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Electronic administrative grievances and the protection of individual rights in Algeria

A doctrinal analysis of administrative review, electronic proof, and procedural safeguards

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Abstract

Electronic submission can reduce the physical burden of contesting an administrative decision, but its protective value depends on the legal consequences attached to the submission. This article examines electronic administrative grievances in Algeria through a doctrinal analysis of administrative litigation scholarship, a doctoral study of relations between administration and citizens, and selected provisions on administrative procedure, electronic signatures, personal data, and the Mediator of the Republic. It asks when electronic communication can preserve an individual's opportunity to obtain administrative reconsideration without weakening access to

judicial review. The analysis distinguishes the existence of a grievance from proof of its receipt, the recognition of an electronic signature from the competence of its recipient, and administrative silence from a reasoned examination of the complaint. It argues that an electronic grievance protects rights only when the individual can establish what was submitted, to whom, and when, while retaining access to the record needed for subsequent litigation. Digital administration also requires safeguards against unnecessary disclosure of personal information. The article proposes a procedural model based on verifiable receipt, clear allocation of responsibility, intelligible information about time limits, and controlled access to complaint records. Its findings concern the legal framework examined rather than the measured performance of existing platforms.

Keywords: electronic administrative grievance, administrative review, judicial protection, electronic evidence, Algeria

Introduction

An electronic grievance should be evaluated by what it allows an individual to prove and obtain, rather than by the convenience of sending a message. Administrative reconsideration can occur without a court proceeding, but it remains connected to the possibility of judicial challenge. The relationship becomes particularly demanding when the relevant events take place through an interface whose records the administration controls. Article 830 of Algeria's Code of Civil and Administrative Procedure connects an optional grievance, administrative silence, notification of rejection, and proof of submission within one procedural arrangement (Algeria, 2008, art. 830, p. 78).

The problem examined here is whether a change in the means of communication can preserve those connections. A successful transmission may provide little protection if its destination is legally inappropriate or if the sender cannot establish receipt. Conversely, an electronic record may assist the individual even when the administration does not reconsider its decision. The central question is therefore under what conditions electronic administrative grievances protect individual rights while preserving an effective route to judicial review.

The article develops a doctrinal argument rather than an assessment of platform performance. Its object is the relationship between administrative review and electronic procedure within the statutory texts examined, read alongside the cited scholarship. It addresses the 2008 procedural provisions, the selected 2015 signature provisions, the 2018 privacy principle as enacted, and the 2020 institutional provisions. It does not reconstruct subsequent amendments or infer operational practices from the existence of legislation. The analysis first defines the grievance and its legal foundations, then examines submission and timing, and finally develops a procedural model for access, evidentiary protection, and confidentiality.

Conceptual and legal foundations

Administrative reconsideration and the disputed decision

An administrative grievance directs a request for correction to an administrative authority rather than asking a court to determine the dispute. Khelloufi (2006, p. 102) places the procedure before administrative litigation and relates it to the recovery of rights or correction of an individual's position. Chihoub (1999, p. 313) treats its examination as administrative in character rather than as an adversarial hearing. Read together, these accounts distinguish the identity of the reviewing institution from the legal significance of its review. The absence of a judicial hearing does not make the complaint legally irrelevant; it means that its protective capacity must be assessed through administrative responsibility and the preservation of later remedies.

The request must also identify what the administration is being asked to reconsider. Awabdi (2003, p. 10) describes the administrative decision through its unilateral character and its effects on a legal position. Al Basyuni (2008, p. 229) connects the written grievance to a request that the issuing authority or its superior withdraw an unlawful decision. This distinction supports a functional test for electronic submissions: a general expression of dissatisfaction and a request directed against an identifiable decision need not perform the same procedural work. The proposed electronic form should allow the individual to describe the decision, the alleged defect, and the correction requested without treating technical vocabulary as a prerequisite for intelligibility.

Administrative hierarchy introduces a further distinction between the available recipient and the legally relevant recipient. Abd al Wahhab and Uthman (2000, p. 68) explain hierarchical grievances through the superior's powers over subordinate administrative action. That account cannot establish that every superior is an appropriate recipient under every procedural statute.

Article 830 specifically addresses a grievance to the authority that issued the decision (Algeria, 2008, art. 830, p. 78). An electronic system should therefore distinguish requests for hierarchical intervention from submissions intended to produce the effects of that article. Combining them under one complaint label would conceal a difference that may matter more than the delivery technology.

Optional review and the historical problem of procedural burden

The distinction between optional and mandatory grievances concerns access to adjudication, not merely the intensity of administrative supervision. Shiha (2003, p. 47) explains a mandatory grievance as a procedural requirement whose omission can prevent acceptance of a judicial action. Article 830, by contrast, permits the interested person to approach the issuing authority (Algeria, 2008, art. 830, p. 78). The existence of a digital complaint facility cannot, by itself, convert that permission into a general obligation. A defensible electronic procedure must communicate whether the individual is exercising an option or satisfying a separate requirement established by an applicable text.

Earlier procedural debates caution against assuming that administrative review is always an additional benefit. Boudiaf (2000, p. 135) discusses the removal of prior administrative appeals at the level of judicial councils in connection with the reform associated with Law 90-23 and the substitution of an attempted conciliation. That historical account concerns a particular institutional arrangement, not the complete law governing present disputes. Its analytical relevance lies in the burden imposed by an obligatory preliminary route. Electronic communication may reduce travel while leaving that burden intact if the individual still faces uncertainty, repeated submissions, or an unexplained refusal to proceed.

Electronic form, signature, and institutional competence

Electronic form creates a question of proof before it creates a new substantive remedy. Article 6 of Law 15-04 links the electronic signature to identification of the signatory and acceptance of the electronic writing's content. Article 9 prevents rejection of a signature's legal effect or evidentiary use solely for the electronic form or specified deficiencies in certification and creation mechanisms (Algeria, 2015, arts. 6, 9, p. 8). These provisions support an analysis that separates recognition from conclusiveness. They do not establish that every electronic message is authentic, that its contents are correct, or that it reached the authority empowered to reconsider the decision.

A similar separation is necessary for institutional remedies. Presidential Decree 20-45 describes the Mediator of the Republic as a nonjudicial appeal institution concerned with citizens' rights, freedoms, and lawful administrative functioning, and assigns general monitoring responsibilities concerning relations with citizens (Algeria, 2020, arts. 2–3, p. 4). Those provisions justify examining mediation alongside administrative grievance procedures. They do not establish that submitting a complaint to the Mediator has the same consequences for judicial time limits as a grievance under Article 830. A common electronic entry point would need to explain which institution receives the complaint and which procedural regime applies.

Submission requirements and procedural effects

Identifying the request and establishing receipt

A useful electronic grievance must remain identifiable after the moment of transmission. The written request for withdrawal described by Al Basyuni (2008, p. 229) and the decision defined by Awabdi (2003, p. 10) provide the minimum conceptual relationship: a person asks an authority to reconsider an act affecting a legal position. The procedural design proposed here

would preserve that relationship in a downloadable record. It would include the request, the decision identified by the complainant, and the supporting material actually received. This is a proposed evidentiary arrangement, not a claim that legislation already prescribes a particular digital form.

Receipt must be distinguished from preparation, dispatch, and internal assignment. Article 830 allows submission to be proved through written means and requires the proof to accompany the judicial application; it also connects the period of administrative silence to notification of the grievance (Algeria, 2008, art. 830, p. 78). A record showing only that the sender pressed a submission button may not resolve a dispute about what the authority received. The proposed safeguard is a receipt that identifies the receiving authority, the content or attachments registered, and the relevant date. Internal routing should remain visible without replacing that initial record with an untraceable sequence of status changes.

Authentication should answer a defined question rather than impose an unexplained obstacle. Article 6 concerns the identity of the signatory and acceptance of content, whereas Article 9 limits grounds for rejecting electronic signatures (Algeria, 2015, arts. 6, 9, p. 8). On that basis, the proposed procedure would explain what a signature confirms and permit the individual to retain the signed record. It should not suggest that authentication proves receipt, administrative competence, or the legality of the challenged decision. These are separate matters requiring separate evidence or legal assessment.

Administrative silence and judicial time limits

The legal clock must be reconstructed from the relevant events rather than inferred from a platform's progress indicator. Article 830 treats silence for 2 months as rejection and provides a further 2 months for judicial challenge after that period expires. When the authority responds

within its allotted period, the period for judicial challenge begins with notification of rejection (Algeria, 2008, art. 830, p. 78). A notification that a file is being processed does not, merely by using that description, establish that the statutory consequences of silence have disappeared. The proposed interface should distinguish an administrative status message from an event with an identified procedural effect.

The grievance's relationship with litigation also requires care in the use of the term interruption. Al Wakil (2008, pp. 15–16) discusses the written objection through its capacity to interrupt and extend the time for an action. Al Ghamdi (2024, p. 37), writing about Saudi law, likewise connects grievance procedures to the duration of annulment proceedings and the need to track dates. The comparison identifies a shared analytical concern, but it cannot transfer Saudi procedural rules into Algerian law. For the Algerian provisions examined, the relevant calculation must remain attached to the sequence established by Article 830 rather than to a generalized account of what grievances usually do.

A technical failure should not be assigned a legal effect without a basis for that conclusion. Article 832 lists interruption in circumstances that include proceedings before an incompetent administrative judicial body, a request for legal assistance, the claimant's death or altered capacity, and force majeure or an unforeseen event (Algeria, 2008, art. 832, p. 78). The provision does not classify every platform outage as force majeure. The practical recommendation is therefore to preserve evidence of failures and provide another submission route, not to promise automatic interruption. Keeping a record of the failure assists later argument without prejudging the authority or court's legal assessment.

Reconsideration and a reasoned response

A procedure can preserve a judicial deadline without providing satisfactory administrative reconsideration. Ghezlane (2010, p. 210) criticizes silence because the complainant remains without an explanation and argues for a response within defined periods. That criticism identifies a difference between the procedural treatment of nonresponse and the substantive examination of the complaint. Deemed rejection can identify the next procedural opportunity while leaving the individual's objection unanswered. An electronic system that displays a closing date but provides no reasoning may reproduce that deficiency more neatly rather than correct it.

The proposed response should therefore address the request actually submitted. Chihoub's (1999, p. 313) account of administrative examination without an adversarial discussion does not require that the individual receive an opaque result. A response explaining the decision maintained, changed, or withdrawn would allow the complainant to compare the result with the objection and decide what remains disputed. This recommendation is analytical rather than an assertion that the selected legal extracts impose a general duty to give reasons in every case. Its protective purpose is to connect administrative review to an informed decision about litigation.

Protection of individual rights

Access to administration and the limits of speed

Reducing physical travel is useful only if the request reaches an institution able to act on it. Ghezlane (2010, p. 176) relates administrative technology to the reduction of procedural burdens but also stresses the organizational commitment and qualifications required for improved relations with citizens. That account supports a conditional interpretation of convenience. Removing the journey to an office can reduce one burden while leaving uncertainty

about responsibility untouched. The proposed design would identify the competent service before submission and explain how a misdirected request will be handled, without promising procedural effects that the relevant text does not establish.

Access should also include the ability to understand and preserve the procedure. Ghezlane (2010, p. 77) discusses electronic administrative information alongside publication and notification, and notes the persistence of paper services. This account does not establish that paper and electronic methods have identical legal effects in every circumstance. It supports examining their coexistence rather than treating paper as already eliminated. An assisted route and a retrievable copy of the complaint are proposed here to keep a person's ability to contest the decision from depending entirely on continued access to a particular account or device.

Speed should be measured against a legally meaningful task. A quick acknowledgement confirms little about whether an objection has been examined. The distinction follows from the separation between proof of submission under Article 830 (Algeria, 2008, p. 78) and the substantive response examined by Ghezlane (2010, p. 210). For that reason, this article proposes separate attention to receipt, allocation, examination, and notification. These stages should not be collapsed into one success indicator. The argument concerns the adequacy of a procedural model; it does not claim measured improvements in the speed or outcomes of Algerian services.

Evidence, transparency, and confidentiality

Transparency should make the treatment of the grievance intelligible without making its personal contents generally accessible. Article 2 of Law 18-07 requires personal data processing to respect dignity, private life, public freedoms, and personal rights, honour, and reputation (Algeria, 2018, art. 2, p. 12). In the framework examined here, that principle supplies a limit on how procedural visibility should be understood. The complainant needs information about

receipt and examination. Unrelated officials do not need unrestricted access to the complaint simply because the record is electronic. A protective arrangement would distinguish visibility of procedural steps from disclosure of supporting documents.

An electronic grievance can contain more information than the reviewing authority needs to determine the objection. The privacy principle in Article 2 does not itself provide a complete technical specification, but it gives a reason to examine collection and access critically (Algeria, 2018, art. 2, p. 12). The proposed form would request information relevant to the disputed decision, explain the purpose of attachments, and avoid encouraging indiscriminate uploads. Access restrictions and records of consultation are proposed safeguards derived from that reasoning. They are not presented as requirements expressly enumerated in the single provision analysed.

Preservation and confidentiality must be designed together. Article 830 makes proof of submission relevant to subsequent litigation, while Article 2 protects the person whose information is processed (Algeria, 2008, art. 830, p. 78; Algeria, 2018, art. 2, p. 12). A record that cannot be retrieved may weaken the individual's evidentiary position; a record accessible without limits may create a different injury. The proposed solution is controlled preservation: retain a stable evidentiary version, give the complainant an accessible copy, and distinguish access for examination from unrelated consultation. The cited provisions support the problem's legal dimensions, but they do not resolve every question about storage periods or security architecture.

Obstacles and a procedural model for effective review

Separating technological capability from legal consequence

The central obstacle is a mismatch between what the system records and what the applicable rule requires. Signature recognition under Law 15-04, receipt under Article 830, and the Mediator's institutional role under Decree 20-45 concern different legal questions (Algeria, 2008, art. 830, p. 78; Algeria, 2015, arts. 6, 9, p. 8; Algeria, 2020, arts. 2–3, p. 4). A single platform can bring those functions together without making them legally interchangeable. Its instructions should therefore identify the recipient, the type of procedure initiated, and the record retained. A visually uniform interface should not conceal differences in competence or consequences.

Organizational responsibility is equally necessary to make the record useful. Ghezlane (2010, p. 176) treats technology as insufficient without administrative commitment and suitable qualifications. The model proposed here assigns responsibility for intake, referral, examination, and communication of the response. Its rationale is evidentiary as well as managerial: when a complaint is misplaced internally, the individual should not lose the ability to show the original receipt. Training should address those procedural distinctions rather than merely the operation of software. No inference about the actual competence or conduct of existing staff is required to identify that design need.

A rights oriented sequence of safeguards

The proposed sequence begins by clarifying the remedy before asking for personal information. The form would distinguish a grievance addressed to the issuing authority from a request for other institutional intervention. Article 830 and Decree 20-45 provide the separate legal foundations that make this distinction necessary (Algeria, 2008, art. 830, p. 78; Algeria,

2020, arts. 2–3, p. 4). The individual would then receive a copy of the request and an acknowledgement identifying the authority and date. Authentication would be explained by reference to its function, rather than presented as a guarantee that every subsequent procedural requirement has been met.

After receipt, the system should keep the individual informed without disguising silence as a completed examination. The time sequence established in Article 830 and Ghezlane's (2010, p. 210) criticism of unexplained nonresponse support distinct treatment of the procedural deadline and the substantive answer (Algeria, 2008, art. 830, p. 78). The proposed notice would explain the relevant dates and distinguish an acknowledgement from rejection. It would preserve the actual response and its notification record. Such information should assist the individual in identifying the next step; it should not imply that the platform can decide every question about admissibility.

The final safeguard is continuity between administrative review and judicial proof. Al Wakil (2008, pp. 15–16) and Al Ghamdi (2024, p. 37) connect grievance procedures to later annulment proceedings, although within different legal discussions. For the Algerian framework examined, Article 830 gives the written record its specific procedural relevance (Algeria, 2008, art. 830, p. 78). The proposed exportable file would preserve the grievance, receipt, relevant response, and notification information in an intelligible sequence. Confidentiality controls would remain applicable to that record. This arrangement cannot guarantee success on the merits, but it can avoid making the administration's exclusive possession of digital evidence an additional obstacle to contestation.

Conclusion

Electronic administrative grievances protect rights when the means of communication preserve the legal relationships on which reconsideration and judicial challenge depend. The analysis has distinguished a request from proof of receipt, authentication from administrative competence, and procedural rejection through silence from an examination of the objection. These distinctions prevent technological convenience from becoming a substitute for legal assessment.

The proposed model gives the individual a stable record, a clearly identified recipient, understandable information about the procedural sequence, and access to the documents needed for a later challenge. It also treats confidentiality as part of procedural protection rather than as an issue detached from administrative review. Its recommendations concern the organization of the framework examined and do not establish the actual performance of existing services. Within that scope, the defensible standard is whether electronic procedure leaves the individual able to understand, prove, and contest what the administration has done.

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