

University of Chadli Ben-Jdedid - ElTarf
Faculty of Law and Political Sciences
Master Public Law in Depth



جامعة الشاذلي بن جديد - الطارف

UNIVERSITE CHADLI BENDJEDID - ELTARF

Summary of Online Lectures for First Year
Master Public Law in depth

Professor Karima Ameziane

English terms Scale

Coefficient: 01

Balance: 01

First Semester

University Year 2024/2025

Lecture No. (07) Independent Administrative Authorities (Part 1)

I. Introduction to Independent Administrative Authorities (IAAs)

1. Introduction

Until recently, the term 'regulatory state' was seen as a novel phenomenon in legal and administrative systems. Ownership of key public industries, particularly utilities, was believed to render economic regulation unnecessary. The term, once considered a neologism, is now widely used in contemporary legal and administrative literature.

2. Genesis of Independent Administrative Authorities

Historically, the United States pioneered the concept of IAAs. In 1889, Congress detached the ICC from the Interior Department, granting it substantial powers. This marked the beginning of a new era in independent administrative regulation.

3. Reasons for the Establishment of IAAs in Comparative Law

In the U.S., Congress created IAAs to decentralize executive responsibilities, while in Britain, QUANGOs emerged as a mechanism to balance ministerial accountability with operational autonomy. This reflects different approaches to regulatory independence across legal systems.

4. Definition of Independent Administrative Authorities

A. General Definitions

Comparative law uses various terms for 'Independent Administrative Authorities,' reflecting different legal traditions and regulatory frameworks.

B. Regulatory Context

'Regulatory' refers to the constant adaptation ensuring equilibrium within unstable systems. This dynamic concept underlies the operational philosophy of IAAs.

C. Independence Features

The independence of these authorities encompasses both their structure and operations, ensuring effective and unbiased performance of their duties.

II. *Characteristics and Implementation of IAAs*

1. Characteristic Elements of Independent Administrative Authorities

A. Administrative Decision-Making

Adopting this terminology implies that IAAs primarily issue administrative decisions subject to judicial review. Their decision-making power is a fundamental aspect of their regulatory function.

B. Judicial Oversight

Certain scholars argued that the Paris Court of Appeal functionally assumed administrative roles in reviewing IAA decisions, demonstrating the complex relationship between regulatory and judicial authorities.

2. The Establishment of IAAs in Algeria

A. Historical Background

Following independence, Algeria politically embraced one-party governance and economically adhered to socialism, as reflected in the 1963 and 1976 Constitutions. This historical context significantly influenced the development of regulatory institutions.

B. Regulatory Reforms

This transition materialized through delegating regulatory tasks to IAAs, representing a fundamental shift in Algeria's administrative system. The reforms aimed to modernize regulatory frameworks while maintaining national sovereignty.

3. Contemporary Challenges and Future Perspectives

A. Institutional Evolution

The development of IAAs continues to reflect changing economic and social needs, requiring constant adaptation of regulatory frameworks.

B. Balance of Powers

Modern IAAs must navigate complex relationships between executive authority, judicial oversight, and regulatory independence.

C. International Standards

The globalization of regulatory practices influences the evolution of IAAs, promoting harmonization while respecting national specificities.

Ended on 30/11/2024

Pr. Karima Ameziane

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