

The Algerian Academy of Sciences and Technologies under Law No. 22-02 and its Implementing Decrees.

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Abstract:

Desire from the constitutional founder to establish and perpetuate the advisory position in all fields to enhance participatory democracy and build a proper decision, according to the constitutional amendment of 2020, the Algerian Academy of Science and Technology, according to Article 218 of the constitutional amendment for the year 2020, and explicitly recognized that it is a body established by the President of the Republic of a scientific and technological nature.

Law No. 22-02 and decrees The applied to it, its organization, its formation, its course and its tasks.

This study aims to show the legal, organizational and functional framework of the academy under Law No. 22-02 and the decrees taken and for its application, as well as highlighting the manifestations of the independence of the academy organically and functionally.

Keywords: Constitution 2020, Law No. 22-02, Consulting Bodies, Academy, Academy's internal system, organic independence, job independence.

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Introduction :

With the aim of fostering participatory democracy in decision-making across all fields, the constitutional founder established an advisory body dedicated to promoting the scientific and technological domain by involving all stakeholders. This body is the Algerian Academy of Sciences and Technologies, which was founded in 2015 under Presidential Decree No. 15-85, establishing the Algerian Academy of Sciences and Technologies and defining its missions, composition, and organization. As a national body of a scientific¹ nature, enjoying legal personality and financial autonomy, and referred to in the text as "the Academy," the Academy is placed under the President of the Republic, and its headquarters are located in the city of Algiers².

to be constitutionally enshrined by virtue of the 2020 constitutional amendment, as an advisory body in the field of science and technology. In application of the text of Article 218 of the Constitution, Law No. 22-02 was issued to define its organization, functioning,

¹ Presidential Decree No. 15-85 dated March 10, 2015, establishing the Algerian Academy of Sciences and Technologies, Official Gazette, Issue No. 14 of 2015. **(Repealed)**

² "Articles 2, 3 of the same source."

and missions.³ In application of the text of Article 21 thereof, Presidential Decree No. 23-71 was issued, which aims to define the administrative organization of the Academy.⁴ followed by the issuance of Executive Decree No. 23-67, which defines the compensation scheme for members of the Academy and was issued in application of the text of Article 27 of the same law⁵.

In application of the text of Article 29 of Law No. 22-02, Presidential Decree No. 23-72 was issued, which includes the approval of its internal regulations⁶.

From this standpoint, we can raise the following problem statement: Has the Algerian legislator succeeded in establishing a legal system that guarantees the Academy's organizational and functional independence?

To answer this problem, we have decided to divide the study into the following two sections:

- **Section One: The Legal System of the Academy.**
- **Section Two: Manifestations of the Academy's Organizational and Functional Independence.**

Section One: The Legal System of the Academy

In Article 02 of Law No. 22-02, dated Ramadan 24, 1443 AH, corresponding to April 25, 2022, the Algerian legislator defined the Algerian Academy of Sciences and Technology as a **reference body** relied upon in various scientific and technological fields. It is composed of prominent national and foreign figures and possesses **scientific expertise** in areas related to its specialization.

Accordingly, we will examine the **organizational framework of the Academy** (Demand One) and the **functional framework of the Academy** (Demand Two).

Demand One: The Organizational Framework of the Academy

Within this demand, we will address the **human composition of the Academy** (Branch One) and the **structures of the Academy** (Branch Two).

Branch One: Human Composition

Like other bodies, the Algerian Academy of Sciences and Technology is comprised of a human structure, which we will clarify below:

Firstly: The President and Members

01- President of the Academy:

The Academy is presided over by a **President** elected by the **General Assembly** during one of its sessions, from among the **permanent members**. The President must reside in Algiers during their term, which is set at **three (03) years**, renewable once, by secret ballot

³"Law No. 22-02 dated April 25, 2022, defining the organization, composition, functioning, and missions of the Algerian Academy of Sciences and Technologies, Official Gazette, Issue No. 30 of 2022."

⁴Presidential Decree No. 23-71 dated February 12, 2023, defining the administrative organization of the Algerian Academy of Sciences and Technologies, Official Gazette, Issue No. 10 of 2023.

⁵Executive Decree No. 23-67 dated February 5, 2023, defining the compensation scheme for members of the Algerian Academy of Sciences and Technologies, Official Gazette, Issue No. 07 of 2023.

⁶Presidential Decree No. 23-72 dated February 12, 2023, approving the Internal Regulations of the Algerian Academy of Sciences and Technologies, Official Gazette, Issue No. 10 of 2023.

and with the majority of votes of the members present⁷. The **President of the Academy**, if unavailable, may **appoint one of their deputies to act on their behalf**. In the event of a **vacancy in the position of President of the Academy**, one of their deputies, elected by a simple majority of the votes of the members of the Academy Council, shall deputize within a period not exceeding **one week**. In case of a tie in votes, the replacement shall be the **older Deputy President**. The process for electing a new President of the Academy must be organized within a period not exceeding **forty-five (45) days** from the date the presidential position becomes vacant⁸

02 - Members of the Academy

In accordance with the provisions of Article 24 of Law No. 22-02, the Academy is comprised of **two hundred (200) permanent members** holding Algerian nationality. The Academy, once a year, during one of the General Assembly sessions, selects new permanent members of Algerian nationality and associate members of foreign nationality, as stipulated in Articles 5 and 25 of the aforementioned Law No. 22-02. This selection is based on the vacancies to be filled, as determined by the General Assembly, to ensure the full statutory number of members is met, as follows:

- Permanent members of the Academy are selected from among **leading Algerian national figures in scientific and technological fields**.⁹

In accordance with the provisions of **Article 35 of the Internal Regulations of the Algerian Academy of Sciences and Technologies**, any candidate seeking to fill a permanent member seat in the Academy must identify themselves by submitting a written application to the President of the Academy, accompanied by an application file¹⁰ within three (3) months following the announcement of the seat's vacancy. The Academy Council reviews the submitted files and prepares a list of accepted candidates, each within their field of qualification and the specific area of specialization to be filled.

Regarding the selection criteria, the legislator defined them in Article 36 of the Internal Regulations of the Algerian Academy of Sciences and Technologies, primarily focusing on the qualifications and scientific achievements of the nominated member.

Associate members of the Academy are chosen from among foreign individuals who express their desire to join the Academy as associate members. This expression of interest is conveyed to the Academy Council or to the members of the Academy in the form of a proposal for approval by the President of the Academy.¹¹

They are selected after their files are reviewed by the members of the Academy, provided that they are among the personalities who enjoy an international reputation in the fields of science and technology and have contributed and/or can contribute to the scientific and technological development of Algeria. They are elected by the General Assembly in one of

⁷Article 9 of Law No. 22-02, same source as previously mentioned.

⁸Article 13 of Presidential Decree No. 23-72, previously mentioned source.

⁹Article 34 of the same source.

¹⁰"To view the contents of the application file, refer to the second paragraph of Article 35 of the same source."

¹¹ Article 37 of the same source.

its sessions, provided that their number does not exceed one-quarter (1/4) of the permanent members¹².

In the event of a vacancy in the seat of an associate member, this member shall be replaced according to the same procedures within three (3) months following the vacancy of the seat. The legislator has obligated the Academy members to adhere to their duties as stipulated in Articles 50 to 53 of the Internal Regulations, and in return, the legislator has provided them with rights they enjoy in the performance of their duties¹³

Among the most important of these obligations is what is stated in **Article 53 of the Internal Regulations**, where the member performs their duties with responsibility, dignity, integrity, impartiality, and loyalty, as well as declaring any direct or indirect conflict of interest with the status of an Academy member.

The legislator, by virtue of **Article 2 of Law No. 22-02**, considered the rank of an Academy member to be the **highest honorary rank in the hierarchy of science and technology**, where the academician retains this rank and also retains their membership in the Academy for life, unless a legal impediment occurs. Furthermore, Academy members enjoy state protection during and in connection with the performance of their duties.

In accordance with the provisions of Article 57 of the Internal Regulations, a Code of Ethics and Conduct for the Algerian Academy of Sciences and Technologies shall be established, outlining the fundamental principles of work. This is to enable the members of the Academy to operate in an environment that respects universal ethical and moral values. Academy members shall contribute to and oversee the development of scientific and technological research, the expansion of knowledge, and the dissemination of knowledge and skills in service of national development and the advancement of society.¹⁴

Branch Two: Structures of the Academy:

In accordance with the provisions of **Article 4 of Law No. 22-02**, the Academy is composed of structures, namely: the **General Assembly, the Bureau, the Academy Council, the Branches, and the General Secretariat**. The Academy may also establish special committees and working groups, when needed.¹⁵

The Academy is provided with a **General Secretariat** managed by a **Secretary General**, appointed by Presidential Decree based on a proposal from the President of the Academy. The Secretary General is assisted by administrative, financial, and technical structures.¹⁶ These structures are tasked with assisting and supporting the activities of the Academy's various bodies. In this capacity, they carry out the administrative and technical work necessary for the smooth operation of the Academy and prepare files related to the activities of the Academy's bodies.¹⁷

01The General Assembly:

¹² "The last paragraph of Article 34 of the same source."

¹³ Articles 46 to 49 of the same source.

¹⁴ Article 38 of the same source.

¹⁵ "See also, the same source."

¹⁶Article 21 of the same source.

¹⁷ Article 2, same source.

The legislator, by virtue of **Article 5 of the same law**, stipulated that the Academy's supreme body is the **General Assembly**, composed of all its members, and it holds ultimate authority in all matters related to the Academy's activities that fall within its mandate.

Its meetings are convened upon a summons from its President. The General Assembly of the Academy meets in **two ordinary sessions per year**. Upon invitation from its President, and after consulting the Academy Council, or at the initiative of two-thirds (2/3) of its permanent members, it may convene in **extraordinary sessions**. The deliberations of the General Assembly are only valid with the presence of a majority of its permanent members.

In the absence of a legal quorum, a second session will be held within a maximum period of eight (8) days. In this case, the deliberations will be valid regardless of the number of members present. In all cases, General Assembly meetings are held in closed sessions without public attendance.¹⁸ The General Assembly's decisions are made by a simple majority of the votes of the permanent members present at the session. In the event of a tie, the President's vote shall be decisive.¹⁹

Additionally, the General Assembly of the Academy holds a ceremonial session every September to mark the opening of the academic year. This session is attended by all its members and invited dignitaries, and it may also be open to the public, in accordance with the provisions of Article 5 of the Academy's Internal Regulations.

-2-The Academy:

The Bureau is composed of the **President of the Academy** and the **two Vice-Presidents**.²⁰ who are elected by the General Assembly, convened in one of its sessions, from among the permanent members of the Academy residing in Algeria, by secret ballot and with the majority of the members present, for a term of three (03) years, renewable once, according to the same procedures.²¹

The **Bureau of the Academy meets once a week**. It can also convene in an extraordinary session if the need arises, upon a summons from its President, with the presence of the Secretary General of the Academy.²²

3The Academy Council:

In accordance with the provisions of **Article 16 of the aforementioned Law No. 22-02**, the Council is composed of the **President of the Academy** as its head, the **members of the Bureau**, and the **heads of the Branches**.

The Academy Council meets **ordinarily once every month** upon a summons from its President. It may also convene extraordinarily when necessary, upon a summons from its President or at the request of two-thirds (2/3) of its members. The President of the Academy sets the date and agenda for the Academy Council meetings.²³

4Branches of the Academy:

¹⁸ Article 7 of Law No. 22-02, same source as previously mentioned.

¹⁹ Article 7 of Presidential Decree No. 23-72, same source as previously mentioned.

²⁰ Article 11 of Law No. 22-02, same source as previously mentioned.

²¹ Article 12 of the same source.

²² Article 15 of Presidential Decree 23-72, same source as previously mentioned.

²³ Article 21 of the same source.

In application of the provisions of **Article 20 of Law No. 22-02, Article 22 of the Internal Regulations** specifies the fields in which specialized branches must be established. The creation of a new branch requires it to keep pace with the scientific developments occurring in the field of science and technology.²⁴

A **Branch** is composed of three (3) to twenty (20) members from among the Academy's permanent and associate members within the same area of interest and/or specialization. The **head of the Branch** is elected from among its members for a term of three (03) years, renewable once. The rapporteur is appointed by their peers from among the Branch members.²⁵ Any **review or restructuring of the Branches** shall be submitted to the General Assembly of the Academy for study and approval.²⁶

Branch meetings are convened at the request of its head and with the presence of a majority of its members. The **deliberations of the Branch are only valid with the presence of a majority of its members**. The Branch's work is approved by a **majority of the votes of the members present**. In the event of a tie in votes, the **vote of the Branch head** shall be decisive.²⁷

Demand Two: The Functional Framework of the Academy

We can divide the tasks performed by the Academy into purely **administrative tasks** carried out by the President, the Council, and the Branches; **deliberative tasks** performed by the Assembly; and **expertise and advisory tasks** undertaken by the Academy as a reference body in the scientific and technological field.

Branch One: Administrative Tasks

1- Duties of the President

The law grants the President a set of powers that are predominantly administrative, which include the following:²⁸

- Presides **over and manages** the ceremonial sessions, General Assembly sessions, and meetings of the Bureau and the Academy Council, and **coordinates** all activities of the Academy's structures.
- Ensures **the application and adherence** to the Academy's Internal Regulations.
- Submits all reports, recommendations, opinions, or studies resulting from the Academy's work to the President of the Republic.
- Signs decisions and contracts on behalf of the Academy and **oversees** budget execution.
- Represents the Academy in civil life, before the judiciary, and before various national and international bodies.
- The President of the Academy may **invite national or foreign personalities and/or experts** to contribute to the Academy's work, in accordance with the provisions of Article 10 of the Internal Regulations.

²⁴ Article 23 of the same source.

²⁵ Article 26 of the same source.

²⁶ Article 24 of the same source."

²⁷ Articles 27, 28 of the same source.

²⁸ For more details on the President's duties, refer to Article 10 of Law No. 22-02, previously mentioned source.

2. Duties of the General Assembly

- **Appointing the Honorary President** for the ceremonial session of the General Assembly.
- **Presenting lectures** on scientific and/or technological topics proposed by the Academy Council.
- **Awarding the Grand Prize of the Academy**, referred to as the "Algerian Academy of Sciences and Technologies Prize," as defined in Article 54 of these Internal Regulations, and other prizes.
- **Approving, after discussion and voting, the following:**
 - The annual report on scientific and technological activities.
 - The biennial report on the status of training, education, higher education, scientific and technological research, and innovation at the national level.²⁹

3- Duties of the Bureau

In accordance with the provisions of **Article 16 of the Internal Regulations**, the Academy's Bureau performs the following duties:

- **Submitting the draft budget**, prepared by the Secretary General, to the General Assembly convened in an ordinary session for approval.
- **Ensuring the observance and application** of the Internal Regulations.
- **Evaluating the work of the previous session** and preparing for the upcoming session during the inter-session period.
- **Ensuring the follow-up** of the functioning of the Academy's structures.
- The Academy's Bureau also **provides its opinion on every notification received by the Academy** in drafting the required reports. In this context, it undertakes to identify the relevant branch or branches and to establish special committee(s) composed of Academy members, in agreement with the branches concerned, to study the subject of the notification.³⁰

4- Duties of the Council

Within the scope of its legally vested powers, the Academy Council is entrusted with the following duties:

- **Preparing the biennial report** on the status of training, education, higher education, scientific and technological research, and innovation at the national level.
- **Preparing the annual report** on the Academy's scientific and technological activities, which is submitted to the General Assembly for approval before being delivered to the President of the Republic.³¹
- **Evaluating the expert reports** prepared by the branches or committees

²⁹ Article 05 of Presidential Decree 23-72, previously mentioned source.

³⁰ Article 17 of the same source.

³¹ Article 18 of the same source.

established following notifications received by the Academy.³²

5- Branches of the Academy

In accordance with the provisions of **Article 31 of the Internal Regulations**, the duties of a Branch are determined by the relevance of the notification received by the Academy to the Branch's specialization, and by studying or issuing reports on any matter of a scientific and/or technological nature presented to it.

Branches may also propose resorting to **self-notification** on matters of scientific and/or technological interest related to their fields of specialization, to the Academy's Bureau.³³

Branch Two: Advisory and Expertise Missions

The Academy carries out its missions through its **Internal Regulations**, which define the general rules governing the work of the Algerian Academy of Sciences and Technologies. The Academy undertakes missions of public utility aiming to promote sciences and technologies, enhance their impact on society, and contribute to achieving national development directives and objectives.

In this context, it is particularly responsible for:

- **Expertise, advisory, and counseling missions** for the benefit of state institutions, public bodies, and private entities.
- **Contributing to the dynamism of scientific and technological progress** and developing their teaching and applications.
- **Promoting scientific and technological life.**
- **Working to disseminate and generalize scientific and technical culture** by bringing sciences and technologies closer to society using appropriate means.
- **Supporting the production of knowledge and information**, especially through the awarding of prizes and medals.
- **Initiating and supporting national and international cooperation and**

exchanges among scientific and technological research bodies.³⁴

Section Two: Manifestations of the Academy's Independence

The constitutional founder's recognition of the Academy's independence as an advisory body to the President of the Republic constitutes a guarantee of its autonomy. The manifestations of the Academy's independence are embodied in its legal basis, namely Law No. 22-02 and its implementing decrees. We can examine the manifestations of the Academy's independence from both **organizational and functional perspectives** as follows:

Demand One: Manifestations of the Academy's Organizational Independence

The manifestations of the Academy's organizational independence can be examined through its human composition (appointment method, term system, and conflict of interest cases).

³² Article 19 of the same source.

³³ Article 25 of the same source.

³⁴ Article 30 of Law No. 22-02, previously mentioned source, and for more details on its functions, see Articles 31 to 36.

1- Human Composition

The Academy's human composition is characterized by a mixed collective nature, encompassing national and foreign personalities who possess a high level of expertise and an international reputation in the field of science and technology. It is divided into three categories: **founding members, permanent members, and associate members**, which, in principle, constitutes a guarantee of its organizational independence. The founding members of the Academy are appointed by a Presidential Decree.

As for the **permanent members**, they are selected by the Academy Council after reviewing their application files. The legislator has stipulated the conditions for membership candidacy in accordance with the provisions of Articles 36 and 37 of the Internal Regulations, and these are based on the following criteria:

- **In Scientific Specializations:** Possessing a prestigious scientific standing and original, pioneering contributions in their field of specialization, as well as enjoying a firmly established scientific reputation at both national and international levels, and having extensive experience in managing and overseeing research and development programs of public utility.
- **In Technological Specializations:** Possessing a recognized status in engineering sciences and creative contributions in their field of specialization, as well as enjoying a firmly established scientific reputation at both national and international levels, and having significant competence in managing and overseeing applied research and development programs of public utility.

As for the selection of **associate members of foreign nationalities**, it occurs after they express their desire to join the Academy as associate members. They are elected by the General Assembly.³⁵ The **diversity and variety of appointment methods**, along with the multiplicity of appointing bodies, are considered a fundamental pillar for ensuring the **Academy's independence**. The President is elected by the General Assembly during one of its sessions via **secret ballot and by a majority of the members present**, which embodies a foundational guarantee of the Academy's independence.

Furthermore, the **term system** is one of the most important cornerstones supporting the principle of the Academy's independence. The President and members carry out their duties for a term of **three (3) years, renewable once**.

It's worth noting that the legislator **did not address conflict of interest cases** for Academy members; it only stipulated the necessity for members to declare any direct or indirect conflict of interest with their status as an Academy member. It also explicitly confirmed that a member retains their Academy membership for life, unless they encounter a **legal impediment**, without clarifying the nature of such a legal impediment that a member might face.

Demand Two: Manifestations of the Academy's Functional Independence

Given that the primary objective behind establishing the Algerian Academy of Sciences and Technologies, as stated in the explanatory memorandum, is to build a society of

³⁵Article 42 of Presidential Decree No. 23-72, previously mentioned source.

science and knowledge based on scientific and technological creativity and innovation,³⁶ and given that the legislator has entrusted it with **duties primarily of public utility**, considering it a **reference body for expertise and consultation**. The Academy's functional independence can be examined through the **administrative and advisory duties and powers** in science and technology that the legislator has enshrined for it, as evidenced by its founding legal texts. These primarily revolve around:

- **Providing expertise and consultation** for the benefit of state institutions, public organizations, and private entities.
- **Driving scientific and technological advancement** and enhancing the status of science and its applications.
- **Working to disseminate and popularize scientific and technical culture** by bridging science and technology with society through various media.
- **Contributing to the promotion of scientific and technological life** and supporting knowledge production, especially through the awarding of prizes and distinctions.
- **Encouraging and launching initiatives for cooperation and exchange** among scientific and technological research institutions at both national and international levels.

To practically embody these diverse missions, the legislator has provided it with **legal mechanisms**, which include:

1: Preparation and Approval of Internal Regulations

The legislator entrusted the **General Assembly** with the task of preparing and approving the **Internal Regulations** at its first meeting. These regulations define the general rules governing the Academy's operations, its various structures, and the procedures for selecting, admitting, electing, and replacing members. Its provisions apply to all members and the Academy's administrative and technical staff. After the Internal Regulations are approved and voted upon, they are then endorsed by a **Presidential Decree**.

Indeed, and in application of the provisions of Article 05 of the aforementioned Law No. 22-02, **Presidential Decree No. 23-72** was issued, which includes the approval of the Academy's Internal Regulations. The Regulations may also be subject to amendments based on a proposal from the President of the Academy, the Council, or two-thirds of the members, and these amendments are approved according to the same procedures by which the original Internal Regulations were approved, in accordance with the provisions of Article 65 of the Internal Regulations.

The legislator's recognition of the Academy's right to prepare, approve, and amend its Internal Regulations is considered a manifestation of its **functional independence**.

³⁶Zahia Samati, Rabia Rabti, "**The Algerian Academy of Sciences and Technologies as a Reference Body for Expertise and Consultation: A Study in Light of the New Law 22-02**," Journal of Legal and Social Sciences, Ziane Achour University, Djelfa, Algeria, Vol. 09, Issue 02, June 2024, pp. 455-457.

2: Notification Mechanism

The Academy is notified by state institutions and public bodies. This notification is then presented to the **Academy's Bureau** for its opinion on drafting the required reports. After studying the subject of the notification, the Bureau undertakes to identify the competent branch(es) and establish special committee(s) composed of Academy members, in agreement with the relevant branches, to study the subject of the notification. The expert reports prepared by the branches and committees regarding the notification are then evaluated by the **Academy Council**.

3- Financial Independence

The **financial independence of the Academy** is considered one of the most important pillars of its functional independence. It possesses an **independent financial status**, similar to that of natural persons, which helps ensure its autonomous actions and reliance on its own resources, whether in meeting the needs of its members and safeguarding them from temptations, or in providing material means that allow it to intervene at the appropriate time and place to perform its role independently and impartially.

In this regard, the Academy is provided with an **annual budget**, and the allocations for the Academy are recorded in the **state's general budget**. The **President of the Academy** is the principal authorizing officer, and the budget includes both an expenditure chapter and a revenue chapter.

The Academy is responsible for covering the **accommodation, catering, and transportation expenses** of Academy members during their participation in its activities. Furthermore, the expenses for Academy members performing their duties inside and outside the country are covered by the Academy according to the regulations in force. As for the fees of experts not affiliated with the Academy, if invited, their remuneration is covered by the Academy's budget, after consultation with its Bureau and approval by its President.³⁷

4- Administrative Independence

The **administrative independence** of the Academy is demonstrated through its exercise of authority in **staff appointments, signing decisions and contracts, and other administrative tasks** granted to the Academy by Law No. 22-02 and its implementing texts. The Academy is supported by a **General Secretariat** headed by a **Secretary General**, who is appointed by presidential decree based on a proposal from the President of the Academy. The Secretary General is assisted by administrative, financial, and technical structures.³⁸ These structures are tasked with assisting and supporting the activities of the Academy's various bodies. In this capacity, they carry out the administrative and technical work necessary for the smooth operation of the Academy and prepare files related to the activities of the Academy's bodies.

Administrative independence is also evident through the various administrative decisions it issues, which are **not subject to any modification or annulment by any higher body or authority**. In this regard, the legislator has empowered the General Assembly to make its

³⁷ Articles 37, 38 of Law No. 22-02, previously mentioned source.

³⁸ Article 21 of the same source.

decisions through **voting**.³⁹ Moreover, the legislator **obligates the Academy to submit an annual report** on its scientific and technological activities to the President of the Republic after its approval by the General Assembly. Therefore, the procedure of submitting the report to the executive authority constitutes a **restriction on its functional independence**.

5: The Academy's Enjoyment of Legal Personality

Article 2 of Law No. 22-02, found in Chapter One titled "General Provisions," states that the Academy is an independent body of a scientific and technological nature, enjoying **legal personality and financial autonomy**. This is one of the most prominent guarantees and a key manifestation of independence, providing a strong impetus for any institution to perform its duties free from any pressure or influence.

Therefore, by possessing **legal personality**, the Academy is legally authorized to engage in all types of legal actions, including transactions, acquiring rights, and undertaking obligations. This includes, notably, the right to **conduct civil affairs and the right to litigate**.

Conclusion

In concluding this study and to answer the problem statement, we can commend the role of the constitutional founder in enhancing the status of the **Algerian Academy of Sciences and Technologies** through the explicit recognition of its **legal personality and financial and administrative independence**. However, despite the constitutional and legal provisions for the Academy's independence, this independence remains **relative** due to its organizational and functional subordination to the President of the Republic, who represents the executive authority.

The study reached a set of findings, followed by a set of recommendations:

Firstly: Findings

1. The Academy boasts a distinguished composition, including leading national and foreign personalities in the scientific and technological fields.
2. We endorse the legislator's reliance on the nomination mechanism for selecting Academy members according to scientific and technological criteria defined by law.
3. The election of the Academy's President by the General Assembly represents a key indicator of organizational independence.
4. We commend the issuance and approval of the Academy's Internal Regulations by presidential decree.
5. One of the indicators of the Academy's functional independence is its financial autonomy.
6. The obligation for the Academy to prepare and submit an annual report to the President of the Republic is considered a submission of its work to the oversight of the executive authority, which weakens its functional independence.
7. The legislator entrusted the Academy with an advisory role, whereby the Academy provides opinions, expertise, and advice to state institutions, as well as public and private bodies.
8. Article 45 of the law mentions resorting to electronic voting in exceptional circumstances that prevent members from meeting, implying that it leaves

³⁹ Article 08 of Presidential Decree No. 23-72, previously mentioned source.

discretionary power to the President in determining what constitutes an exceptional circumstance.

Secondly: Recommendations

1. It is advisable for the legislator to intervene and amend **Article 30 of Law No. 22-02** to precisely define the cases and procedures for notifying the Academy, along with the necessary actions to be taken.
2. Despite the issuance of the Academy's Internal Regulations, no specific session for the election of the President has been determined. Therefore, it would be desirable to rectify this in the first amendment to the Internal Regulations.
3. It is essential to amend **Article 38 of the Internal Regulations** to include cases of loss of membership status.
4. It is preferable to amend **Article 45 of the Internal Regulations** and define the cases for resorting to secure electronic voting.
5. It would be desirable for the legislator to intervene and stipulate the **mandatory nature** of the opinions, proposals, and reports of the Observatory, as well as the opinions, proposals, and reports of the Academy, to strengthen their constitutionally guaranteed advisory jurisdiction. This would ensure their functional independence.
6. Intensify media coverage of the Academy's activities and efforts to assist it in disseminating its scientific contributions at the national level.
7. Establish a digital platform within the Academy, accessible to all researchers, to enrich it with their opinions and exchange views on various scientific issues and research.
8. Implement the provisions of **Article 57 of the Internal Regulations** and issue a Code of Ethics and Conduct for Academy members.
9. The Academy should open up to all sciences, including humanities, social, and legal sciences, to align with international academies.

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Decrees:

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