THE SPIRITUAL FOUNDATION AND THE VALUES THAT GUARANTEE THE SECURITY OF THE LEGISLATIVE TEXT[1]

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Abstract:
Legislative texts in all branches of law intertwine legitimacy and stability, constructing legal frameworks and positions that link the causes and effects between legitimacy and stability. Thus, legal security cannot be imagined without the legal rule having objective protective mechanisms derived from specialised laboratories that create and generate texts with unique characteristics. These characteristics allow them to assert themselves and impose security conditions to clarify the legitimacy of the text before rights and to stabilise the content of the rule, both in form and substance, before legal positions are established in reality. This also preserves the right of the legal text to evolve in its meaning and spirit in line with technological progress, in order to enhance the activation of the text and ensure its secure effect.
Keywords: *Spiritual foundations of the legal text, values in the construction of the legal text, effectiveness of the security of the legal text.*

INTRODUCTION

Legal certainty has multiple facets, multiple meanings, multiple dimensions and is constantly present in different areas. From the perspective of this study, it can be said that the principle of legal security embodies clarity, the applicability of legal texts and the ability of these texts to endure over time, ensuring self-protection and objective reinforcement, taking into account the interests of both the nation and the citizen.

Legal certainty is considered one of the essential pillars on which the rule of law is built, in which all public authorities respect the law and are subject to it. It is one of the primary objectives that the law seeks to achieve. The concept of legal certainty refers to the obligation of public authorities to maintain a degree of relative stability in legal relations and a minimum of stability in different legal statuses, with the aim of promoting security and reassurance for the parties involved in legal relations, whether they are public or private entities. This allows individuals, whether natural or legal persons, to act with confidence within the framework of the applicable laws and regulations, without being subject to unexpected surprises or actions by public authorities that could undermine this confidence or disrupt this stability[2].

Despite the importance of the principle of legal certainty, a review of most constitutions and laws in some countries reveals that it is not explicitly mentioned. It is not recognised as a constitutional principle in most constitutions or legislative texts. For example, the French Constitution of 1958, as amended in 2008, does not explicitly mention it, but it is implicitly referred to in Article 2 of the French Declaration of the Rights of Man and of the Citizen of 1789[3].

The constitutional legislator in various systems endeavours to provide political and legal mechanisms to ensure the enactment of laws characterised by quality and standardisation. Constitutions, organic laws and ordinary laws require a specific quorum of citizens' representatives to approve and enact laws, as well as the consultation of specialised bodies and the establishment of a system of parliamentary oversight. These formal and substantive procedures are essential for securing legal bases and texts, while prioritising the study and enactment of laws[4]. This process generates the unique characteristics of legal texts, despite the different or similar nature of the constitutional or political systems responsible for establishing legal rules[5].

The codified legal rule, or more precisely the legal text - whether general or specific - is thus a crucial aspect of legal certainty. The term "law" refers linguistically to any rule or text, whether codified or not, that embodies the meanings of continuity, stability and order. The ultimate aim of

the rule of law is to ensure that every individual in society feels secure in respect of himself, his dignity, his family and his property. Therefore, legal texts in all branches of law intertwine legitimacy and stability, interweave the structures of rights and legal statuses, and link the causes and effects of legitimacy and stability.

Consequently, it is inconceivable to have legal security without legal rules with protective mechanisms derived from constitutional institutions[6] that create and generate texts with unique characteristics. These characteristics allow them to assert themselves and enforce their security conditions, clarifying the legitimacy of the text before rights and stabilising the content of the rule in both form and substance before legal statuses emerge in reality. At the same time, the legal rule retains the right to develop and be modified in accordance with public affairs through various constitutional stages[7].

Reasons for choosing the topic

The technological factor and the constant evolution of society in various aspects of public and private life are the main reasons for the need for further research and study of the issue of legal security. This involves a deeper study of the foundations that guarantee its subjective and objective security, in order to avoid falling into a legal crisis that may not be able to keep up with local and global developments. Therefore, the study of the means of guaranteeing the security of the legal order and the examination of the extent to which these guarantees reflect the characteristics of legal security in the general sense allows individuals and institutions of different social and economic types to exercise their rights in an atmosphere of reassurance and security, without having to worry about the challenges of legal stability. For all these reasons, the desire has arisen to study these guarantees from a legal and jurisprudential point of view, attempting to encapsulate them within the spirit of the legal text and its security implications, corresponding to the strength and security of the legal rule.

Study methodology

This study uses a descriptive analytical method with a comparative approach, as required by the technical nature of the subject. It contrasts the perspectives of specialised jurists with textual examples from Algerian law, French law and some Arab countries.

The problem

- What are the intellectual foundations and values that guarantee the security of legal texts?

This central question may give rise to several questions:

- What are the main foundations that produce an effective legislative security text?
- What values produce a text that guarantees legislative security?

Study plan

Chapter One: The intellectual foundations of legislative security

- Section One: The Comprehensiveness and Nobility of the Legislative Text
- Section Two: The Abstract Nature of the Legislative Text

Chapter Two: The Values Associated with Legislative Text Security

- Section One: The Value of Formal and Substantive Coherence
- Section Two: The value of clarity and transparency, both subjective and objective

Conclusion

Chapter One: The Intellectual Foundations of Legal Text Security

The intellectual foundations of legal text security serve as the subjective (psychological, if you like) guarantees for the security of legal texts. They are the content that achieves the legal objective and the normative value that secures the function of the legal text within the legal system as a whole. The law primarily aims to achieve security and stability in society, and these are classified as functional guarantees of the text[8]. They are embodied in general guarantees related to the legal text and its strategic functional dimension, which are mainly represented by the comprehensiveness and nobility of the legal text (Section One) and the abstract nature of the legal text (Section Two).

Section One: The comprehensiveness and nobility of the legislative text

The generality of the legislative text is akin to the spirit of the body and the essence of the text's existence or lack thereof. This can only be achieved if it is applied justly and equally to all individuals, regardless of their identity, so that it can be referred to without ambiguity or confusion[9]. This requires that its rules be characterised by generality.

Generality refers to the principle that the rule must be stated in general terms, whether it is a command or a prohibition[10]. When the text is written, it is not intended to apply to a particular person or event; rather, it is written in a general way, without regard to any particular person or event. Therefore, for a law to be valid, it must consist of a set of general rules that do not relate to any particular person or situation, but rather to people as a whole or to certain groups of people based on their characteristics, not their identities. There are rules that apply to all people, such as criminal laws that punish theft or murder, and there are rules that apply to specific segments of society, such as men, women, merchants or farmers[11].

The legal text is a universal command that applies to all its particulars. In legal terminology, the legal rule is defined as a consistent relationship between two phenomena: the condition, which refers to the phenomenon that must occur in reality in order for the rule to be applied, and the judgment, which is the effect that the law attaches to the fulfilment of this condition. The rule means stability and repetition, so that its judgement is applied whenever the stated conditions are fulfilled. This inevitably leads to the assertion of the generality of the legal rule and the comprehensiveness of the legal text[12].

Therefore, in order to be considered legally valid, an address to individuals must be directed to them by virtue of their characteristics and not by virtue of their identity. If the purpose is to regulate events, it should organise them not according to their particularities, but according to their conditions and characteristics. What matters is the general nature of the characteristics, not the specification of identity[13]. Thus, it does not address a particular person by name, nor does it refer to a particular event; rather, it contains the characteristics that must be present in the individuals to whom it applies, and specifies the conditions that must be present in the events that it regulates. Consequently, it applies to any person who possesses these characteristics and regulates all incidents that fulfil the conditions laid down[14].

The generality of the text of the law remains relative; there is no universal rule of law with regard to places or persons, nor is there an eternal application with regard to time[15]. Its generality is always relative to persons, place and time. Thus, generality is the way in which the text is formulated, and its effect becomes apparent only in its application.

Section Two: The abstract nature of the legal text

Abstraction is a characteristic of the legal text that serves as the backbone for achieving legal security and stability within society and public institutions[16]. The abstraction of the legal text can be defined as the discourse of the legal rule, which does not refer to a specific person or event[17]; rather, it is the general nature of the characteristics and the fulfilment of the conditions that matter, so that it applies to any event that meets the established requirements both textually and in reality. Some legal scholars define abstraction as "the subjection of similar events or persons in identical circumstances to the same legal rules"[18].

Abstraction, which is an inherent quality of the legal text, contradicts the principle of selectivity, whether in the drafting of the text or in its application. Abstraction corresponds to the higher laws of the State, beginning with the Constitution and the law in its broader objective sense, which includes any abstract rule, whatever its source. At the top of this hierarchy is the Constitution, which is regarded as the supreme and highest law.

Given that the subordination of the State and all its powers to the principle of constitutional supremacy is a fundamental requirement for any sound democratic system, it is the duty of every public authority, whatever its nature, function or assigned powers, to comply with the rules and principles of the Constitution[19]. They must respect its limits and constraints before individuals and citizens. Should they violate or exceed these limits, their actions would be tainted by the defect of unconstitutionality. If the violation relates to a law or a regulation, it is subject to judicial control, which the Constitution entrusts to the Constitutional Court as the highest judicial authority

empowered to rule on the constitutionality of laws and regulations. The purpose of this is to maintain the provisions of the Constitution, to safeguard them and to protect them from deviations that contradict their provisions and principles, which undermines the idea of abstraction and consolidates selectivity in the application or violation of constitutional articles[20].

At the level of texts addressing individuals in general or organising social transactions, caution in the abstraction of the text remains essential. Legal justice is not absolute in all cases; on the contrary, it can sometimes be relative. This is because when the law organises social relations, it establishes its rules on the basis of the prevailing situation in practical life and does not take into account exceptional individual cases arising from the different circumstances of individuals and citizens. The recognition of such circumstances could lead to a loss of the abstraction of the legal rule, which is the essence of the concept of justice[21].

Thus, the principle of equality may be sacrificed in some individual cases in order to fulfil its role in establishing order, ensuring stability and building trust in social transactions, while at the same time safeguarding the principle of abstraction for the legal text.

Consequently, we find that abstraction accompanies and is inherent in the text during its formulation; thus, abstraction is more precise than generality in ensuring the security of the text in terms of both formulation and content.

To sum up, abstraction and generality are intertwined characteristics, or rather two facets of a single quality, aimed at deepening the security of the spirit of the legal rule in a way that functionally and effectively serves the principle of achieving equality of persons before the law, while preventing bias in favour of a specific individual over another individual or institution at the expense of another institution or body, whether constitutional or a public or private legal entity.

Chapter Two: Values associated with legal text security

This chapter focuses on a number of issues that are closely related to the spirit of the legal text, more so than other standards or controls, although they are equally important. These issues include elements that guarantee the existence and creation of the legal text, in particular the specificity of the legal rule and the requirements of the codified text over other proposed texts[22].

The study in this chapter emphasises the most precise controls, standards and means that help to avoid legislative imbalances and both formal and substantive defects. This requires the adoption of clear and well-defined legislative texts that are both normative and realistic. This clarity derives from the unique characteristics of the legal rule and, more specifically, of the legal text, which can be described as special guarantees. These can be summarised as the value of formal and substantive consistency (Section One) and the value of clarity and transparency, both subjective and objective (Section Two).

Section One: The Value of Formal and Substantive Consistency

The principle of non-contradiction in spirit and content of the text is one of the most important of the value principles recognised by laws throughout the world, whether in the West, such as France[23], or in the East, such as China, or in Arab countries, such as Egypt or Algeria. This principle ensures the security and clarity of texts, especially economic texts, relating to commercial transactions with partners all over the world, guaranteeing the achievement of the “win-win” principle[24].

In this self-guarantee and normative control of the legal text, the element of legislative drafting is taken into account, depending on the legal system prevailing in each country. The phrases, words and coherence of the texts must be well integrated and the ideas should be connected by clearly defining the assumptions that gather them, while maintaining precision and consistency in the logical sequence of the text. This also highlights the legislative creativity of the author in drafting the content of the text and the distinctive wording tailored to each legislative specialisation. The content forms the logical structure of the text, free of contradictions and conflicts, which significantly affects the understanding of the text and the intended impact of its subject matter[25].

Contradiction can take different forms, either between different pieces of legislation or between texts within the same piece of legislation. The first type of conflict may be between a general and a specific text, or between an absolute and a restrictive provision. An example of this is a general

or specific power of attorney which may apply to all matters except powers of attorney relating to divorce or certain conditions of personal social investigation. In this case, the specific text prevails over the general one[26].

Similarly, the contradiction between the absolute and the limited can be resolved by favouring the latter over the former. Some legislators, such as the Iraqi legislator, have addressed this issue in Article 160 of the Iraqi Civil Code, which states that an absolute provision applies in its entirety unless there is evidence of a limitation, either textually or by implication. An example of an absolute and restrictive text is found in Article 558 of the Iraqi Civil Code, which states: "If there is a defect in the sold item that was already present, the buyer has the option of returning it or accepting it at the agreed price". Article 559 of the Iraqi Civil Code states: "The seller is not liable for a pre-existing defect that the buyer knew about or could have discovered if he had examined the sold item with due diligence, unless it is proven that the seller assured him of the absence of this defect or concealed it by fraud". The first text is absolute and refers to the existence of a pre-existing defect, regardless of whether the buyer is aware of it or not. The second text, on the other hand, is restrictive, as it limits the guarantee to cases where the buyer is not aware of the pre-existing defect[27].

Similarly, the Algerian Civil Code deals with the issue of sale and the seller's guarantee in the same way. Article 379 of the Civil Code states "The seller is obliged to provide a guarantee if the object sold does not have the characteristics that he promised at the time of delivery". Article 380 continues: "When the buyer takes possession of the thing sold, he must check its condition... If he discovers a defect for which the seller is liable, he must inform the seller within a reasonable time, otherwise he is deemed to have accepted the sale"[28]. The first text is absolute with regard to the seller's guarantee, while the second is limited by the buyer's will with regard to the condition of the item sold[29].

Another type of textual contradiction that can occur between legislative texts is when the legislator drafts a specific legislative text and then enacts another text that contradicts it in terms of purpose and intent. This type of error is considered to be one of the most damaging to legislation, with some seeing it as a clear indication of the legislator's failure to perceive the internal, linguistic and expressive balance of legislative texts. Such inconsistencies can undermine the integrity and security of the text itself. Some respond to these imbalances by emphasising the need to adhere to legislative standards that ensure a sound, secure and trustworthy legal text that is respected by all bodies, institutions, citizens and even foreign entities that deal with it[30].

Section Two: The value of clarity and transparency, both subjective and objective

For legal texts to be effective and reliable, regardless of changing circumstances or the passage of time, they must adhere to standards of clarity, with transparent terminology and clear meanings. If concepts are defined by their opposites, the opposite of clarity is ambiguity. This ambiguity arises when the legislator uses a series of words and phrases that have more than one meaning, or uses linguistic expressions incorrectly, so that the true intention behind the legislative text is not conveyed[31].

Ambiguity can also arise from the use of obscure language, where the legislator drafts the legislative text in a way that suggests a clear meaning, but contains multiple assumptions that may lead to confusion or doubt. For example, the disinheritance of an heir for murder may be ambiguous, especially if the act of murder involves elements of error[32].

The legal text may suffer from ambiguity due to poor drafting, resulting from a lack of coherence between intention and expression. For example, if a text seeks to specify the share of an heir that may exclude another heir, without clearly defining the circumstances, this may lead to misunderstandings. The use of vague language that encompasses multiple situations can complicate meanings and obscure the intended message. Such language does not inherently convey a clear synonym and requires interpretation by the authority that drafted the text.

In addition, a lack of terms or expressions can contribute to the ambiguity of a legal text. This deficiency occurs when the vocabulary does not encompass all relevant facts and does not adequately address their present or future contexts[33]. When there are gaps in the text, it is

necessary for the judiciary to seek other sources and interpretations in order to resolve disputes, and to refer to previous judicial decisions or other legal sources in order to give a judgement, thereby transforming the text into a legal ontology.

Errors, both substantive and legal, generally affect the integrity of the text and the clarity of its intent. Material errors in legislative texts often appear after publication in the Official Journal. Such errors are typically due to a lack of precision in the proofreading and printing of texts, frequent amendments, insufficient proofreading or time constraints and the legislator's desire to speed up the legislative process[34]. In addition, the use of conjunctions in a way that does not reflect the legislator's intention may lead to misunderstandings. Material errors can also result from inaccurate translations. These errors can be remedied by publishing a corrective statement in the Official Gazette or before its publication, correcting the errors in the text.

On the other hand, a legal error is an unintentional error of substance that requires a revision of the legal text itself[35].

Moreover, it should be noted that the formal presentation of the text, its printing, the quality of the typeface, the original language in which the legal text is written and the circumstances of its publication all play a significant role in the clarity of the text itself and its understanding by the general public, legal practitioners and researchers in the field of specialised legal methodology. The examination of the integrity of legal texts, when framed within the established standards for their form and content, ensures their effectiveness in securing the law under all circumstances and in any legal system, whether past, present or future, and in any place[36].

CONCLUSION:

In concluding this research paper, we can state that adherence to the objective functional standards and the specific subjective standards of legal texts is a scientific and practical necessity. It is impossible to discuss legal certainty at any level without taking these standards into account and building on them from the ground up. Consequently, we believe that these standards are akin to the head of a body, especially as the principle of legal certainty has become increasingly dynamic in the context of time and place, particularly with the existence of electronic texts and the advanced technological means of drafting, rapid issuance, notification and enforcement, all of which produce rapidly evolving legal effects.

These complex legal factors are essential for assessing the development of the rule of law and justice in the experience of countries with a rich history of legal text formulation and regulation. The rule of law is fundamentally dependent on the security of the text itself and, more generally, on legal security in order to fulfil its noble functions, which include the stabilisation of justice. This stability must guarantee the integrity and fundamental aspects of legal texts in terms of procedure, subject matter, form and content within the framework of "logical intellectual standards"[37].

Of course, we can say that the application of the norms of legal texts, including their formal and substantive aspects, is a cornerstone and an inseparable part of the essence of legal certainty and its eternal goal. This has a normative value, with the function of providing preventive security for the legal system against legislative imbalances and defects, both formal and substantive. This requires the enactment of legislation, which must be characterised by the clarity of its rules, as well as by its predictive and normative value. These three fundamental pillars are essential to the law and are necessary, among other things, to ensure legal certainty and thus avoid the enactment of unstable legislation[38].

Therefore, we see that the study, examination and consideration of the basic textual norms in the field of general and specific legal security leads us from the common understanding of legal security to a precise, comprehensive and specialised meaning of legal security within its provisions. In any case, this excludes the suspension of efforts to strengthen the bonds of legal texts, to activate their essence and to realise their scope. Thus, we find that the norms of legal texts, in their functional aspect and the essence of their intellectual structure, serve as a barrier against any obstacle that could affect the application of the legal rule without constitutional support or justification (such as public interest) that could narrow and restrict the intended textual legal

security. This could trap legal thinking within a narrow interpretation of security, making the law and the standards of its texts generally beholden to the exigencies of security within the state. Such an interpretation is unscientific, inaccurate, and far from the sound legal logic that is essential for the creation of effective legal security that takes into account the interests of the nation and its citizens.

Consequently, any scientific-technological progress aimed at constructing legal texts in the public interest, while respecting the freedoms of citizens and ensuring stability in society and its daily interactions, is merely an intellectual product that deepens legal security, reinforces the principles of the rule of law, strengthens the bonds of its institutions, supports the foundations of its continuity, and ultimately promotes the peace of mind of its citizens.

The Results:

- The intellectual foundations of the security of legislative texts in any field are characterised by the crafting of the form, the vitality of the content and the dynamic meanings that fulfil the objectives of the legislator before the citizens to whom they are addressed.
- The essence of legislative texts is based on a set of norms that are rooted in the logic of self-effectiveness.
- In our view, the development of legal texts and their security is the result of specialised scientific and technological progress.
- The legislative text, in its spirit and in its structural and substantive values, remains an instrument of guarantee and security for all other fields of knowledge, especially in the scientific and technological organisation that links the law with modern communication and technological advances in society.

Proposals

- Deepen research into the details of the content of legal texts, emphasising the need to understand the technical and artistic areas covered, and to use them above all in the service of the nation and its citizens.
- To improve the various modern technological tools and means and to promote their use in the drafting of legal texts in order to guarantee their objective and subjective security within the framework of safeguarding the interests of active citizenship.
- Establish regular workshops within the Parliament, in both chambers, to study how to ensure the security of legal texts from a formal and substantive perspective, involving university researchers and specialised civil society organisations.

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[1]- The legality is chosen or determined according to the law in force, and therefore we exclude in this context the legal rules that circulate in the broad sense of jurisprudential sources or the customary rules that are commonly practiced in many transactions, which are difficult to enumerate, especially in an era in which we are witnessing an astonishing global scientific and technological development.

For the principles of legal certainty, see the electronic link.37:06https://universitylifestyle.ne consulté le 14/09/2023

[2]- Although constitutions do not provide a definition of legal security, it remains one of the most important principles of global constitutionalism derived from texts and constitutional provisions in global experience. For example, the Spanish Constitution states in Article 9:

"Citizens and public authorities are subject to the Constitution and the rest of the legal system. The public authorities are responsible for creating the legal conditions for the freedom and equality of individuals, for removing obstacles that prevent or hinder the

exercise of these rights, and for facilitating the participation of all citizens in political, economic, cultural and social life.

The Constitution guarantees the principle of legality, the rules of hierarchy, the generality of rules, the prospective application of the law without retroactive effect, legal security and the prevention of arbitrary action by public authorities. It also guarantees judicial security, accountability and the prevention of bias on the part of public authorities".

[3]- Michele De Salvia discusses legal certainty in French constitutional law in "Cahiers du Conseil Constitutionnel" No. 11 (Dossier: The principle of legal certainty) - December 2001. https://www.conseil constitutionnel.fr/ -

Legal certainty is an element of "security". In this respect, it is based on Article 2 of the Declaration of 1789, which includes security among the natural and inalienable rights of man, along with liberty, property and resistance to oppression.

[4]- Most constitutions guarantee joint action and the need for cooperation between several bodies to ensure the security and stability of the legal framework. For further information see Ayman Mohamed Hassan Al-Sharif, "Functional Dualism between the Legislative and Executive Powers in Contemporary Political Systems: An Analytical Study", Ph.D. Thesis, Mansoura University, Egypt, 2005, pp. 12 et seq.

[5]- M.-M. Helgeson, "The Parliamentary Elaboration of the Law: A Comparative Study (Germany, France, United Kingdom)", Paris, Dalloze, Themes and Comments series, 2006, p. 190 et seq.

[6]- Philippe Ardent, "Political Institutions and Constitutional Law", 12th edition, Paris, L.G.D.J., 2000, p. 551.

[7]- Mohamed Mohamed Abdel Latif, "The Principle of Legal Security", Legal and Economic Research Journal, No. 36, October, Mansoura University, Cairo, 2004, p. 90, with modifications.

[8]- See also: Yosri Al-Assar, "Constitutional Protection of Legal Security in Constitutional Jurisprudence", Constitutional Journal, Issue 3, Year 1, July 2003, pp. 49-55.

[9]- In this context, see Mohamed Hossam Mahmoud Lotfi, "Introduction to the Study of Law in Light of Jurisprudential Opinions and Judicial Rulings", 2003 edition, unpublished, pp. 19 et seq.

[10]- See: Said Saad Abdel Salam, "Introduction to Legal Theory", 2002/2003 edition, no publisher, pp. 32-34.

[11]- See: Tawfik Hussein Farag, "Introduction to Legal Studies: A Summary of General Legal Theory and General Theory of Rights", University Cultural Foundation, no year of publication, pp. 13-14.

[12]- Said Saad Abdel Salam, same reference, p. 34.

[13]- For further elaboration, see Hamam Mohamed Mahmoud Zahraan, "Introduction to Law", University Press, 1997, p. 30.

[14]- Tawfik Hussein Farag, same reference, p. 15.

[15]- For further information see Hanem Ahmed Mahmoud Salem, "Guarantees for Achieving Legal Security and the Role of the Supreme Constitutional Court in Ensuring It: A Comparative Jurisprudential and Judicial Study", Faculty of Law, Graduate Studies and Research, Menoufia University, Egypt, no year of publication, pp. 55 et seq.

[16]- The Algerian Civil Service Law 06/03, for example, addresses each employee in his or her official capacity rather than as an individual. Similarly, the Public Procurement Law addresses any entity that has the status of a public establishment, as well as anyone classified as a contractor or trader, or who is authorised by law to contract with the administration in such capacity. See Presidential Decree No. 15/247, dated 16 September 2015, which includes the organisation of public procurement and public facilities delegations, published in the Official Journal of the People's Democratic Republic of Algeria, No. 50, dated 20 September 2015.

[17]- Ramadan Abu Saoud, "Introduction to Law", University Printing House, Egypt, 1997, pp. 29-30.

[18]- Mohamed Hossam Mahmoud Lotfi, same reference, pp. 21-22.

[19]- The Algerian constitutional amendment of 2020 enshrined the principles of publicity and abstraction in all its texts relating to public authorities, individuals and transactions between economic institutions, as well as national and foreign investments. See the aforementioned Constitution, starting from Article 34 et seq. of 30 December 2020, published in the Official Journal No. 82 of 30 December 2020.

[20]- The Algerian constitutional amendment of 2020 is dedicated to establishing the rule of law, the supremacy of institutions, and mutual respect among them. Therefore, the Constitutional Court is empowered as a body of strict constitutional oversight, particularly regarding the constitutionality of legislative acts and legal actions, subjecting them to this oversight. This is stipulated in the mentioned constitutional amendment in Chapter Four under the title of Oversight Institutions, specifically in Articles 165 to 198.

The executive authority, represented by the government (Prime Minister), plays a primary role in proposing and initiating quality legislative texts based on its field expertise and direct interaction with citizens' interests. For more on this idea, see: Sheikh Abd Al-Sadiq, "The Supremacy of the Executive Authority in the Legislative Initiative Process," Al-Mustadhir Research Journal for Legal and Political Studies, Vol. 5, Algeria, 2020, p. 542.

[21]- Rajab Karim Abdullah, "Introduction to Legal Sciences: Theory of Law," Part One, Al-Nahda Al-Arabiya Publishing House, Egypt, 2004, p. 9.

[22]- Constitutions and internal organic laws require formal and substantive conditions before the final enactment of a legal text for approval. For example, the Algerian constitutional legislator and the organic law legislator stipulate that every proposal for a law must be accompanied by the signatures of at least twenty (20) deputies or twenty members of the Council of the Nation. It must also include a statement of reasons, be drafted in the form of articles, and not be identical to a bill or proposal currently under consideration in Parliament, or one that has been withdrawn or rejected in the past twelve (12) months. The organic law requires a substantial procedure, as established by the constitutional founder, which involves depositing according to the primary specialized jurisdiction what must be deposited with the Council of the Nation concerning local organization, territorial planning, and regional division, as an exclusive competence of the Council of the Nation. See Articles 19 and following of Organic Law No. 16/12, which defines the organization of the National People's Assembly and the Council of the Nation, and their functional relationship with the government, published in the Official Gazette No. 50 dated August 28, 2016, as well as Article 147 of the Algerian constitutional amendment of 2020 and following.

[23]- Julien Dellaux, "The Principle of Legal Security in Constitutional Law: Signs of Hope for the Consolidation of Internal Legal Order and the Rule of Law," https://www.cairn.info/revue-francaise-de-droit-constitutiel-2019-3-page-665 and following, consulted on 09/09/2023 at 11:20.

[24]- Chinese economic dealings in the field of investment with Arab countries reached $214 billion, including Algeria, due to facilitation and legal security through treaties established in the form of medium-term plans, including the Belt and Road Initiative between China and Algeria.

[25]- Salam Abdel Zahra Al-Fatlawi, "General Standards for Legislative Drafting: A Comparative Study," Al-Muhqiq Journal, Hilla for Legal and Political Sciences, Issue 4, Year 9, 2017, p. 118.

[26]- In this context, see: Ismat Abdel Majid, "Problems of Legislation," 1st edition, Scientific Books House, Lebanon, 2014, p. 200 and following.

[27]- Mohamed Sharif Ahmed, "Interpretation of Civil Texts: A Comparative Study between Civil and Islamic Jurisprudence," Ministry of Awqaf and Religious Affairs Printing House, Baghdad, 1982, p. 141.

[28]- See Articles 379, 380, and following of the amended and supplemented Algerian Civil Code, published in the Official Gazette of the People's Democratic Republic of Algeria, No. 78, 1975.

[29]- Mohamed Sharif Ahmed, same reference, p. 142 and following.

[30]- For more, see: Mohamed Sharif Ahmed, same reference, p. 140.

[31]- The Florida Senate, "Manual for Drafting Legislation," Office of Bill Drafting Services, Sixth Edition, 2009, p. 10.

[32]- Haider Adham Al-Taie, "Lessons in Legal Drafting," 1st edition, Baghdad, 2015, p. 115.

[33]- Hassan Ahmed Al-Baghdadi, "The Innate Deficiency in Legislative Provisions," Al-Qada Journal, Issues 4 and 5, 1954, p. 399.

[34]- Saeed Ahmed Bayoumi, "The Language of Law in Light of Textual Science," 1st edition, Shatat Publishing and Software House, Egypt, 2010, p. 54.

[35]- Ayman Mohamed Hassan Al-Sharif, "Functional Dualism between the Legislative and Executive Powers in Contemporary Political Systems: An Analytical Study," PhD thesis, Mansoura University, Egypt, 2005, p. 61 and following.

[36]- For more, see: Saad Jabbar Al-Sudani, "Deficiencies in Legislative Drafting: A Comparative Study," Al-Huqooq Journal, Volumes 4 and 5, Issue 18, 2012, p. 108 and following.

[37]- François Tulkens, "Legal Security: An Ideal to Reconsider," in "Revue Interdisciplinaire d'Études Juridiques" 1990/1 (Volume 24), pp. 25-42, http://www.craim.info/revue-interdisciplinaire-d-etude-juridiques-1990-1-page-25.htm, consulted on 09/09/2023 at 11:20.

[38]- The executive authority, represented by the government (Prime Minister), plays a primary role in proposing and initiating quality legislative texts based on its field expertise and direct interaction with citizens' interests. For more on this idea, see: Sheikh Abd Al-Sadiq, "The Supremacy of the Executive Authority in the Legislative Initiative Process," Al-Mustadhir Research Journal for Legal and Political Studies, Vol. 5, Algeria, 2020, p. 542.

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