/8/2/266742>

²⁵ Yanliu Lin Stijn Kant. Using social media for Citizen Participation: Contexts, Empowerment, and Inclusion. *Sustainability*, Vol. 13, no. 12, 2021, 6635. <https://doi.org/10.3390/su13126635>

officials. These avenues are intended to provide citizens with the opportunity to stay informed, voice opinions, and hold elected representatives accountable²⁶.

The transition from government mandates to genuine governance practices requires strong involvement from civil society. Analysis confirms the widespread need for Algerian civil society organizations (CSOs) to acquire stronger capacity, updated knowledge, and effective tools for mobilization and networking. Similarly, local authorities themselves require enhanced capacity to establish effective mechanisms and frameworks for good local governance, thereby ensuring they can modernize public services and genuinely engage citizens in local development²⁷.

3.3- Case Study: The Implementation Gap in Participatory Budgeting (PB)

Participatory Budgeting (PB) has been celebrated internationally as a key model of good governance, acting as a "citizenship school" that educates and empowers citizens. Successful PB programs are known to enhance citizens' feelings of access to local government, improve their understanding of public money expenditure, and increase the perceived legitimacy of government officials²⁸. PB involves citizens in proposing projects and voting on the allocation of public funding, a critical element of local development²⁹.

Despite the adoption of the participatory democracy concept by Maghreb countries, including Algeria, the implementation of PB at the local level in Algeria has not reached the desired effectiveness. A central finding is the **absence of a legal text or mandatory regulatory framework that explicitly defines the mechanisms and procedures required for implementing PB**. This major shortcoming leaves the decision regarding citizen involvement mechanisms entirely up to the discretion of municipal mayors³⁰.

This institutional deficiency creates a "**Participatory Paradox.**" While the political landscape, necessitates the legal recognition of participatory democracy, the institutional failure to mandate its implementation via specific regulations represents a strategic political choice by local elites or the central government to retain discretionary control³¹. Consequently, participation mechanisms often become structures established only to fulfill legal *obligations* rather than permanent, sustained

²⁶ Mary Malcolm. The Role of Citizens in Local Government Decision-Making. GovPilot, accessed October 17, 2025, <https://www.govpilot.com/blog/the-role-of-citizens-in-local-government-decision-makinggovpilot>

²⁷ Amal Khelif. Citizen Empowerment for the Promotion of Good Governance and Participatory Democracy in Algeria. EVALUATION REPORT: UDF-16-703 ALG, United Nations, p. 1-25. accessed October 17, 2025, https://www.un.org/democracyfund/sites/www.un.org.democracyfund/files/udf-16-703_alg_final_report_31jan2022.pdf

²⁸ Sergiu Gherghina; Paul Tap; Sorina Soare. Participatory budgeting and the perception of collective empowerment: institutional design and limited political interference. Acta Polit, Vol. 58, no. 3, 2023, p. 573-590. <https://doi.org/10.1057/s41269-022-00273-4>

²⁹ Roberto Falanga. Scaling Participatory Budgets. Pitfalls and Potentialities from Multiple Scales in Portugal. *Local Development & Society*, Vol. 5, no. 3, 2023, p. 639–655. <https://doi.org/10.1080/26883597.2023.2181704>

³⁰ Tayeb Channa; Malika Betaina. Prospects for the effectiveness of participatory management in achieving sustainable and equitable development: a prospective study in light of the new Algerian municipal law project. Russian Law Journal, Vol. 13, no. 1, 2025, p. 653-663. accessed October 17, 2025, <https://cyberleninka.ru/article/n/prospects-for-the-effectiveness-of-participatory-management-in-achieving-sustainable-and-equitable-development-a-prospective-study/viewer>

³¹ Yacine Rebbouh . Participatory democracy in Algeria: between application and obstacles. AABHATH Review, Vol. 9, no. 1, 2024, p. 383-392, accessed October 17, 2025, <https://asjp.cerist.dz/en/downArticle/435/9/1/249805>

practices³². The lack of a legal requirement for PB, coupled with a discernible lack of "participatory spirit" among heads of Municipal People's Assemblies, is cited as the main reason for the failure of PB to take root³³.

3.4- Enhancing Transparency through Digital Participation

The potential for digital technology to enhance participatory democracy is widely recognized, as e-participation can potentially overcome logistical barriers like time constraints, accessibility, and power dynamics inherent in physical participation forums. Digital innovations facilitate modes of participation ranging from knowledge transfer to collective decision-making, voice, and oversight³⁴.

The operational environment in Algeria, situated within the broader Middle East and North Africa (MENA) region, presents significant barriers to digital democracy. Challenges include infrastructural deficits, and generally limited use of ICT tools for citizen dialogue³⁵. The effectiveness of digital participation is constrained by the limited progress in e-governance implementation (Pillar 1).

There is a direct correlation between **low local administrative digital capacity and limited digital participatory democracy** (Pillar 2). Since local authorities exhibit limited use of ICT tools and social media, they fail to amplify citizen oversight and feedback, thereby reducing transparency in decision-making. The implementation gap in e-governance and the resulting communication limitations must be addressed through targeted investment in ICT tools and employee training to foster a culture of openness³⁶.

4- Pillar 3: Local Public Procurement, Transparency, and Anti-Corruption

4.1- Principles of Good Procurement Governance

Public procurement involves the allocation of substantial public funds for works, supplies, services, or studies required to fulfill governmental functions. Unlike private sector contracting, public contracting is fundamentally founded on the principle of fully advertised, open, and fair competition, focusing on transparency and fairness³⁷.

Transparency is a critical element of good governance and operates as a vital method of public liability towards the community³⁸. In the context of procurement, transparency requires the effective communication and openness of all aspects: how contracts are defined, advertised, awarded, and managed³⁹. This principle acts as a crucial prophylactic mechanism against systemic corruption, which is acutely pertinent given

³² Miray Özden. Active participation or legal obligation? A qualitative study of the effectiveness of participatory methods designed for local participation. *Qual Quant*, Vol. 6, 2023, p.1-22. <https://doi.org/10.1007/s11135-023-01658-z>

³³ Afaf Miloudi; Sana Bahri; Aicha Merdjai. Participatory Budgeting as a Mechanism for Realizing Local Democracy in the Maghreb Countries. *Lex localis - Journal of Local Self-Government*, Vol. 23, no. 10, p. 680-695, accessed October 17, 2025. <https://doi.org/10.52152/5hz99241>

³⁴ Rikki Dean. Op.cit.

³⁵ Abderrahmane Benlahcene et al., Op.cit.

³⁶ Ibid.

³⁷ Purchasing and Public Contracts. League of Oregon Cities, accessed October 17, 2025, <https://www.orecities.org/resources/guides-handbooks/city-handbook/chapter-13-purchasing-and-public-contracts>

³⁸ Jorge Hochstetter; Felipe Vásquez; Mauricio Diéguez; Ana Bustamante; Jeferson Arango-López. Transparency and E-Government in Electronic Public Procurement as Sustainable Development. *Sustainability*, Vol. 15, no. 5, 2023, p. 46-72. <https://doi.org/10.3390/su15054672>

³⁹ Atupakisyé Mwakolo; Meshack Siwandeti; Leticia Mahuwi; Procurement of good governance as a strategic tool for achieving value for money in public construction projects. *LBS Journal of Management & Research*, Vol. 22 No. 2, 2024, p. 129–146, <https://doi.org/10.1108/LBSJMR-08-2023-0027>

the massive fiscal commitments inherent in public contracts. Improving procurement transparency is vital for safeguarding public funds, ensuring long-term economic stability, and building international trust⁴⁰.

4.2- Public Procurement as a Vehicle for Local Development and Integrity

Public procurement systems are increasingly viewed as strategic tools capable of delivering both value for money and broader socioeconomic benefits. Reformers often emphasize the role of procurement in stimulating local economies and supporting Small and Medium Enterprises (SMEs). This dual function aligns procurement with local development goals by channeling public spending strategically toward local actors. The deterrent effect of robust oversight is empirically proven. Studies, such as those analyzing Brazilian municipalities, have shown that an increased probability of undergoing audits significantly reduces corruption-related irregularities in procurement processes⁴¹.

This demonstrates that governance quality is directly correlated with credible external and internal control mechanisms.

4.3- Analysis of Algeria's Legal Framework (Law 23-12)

Algeria's legislative efforts to regulate public spending culminated in the recent enactment of Law No. 23-12 (August 2023), establishing general rules for public procurement. This law signals a major shift toward a regulated state model, seeking to safeguard public funds and achieve economic efficiency and integrity in contractual relations⁴².

The law's most pivotal institutional development is the mandate for **mandatory digitization and the establishment of the Electronic Public Procurement Portal (EPPP)**. This moves positions digitization as a direct conduit for operationalizing transparency, ensuring the electronic dissemination of all tender information and documentation between contracting authorities (including local ones) and economic operators⁴³.

Law 23-12 attempts to enforce anti-corruption standards directly within the bureaucratic machinery. For example, it imposes an obligation on all agents involved in procurement (preparation, conclusion, control, implementation) to provide written notification to their peaceful authority if they face a conflict between their private interests and public interests⁴⁴.

This legislative strategy demonstrates a strategic attempt by the Algerian state at **techno-legal leapfrogging**. By mandating the use of the EPPP, the government is utilizing technology to impose standardized transparency and combat endemic

⁴⁰ Salome Girgylani. Public Procurement Transparency and its Potential to Reduce Corruption in Low- Income Countries. 2023, accessed October 17, 2025, <https://www.researchgate.net/publication/384629900>

⁴¹ Noha El-Mikawy. From risk to opportunity: local governance in the southern mediterranean. Barcelona Center For International Affairs (CIDOB), 2020, accessed October 17, 2025, <https://www.cidob.org/en/publications/risk-opportunity-local-governance-southern-mediterranean>

⁴² Issaadi Mounir. Public procurement control mechanisms in Algeria in the light of law 23-12 establishing the general rules for public procurement. Russian Law Journal, Vol. 12 No. 1, 2024, accessed October 17, 2025, <https://www.russianlawjournal.org/index.php/journal/article/view/3805>

⁴³ Djellakh Nassima. Digitization as a mechanism for transparency in public procurement: an analysis of law no 23-12. Journal of Legal and Economic Research, Vol. 8, no. 3, 2025, p. 244-264. <https://asjp.cerist.dz/en/downArticle/512/8/3/275443>

⁴⁴ Amar Setti Mohamed Amine, Bouzza Sabrine. Anti-corruption measures in the field of public procurements in Algeria, International Journal of Early Childhood Special Education (INT-JECSE), Vol. 17, no. 3, p. 180-194, 2025, <https://doi.org/10.48047/intjecse/v17 ityè-3.15>

corruption, potentially circumventing the structural administrative deficiencies and bureaucratic resistance found in local administration (Pillar 1). The technology acts as an external force imposing integrity, potentially accelerating reforms beyond the pace of cultural or human resource changes⁴⁵.

4.4- Oversight and Accountability in Local Public Contracts

To ensure the integrity and efficiency objectives of Law 23-12 are met, robust control mechanisms are essential, covering both internal and external scrutiny before and after contract conclusion⁴⁶. Public contracts concluded by local authorities and public institutions are explicitly subject to the provisions of public law.

A vital component of this accountability framework is the role of the administrative judiciary. The principle is well-established that the administrative judiciary holds jurisdiction over disputes related to public contracts concluded by local authorities⁴⁷. This judicial control is necessary to enforce the rule of law and safeguard public funds from waste or misappropriation.

The effectiveness of the EPPP and Law 23-12 is critically contingent on the robustness of this judicial control⁴⁸. The introduction of complex digital procedures and electronic contracts creates a profound challenge: if the Administrative Judiciary lacks the specialized technical capacity to investigate and prosecute complex digital procurement fraud, the mandatory transparency mechanisms will be undermined. The resulting lack of enforcement would reduce Law 23-12 to a largely symbolic gesture, failing to genuinely curb corruption.

To maximize the impact of these legal achievements, practical suggestions include ensuring continuous training for all public procurement agents, specifically focusing on technical expertise and the management of the digital EPPP environment, thereby complementing the legislative mandate with necessary human capacity⁴⁹.

⁴⁵ Aboubaker Houaled, Op.cit, p. 148-162.

⁴⁶ Issaadi Mounir, Op.cit.

⁴⁷ Nouiri Samia. The application of administrative law and the jurisdiction of administrative courts based on the criterion of public utility in Algeria. Russian Law Journal, vol. 12, no. 2, 2024, pp. 1599-1610. <https://cyberleninka.ru/article/n/the-application-of-administrative-law-and-the-jurisdiction-of-administrative-courts-based-on-the-criterion-of-public-utility-in/viewer>

⁴⁸ Siham Bendaas, Nabil Ounnoughi. Establishing the Principle of Publicity to Prevent Corruption in Public Transactions According to Algerian Legislation. *Journal for Educators, Teachers and Trainers*, Vol. 15, no. 4, 2024, p. 1-10. <https://doi.org/10.47750/jett.2024.15.04.001>

⁴⁹ Amar Setti Mohamed & Amine Bouzza Sabrina. Op.cit, p. 180-194.

Conclusion

The pursuit of local sustainable development in Algeria, analyzed through the three pillars of local administration, participatory democracy, and public procurement, reveals a systemic failure in institutional interoperability, rooted primarily in the legacy of centralization and fiscal control.

Regarding **Local Administration (Pillar 1)**, the political system maintains effective control over local authorities through intentional **fiscal dependency**. This dependence on central subsidies removes the incentive for local governance to become efficient or accountable to its constituents, leading directly to bureaucratic inertia, weak human resources, and the failure to complete vital development projects.

In the realm of **Participatory Democracy (Pillar 2)**, while legal rhetoric acknowledges the necessity of citizen engagement, the institutional vacuum—specifically the absence of mandatory regulatory texts for mechanisms like Participatory Budgeting—demonstrates a resistance by local elites to delegate genuine power. This resistance restricts participation to low-impact, invited spaces, perpetuating low citizen trust and hindering the shift towards effective governance.

The enactment of **Law 23-12 and the EPPP (Pillar 3)** represents a critical, technology-driven initiative to enforce transparency and integrity in the allocation of public funds. The success of this reform faces a fundamental challenge: technology cannot resolve political and administrative deficits alone. The mandatory transparency of the digital platform is dependent on overcoming deeply embedded administrative weaknesses (Pillar 1) and ensuring the technical competence of the judicial oversight system.

The overarching constraint is clear: decentralization, participation, and procurement reforms cannot succeed in isolation. The core systemic failure is that weak administrative capacity compromises political will for participation, while the success of integrity reforms depends entirely on overcoming these foundational, capacity-related weaknesses.

A critical policy consideration for Algeria is whether the **technological solutions deployed through Law 23-12 and the EPPP can successfully compensate for entrenched, structural deficits in administrative capacity and political will**. If local staff lack training or if political actors resist the transparency mandated by the system, the digital platform may merely highlight, rather than resolve, the foundational weaknesses. Technology must be accompanied by, if not preceded by, significant human resource and capacity reform for long-term effectiveness.

Recommendations

Achieving local sustainable development requires an integrated, coordinated policy package addressing fiscal, political, and technical dimensions simultaneously.

A. Fiscal Decentralization as a Foundation

Genuine local development necessitates granting greater fiscal autonomy to local communes. This includes reforms aimed at enhancing local taxing authority and significantly reducing the crippling reliance on central subsidies. Concurrently, there must be immediate and targeted investment to strengthen the capabilities of local administrations in efficient local tax collection and modernized public finance

management⁵⁰. Fiscal decentralization ensures that accountability is directed horizontally to the local populace, thereby creating the necessary pressure for administrative efficiency.

B. Institutionalizing Participatory Mechanisms

To transition beyond rhetorical commitment, the government must mandate the immediate issuance of regulatory texts defining the specific legal frameworks and mechanisms for implementing participatory budgeting across all local authorities. Furthermore, capacity building is essential, targeting local officials with training on citizen engagement methodologies, alongside sustained support for civil society organizations to foster effective mobilization and network building required for meaningful participation.

C. Maximizing Digital Integrity and Oversight

The integrity gains provided by Law 23-12 must be safeguarded. This requires rigorous, continuous training for all public procurement agents, specifically defining and ensuring the technical qualifications necessary to manage the digital EPPP environment effectively. Crucially, the technical expertise and capacity of the Administrative Judiciary must be fundamentally strengthened to competently handle disputes arising from digital contracts and complex corruption allegations related to the new legal framework.

Future Research Directions

Future academic inquiry should focus on empirically testing the real-world impact of these reforms:

- 1. Empirical Assessment of EPPP Impact:** Quantitative studies are needed to assess the measurable impact of the Electronic Public Procurement Portal (Law 23-12) on verifiable metrics, such as the reduction in reported corruption indices and the change in the rate of Small and Medium Enterprise (SME) participation in local contracts post-2023.
- 2. Comparative Analysis of Power Dynamics in Budgeting:** A detailed comparative analysis of the formal versus informal mechanisms of resource distribution and local budgeting between Algeria, Tunisia is necessary to understand the persistent role of local elites in circumscribing legally defined participatory frameworks.
- 3. E-Governance, Trust, and Legitimacy:** Research should explore the direct relationship between the rate and quality of E-Governance adoption at the local level and the resultant changes in perceived trust in government among Algerian citizens.

⁵⁰ Almi Hassiba; Mehadjebia Nassira. Assessing Algeria's Local Taxation: An Analysis of Current Realities and Emerging Challenges. *Journal of North African Economies*, Vol. 19, no. 3, 2025, p. 203-220.
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