

Constitutional Judiciary Policy In The Application Of The Interest Requirement

Hezil Djelloul

Doctor in public law, University of Tlemcen, Algeria

Email: hezil.djelloul@gmail.com

Received 15/08/ 2023; Accepted 13/01/ 2024, Published 19/01/2024

Abstract

If the clause of personal interest intervenes in illegal procedures, of any kind and at all levels, it is certain that this clause interferes also in a constitutional dispute which aims to challenge the constitutionality of a law or regulation. The question arises as to the consistency and compliance of laws that exist in the clauses of the constitutional court with what is found in ordinary courts, as well as the degree of unity of the interest provisions and clauses in comparative constitutional systems.

Keywords: Constitutional judiciary, the interest requirement, interest, constitutional accountabilities, constitutional order, Constitutional Court, Constitutional control, constitutional bodies, constitutional lawsuit/claims, constitutional legitimacy, constitutional motions

*Tob Regul Sci.*TM 2024;10(1): 1155 - 1165

DOI: doi.org/10.18001/TRS.10.1.73

Introduction:

Jurisprudence has not witnessed a dispute as entrenched as that surrounding the term “**interest**”. According to Dean Carbonnier, the sheer profusion of analyses has contributed to the increased complexity and ambiguity of the term, due to the abundance of discussions. Consequently, it is characterized as an elusive concept, a concept that transcends concrete realities and encompasses both objective and subjective aspects¹. This term has sparked controversy on three distinct fronts: its purpose, the methods employed to comprehend and disclose it, and the methodology used to assess it.

The term “**Maslaha**” in the Arabic language, equivalent to the Latin “**intérêts**” denotes financial or literary advantages obtained by an individual. In Arabic, it is derived from the root “**Salah**” which signifies the completeness of a thing in accordance with its intended purpose, and follows the pattern of an active participle. Lexicons indicate that it and corrupting “**Mafsada**” are opposite².

Jurisprudence faces divergent opinions among specialists regarding the interest. Some believe that it eludes precise definition, and that defining it might even diminish its essence. Some legal scholars prefer using synonyms like (benefit), (advantage), or (profit) instead of defining it explicitly. However, when **interest** is considered as a condition for accepting a lawsuit, a well-established principle states: **no interest, no action**. In this context, it signifies the need for legal protection or the practical benefit gained by the plaintiff³ if the court rules in their favor due to an infringement on their legal right or position.

The principle of personal interest, which is a mainstay in legal standing across various court proceedings, is undoubtedly relevant in constitutional review when challenging the constitutionality of laws or regulations. However, questions arise about the compatibility and overlap between established doctrines in constitutional courts and those in ordinary courts. Additionally, there are concerns about the consistency of personal interest requirements across different constitutional systems. Our study will address these concerns by delving into the specific nature of the interest requirement in constitutional claims presented before the Constitutional Court.

Constitutional review, which has paramount importance, was widely adopted, particularly in the early 20th century. Many countries embraced this system as a safeguard for their constitutions, but they implemented it differently, especially in the mechanisms and conditions for engaging with constitutional bodies. Additionally, there were differences in who had the standing and personal interest necessary to initiate such legal and judicial proceedings.

This study will examine the specific nature of the interest requirement in constitutional litigation, a topic that I will explore in greater depth in my subsequent study.

I.Part One: The General Trend of Constitutional Courts in Applying the Interest Requirement:

This discussion will be limited to addressing the concept of the interest requirement in constitutional litigation. It will then analyze the general trend of constitutional courts within the Constitutional Court system in applying the interest requirement. This analysis will focus on the specific descriptions and conditions that must be met for the interest requirement to be fulfilled.

1.Section one: Significance of the Interest Requirement in Constitutional Litigation:

The interest requirement, akin to its role in any legal proceeding, assumes a fundamental position in constitutional cases. However, the interest in constitutional litigation holds distinctive characteristics setting it apart from its role in ordinary lawsuits.

Broadly defined, interest in this context refers to the practical benefit that accrues to the plaintiff if judgment is rendered in their favor⁴, hence it is asserted that interest is a condition for admissibility of the lawsuit. Where there is no interest, there is no lawsuit, as interest is the subject matter of the action “L'intérêt est la mesure de l'action” Interest is not considered merely as a condition for accepting the plaintiff's claims but also as a condition for accepting the defendant's defences. Regardless of their nature, the defendant's interest, as manifested in their defences, aims to avoid a judgment against them on all or some of the plaintiff's claims. Mere interest is insufficient; it must be a legitimate interest, and it must be valid⁵.

The interest must be both legitimate, grounded in a right or legal status, and existing, indicating an actual violation of the right or legal standing the plaintiff seeks to protect. Alternatively, the interest can be anticipatory, suggesting a likely future violation.

While these elements maintain relevance, they adopt specific meanings within the context of constitutional litigation. In such cases, the right protected by the constitutional lawsuit originates

from the constitution itself, and the violation typically stems from acts of public authorities, taking the form of legislation enacted by the legislature or regulations issued by the executive authority⁶.

The requirement of interest, as it is applied in ordinary courts, includes any request or argument presented before the Constitutional Court. The only exception to this principle is in systems that allow the court to take up cases on its own initiative⁷.

Therefore, an observer of constitutional litigation will find that it is an objective action that compares legal texts with the provisions of the constitution in order to verify their conformity with these provisions and confirm constitutional legitimacy. The judgment issued by the court in this action is a declaratory judgment, which states that the contested text has been in conformity with the constitution since its enactment.

However, the objective nature of the constitutional lawsuit does not mean that the requirement of direct personal interest is waived. If this assumption were true, it would be possible to challenge the constitutionality of laws through an original action, in which these laws would be contested in order to clarify the ruling of the constitution independently of any substantive dispute.

As contrast, specific procedural mechanisms have been delineated to facilitate the interface between the Constitutional Court and individual constitutional appeals, contingent upon the requisite presence of an individual interest⁸. To substantiate this interest, two imperative conditions must be satisfied, precisely delineating the concept of interest within the context of constitutional litigation. The claimant is obliged to furnish compelling evidence of real and direct damage, meticulously excluding any semblance of hypothetical or theoretical detriment. Moreover, a stringent criterion necessitates the establishment of a causal nexus between the proffered evidence of damage and the contested legal text. This requirement entails a demonstrable assertion that the purported damage emanates directly from the provisions subject to challenge. Additionally, the judgment proffered in the constitutional case assumes an obligatory role in adjudicating pivotal facets, be they overarching or subsidiary, entwined within the realm of contention. This interdependency intertwines the constitutional claim with the substantive lawsuit, framing the constitutional issue as a prerequisite for preliminary consideration before delving into the underlying substantive conflict.

Moreover, the judgment issued in a constitutional case must be essential to resolving a general or specific issue related to the underlying dispute. This establishes a link between the constitutional lawsuit and the substantive lawsuit, where the constitutional issue becomes a preliminary matter requiring resolution before addressing the broader dispute.

While having fundamental similarities with the interest requirement in ordinary litigation, the interest requirement in constitutional cases possesses distinct characteristics. The interest must be legal, personal, direct, and established, and it must be linked to the interest in the substantive lawsuit. This aspect will be explored further in the next section⁹.

2. Section Two: The Stance of the Constitutional Court on Applying the Interest Requirement:

The Constitutional Judiciary has a well-established interpretation of the interest requirement in constitutional litigation. It decrees that the legal provision under challenge must directly apply to

the challenger, causing legal consequences for them specifically. Additionally, there must be a demonstrable connection between the interest in the constitutional lawsuit and the interest in the substantive lawsuit. This interpretation is supported by a judgment issued by the Constitutional Court of Kuwait on April 15, 1989, which declared: **“For a challenge of unconstitutionality to be admissible, the challenger must possess a direct, personal interest in their claim. This interest is intrinsically linked to their interest in the substantive lawsuit where the challenge originated, and the outcome of the constitutional challenge will directly impact the judgment in the substantive case”**.

Furthermore, the usual characteristics of a typical lawsuit remain relevant in this context.

2.1. Firstly: Connection Between Interest in Constitutional and Substantive Lawsuits:

Before constitutional courts, it is a requirement that there be a connection between the interest in the constitutional action and the interest in the substantive lawsuit¹⁰. The meaning of this connection is that the ruling in the constitutional action must have the potential to affect the claims made in the substantive lawsuit. In application of this, if the plaintiff in the substantive lawsuit has an interest that requires the non-application of a specific article of law, then his interest in the constitutional action is related only to that article or legal text, and his interest is nullified with respect to other articles, even if these articles deal with the same subject matter that is disputed in its application to the defendant¹¹. If the ruling of unconstitutionality of the contested text does not have the potential to affect the ruling in the substantive lawsuit, such that the substantive court can decide the dispute without this being dependent on deciding the constitutionality of the contested text, then there is no doubt that the challenge of unconstitutionality is unproductive in this case due to the lack of connection between the two actions, the substantive and the constitutional, in terms of interest. On the other hand, the substantive lawsuit must be independent of claims other than a ruling of unconstitutionality, otherwise this action would in reality be a direct constitutional action brought in a manner other than that prescribed by law. It is inconceivable that the constitutional action should be a tool through which litigants express their opinions on matters that concern them in general, or that it should be a window through which they display various forms of conflict far from their direct personal interests, or a form of dialogue about factual issues that they raise to prove or disprove them¹².

The Constitutional Court of Egypt has expressed this principle in many of its rulings, stating that: "What one of the parties in a substantive claim claims to be a violation of a constitutional rule by a legal text presupposes two things: first, that this text is essential for the resolution of that claim. If it is not related to the claimed rights and does not produce an impact on their resolution, then this claim loses its usefulness. Second, the constitutional motions raised by the plaintiff must have what supports them, which means that they are serious from a preliminary point of view. This means that the inevitable connection between the substantive and constitutional lawsuits requires that the ruling on the constitutional issue be essential for the resolution of a whole or partial issue around which the wheel of dispute in the substantive lawsuit revolves. If the infringement of the rights claimed in that lawsuit is not directly due to the contested text, then there is no interest in the constitutional lawsuit"¹³.

The following consequences arise from the rule that a ruling on the constitutional issue is necessary and essential in a constitutional lawsuit for a ruling in the substantive lawsuit:

If it is possible to rule on the substantive lawsuit without addressing the constitutional issue, then this path must be followed. This is because the challenge of unconstitutionality is considered a precautionary defense that can only be resorted to if all other means of appeal have been exhausted¹⁴. In this regard, the Kuwaiti Constitutional Court ruled in a judgment stating: "Since the original principle of legislative texts is to tolerate their constitutionality, and the original task of the court is to reach a solution to the disputes presented to it by stating the rule of law in them, then it is not permissible to oppose the issue of the constitutionality of the law except in cases of extreme necessity, in other words, when it is a matter that cannot be avoided".

If a constitutional motion against a legislative text has been raised by the substantive court, which has assessed that the resolution of the dispute before it depends on the ruling of unconstitutionality of the text to be applied to the facts of the dispute, then the adversary, who benefits from the ruling of unconstitutionality of the contested text, cannot raise before the Constitutional Court the unconstitutionality of other texts that were not included in the referral decision of the substantive court.

It should be noted that the Constitutional Court alone has the right to verify the existence of the interest requirement in the lawsuit before it, to ensure that it is acceptable. No other party can contest this with the court. There is no necessary connection between the referral from the substantive court to the Constitutional Court and the existence of the interest requirement. The former does not mean the latter. If the ruling on the constitutionality of the referred texts does not affect the substantive dispute, then the constitutional lawsuit is unacceptable¹⁶.

Therefore, the requirement of the interest in the constitutional lawsuit is that the ruling on the constitutional issue must be essential for the resolution of the substantive requests.

2.2. Secondly: The Interest Must Be Legal, Personal, and Direct:

The legitimate interest, known as "intérêt juridique" signifies a legally recognized and protected interest. For it to be considered individual and direct, the contested provision, if applied to the appellant, must not only contravene the Constitution but also violate a Constitution-guaranteed right in a manner causing direct harm. A mere violation of the challenged constitutional provision is insufficient; it must result in actual damage to the plaintiff in the substantive claims¹⁷.

This is what the Egyptian Constitutional Court decided, stating that "The requirement of the personal and direct interest is that the Supreme Constitutional Court resolves the constitutional dispute in its practical aspects and not in its theoretical aspects, and it also limits its intervention in this dispute so that it does not resolve any constitutional issues that affect the ruling on the substantive dispute". Therefore, the concept of the personal and direct interest is determined by the combination of two elements:

The first: The plaintiff must provide evidence that actual damage - economic or otherwise - has occurred to him, whether he was threatened with this damage or it actually happened, and it must always be that the claimed damage is direct, separate from the mere violation of the text challenged for the Constitution.

The second: This damage must be attributable to the text challenged for it and not imaginary damage. If this text has not been proven to be applied to the one who claimed its violation of the

Constitution, or was not addressed to him, this indicates the absence of the personal and direct interest¹⁸.

The Interest is not confined to material interests but extends to moral interests. Even if the moral interest suffices in constitutional proceedings, it does not imply a purely theoretical interest. The constitutional lawsuit should not serve as a tool for expressing general opinions on matters of general concern or defending interests unrelated to the contested text. The court exercises its jurisdiction to ensure effectiveness, relying on evidence that establishes a clear connection between the claimed damage and the contested constitutional text¹⁹.

2.3 Thirdly: The interest must be existing

And the implication of that is that the interest in the constitutional lawsuit must be existing while it is being considered, so it is not appropriate for the court to waste its time by confronting a non-real and existing dispute, and specifically defined enough, which results in the absence of its connection with a dispute that is still in the process of formation²⁰.

It is required to consider the interest existing, that the plaintiff be among those concerned by the provisions of the constitutional text challenged, and if he is not, his interest in challenging it is lost.

But is the potential interest sufficient to accept the constitutional lawsuit?

Some rulings of the Egyptian Supreme Constitutional Court went to the fact that the anticipated interest is not sufficient to accept the constitutional lawsuit, where the court says explicitly: "The interest in the constitutional lawsuit, as it is available if its owner has an existing interest in it that is recognized by the law, then his anticipated interest in it is not sufficient to accept it." This was criticized from the perspective that the constitutional judiciary has the same nature as the annulment judiciary, with regard to administrative decisions, they both belong to the objective judiciary, and it is agreed that the anticipated interest is sufficient to accept the annulment lawsuit, as is the case with the realized interest, and based on that, the administrative judiciary, unlike the constitutional judiciary, expanded the concept of the interest requirement, by highlighting the idea of the anticipated interest, which is what would prepare the opportunity to bring benefit or harm without being certain.

This approach from the administrative judiciary has what justifies it from both the legal and practical perspectives, as it is a law that is consistent and harmonious with the annulment judiciary as an objective judiciary that protects the principle of legality, by providing the opportunity for the largest possible number of people to defend their anticipated legitimate interests, which are the same justifications that can be sought in the constitutional judiciary, which is an objective judiciary in the form of an annulment lawsuit, the aim of which is to protect the principle of legality in its broad sense, which is to guarantee the principle of the supremacy of the constitution.

II. Part two: Assessing Interest and Its Availability:

Several issues and questions arise regarding the assessment of interest, including its objective evaluation and the timing of its requirement. We will explore these matters in the next section.

1. Section one: How to assess the interest requirement in the constitutional case:

This analysis explores the question of whether a lower court's assessment of the seriousness of a constitutional challenge constitutes a determination of the interest requirement in a constitutional lawsuit. If such an assessment does function as an interest determination, can the constitutional court then reach a different conclusion – namely, that the interest requirement is not met – or is it bound by the lower court's evaluation?

The Kuwaiti Constitutional Court addressed the question, stating: "While the interest requirement generally refers to the benefit accruing to the plaintiff if their claim succeeds, in a dispute like the one presented, it takes on a special character. This manifests in both the plaintiff's personal benefit and the public benefit to the community in defending legality. Therefore, the legislator has entrusted the judge presiding over the original case with assessing, on their part, the interest requirement in raising the constitutional dispute through a challenge, and consequently, the condition of its admissibility. This is done by granting them the authority to assess the seriousness of the challenge and stay the proceedings, referring the matter to the Constitutional Court for a ruling if they find the challenge to be serious".

based on the concept of the interest requirement in a constitutional lawsuit, but the reality is that the assessment of the seriousness of the challenge by the lower court has nothing to do with the interest requirement in a constitutional lawsuit, and there is no way to confuse them. It is necessary to distinguish between the seriousness of the challenge and the interest in the challenge²¹. The seriousness means that there are strong indications that the challenged law or act violates the constitution²², and the assessment of these indications is not within the competence of the lower court alone. The interest in the challenge, i.e. the interest requirement in a constitutional lawsuit, is within the competence of the constitutional court alone²³. Therefore, the assessment of the interest requirement is an original competence of the constitutional court, **but the question remains as to when the interest requirement is met and the effect of its disappearance on the constitutional lawsuit in relation to the substantive lawsuit**²⁴.

2. Section Two: Timing of the interest requirements and Its Effect on the Course of a Constitutional Lawsuit:

Some argue that meeting the interest requirement only at the time of filing a constitutional challenge is sufficient. They believe the Constitutional Court should still hear the case even if the connection to the underlying case disappears after the initial filing. This argument rests on the law specifying the circumstances for the Court's involvement in constitutional lawsuits, but not explicitly requiring their termination if the underlying case is resolved later. However, this view clashes with rulings from the constitutional judiciary, which require challengers to maintain an interest throughout the proceedings. For example, the Egyptian Constitutional Court, in a 1991 judgment, stated that "a direct personal interest must not only exist at the time of filing, but also continue until a ruling is issued. This interest requirement stems from its connection to the challenger's interest in the underlying case, which gave rise to the unconstitutionality defense and will be affected by the ruling in the constitutional lawsuit"²⁵.

This position of the constitutional judiciary aligns with that of the administrative judiciary, particularly the Egyptian Council of State regarding annulment actions. Both require the interest requirement to remain in effect until a decision is reached. This contrasts with the stance of the French Council of State, which deems it sufficient for the interest requirement to be met only at

the time of filing the annulment action. Even if the interest disappears after the appeal is submitted, the case is still considered until a decision is issued, except when the disappearance is directly attributed to the removal of the illegality in the challenged decision. Jurisprudence supports the Council of State's position, offering various justifications. Firstly, an annulment action is a claim based on the merits of the case, targeting the administrative decision itself and aiming to protect administrative legitimacy. Secondly, this action serves two interests: a personal interest and a public interest for the community. It is possible that the plaintiff's personal interest disappears, while the public interest related to the community's rights remains²⁶.

The approach adopted by the French administrative judiciary may be more compelling if adopted by the constitutional judiciary. It is not justifiable for unconstitutional legislative acts to escape scrutiny due to the lack of personal interest of the parties during the course of constitutional lawsuit, as the public interest represents the ultimate goal and purpose that should be sought²⁷.

It is well-known that the interest requirement in a constitutional lawsuit must be met throughout all stages of the lawsuit. It must exist at the time the lawsuit is filed, and It must continue to exist until a ruling is issued. If the interest disappears before the court issues its ruling for any reason, the constitutional lawsuit will be dismissed. The interest requirement in a constitutional lawsuit may be waived in several cases due to its connection to the substantive lawsuit. Therefore, anything that can affect the continuation of the substantive lawsuit will necessarily affect the interest requirement in the constitutional lawsuit. The interest requirement in a constitutional lawsuit is waived if the owner of the claimed right waives it in the substantive lawsuit, or if the legal standing of some parties to the substantive lawsuit is lost before the unconstitutionality challenge is resolved²⁸.

Conclusion:

In short, after addressing the interest requirement in initiating the constitutional process as a result of the legislative acts tainted with some defects of unconstitutionality, which affect the fundamental rights and freedoms in particular, resulting in the violation of the legal positions and personal interests, as well as the damage to the legal system in general, leading to the violation of the principle of the supremacy of the constitution, it becomes clear to us that the interest requirement must be available in the constitutional dispute as it is in any lawsuit, as it is necessary for its acceptance to have the interest requirement in its plaintiff.

However, by referring to the rulings of the constitutional judiciary, we find a lack of consistency and overlap of the rulings known in the ordinary judiciary and the constitutional judiciary except in the general principles, as the interest in the constitutional dispute is characterized by the fact that the right it protects is a right protected by the constitution, and that the aggression that occurs on it from the work of the legislator and the executive authority, and is embodied in the texts of the law or the regulations challenged for their unconstitutionality, and by the occurrence of the aggression, the interest arises that entitles those with the right to raise the constitutional issue.

One of the generalities known in both the rulings of the ordinary judiciary and the constitutional judiciary is that the interest has two aspects:

A personal aspect in what it offers of an advantage to a specific person, whether an individual or a group, as every time we find the interest linked to a personal element and represents a link between its owner and its subject, while the other aspect of the interest is the objective side, as the interest is not always personal, as it may be objective as is the case in the administrative judiciary.

Whereas in the comparative systems in the constitutional judiciary, the interests vary for us, as two schools are revealed, the school of the constitutional council and the school of the constitutional court, and the personal interest requirement does not arise before the constitutional council except in very narrow limits, because the council carries out this control for the purpose of achieving the public interest by ensuring the supremacy of the constitutional rule, as none of the parties that refer the legislation and regulations to the constitutional council, whether before their issuance or after their entry into force, have any interest except in very narrow limits when it comes to the dispute of elections or a matter of priority according to what was stated in the French constitutional amendment, while the follower of the reality of control under the system of the constitutional court finds among the conditions for accepting the constitutional lawsuit the personal interest requirement.

Perhaps this brief study revealed to us many obstacles that lead to reservation about the effectiveness of the council in the field of constitutional control, and these obstacles are evident at first glance in the restriction and restriction of the constitutional council by the notification mechanism reserved for the benefit of specific political bodies exclusively, resulting in the restriction of the fundamental rights and freedoms of individuals and the execution of personal initiative in raising the constitutional issue and what complicates the matter, the council faces other difficulties after notifying it by the competent authorities, and precisely during the procedures of constitutional control and the attention-grabbing when studying these procedural rules before the constitutional councils, especially the Algerian constitutional council, is its flexibility and lack of complexity, but we touch on its ineffectiveness from a practical point of view compared to what is practiced in the framework of the procedures followed before the constitutional courts, which requires with it a review of the procedural system for the work of the constitutional council and that by expanding the procedural mechanisms, whether related to the condition of the status before the constitutional council as it is based on a procedural rule that the interest requirement is integrated into the condition of the status by opening the way for the citizen to raise the constitutional issue and thus activate the personal interest, or by prevailing and adopting one of the systems, or a mixed system based on adopting the positive rules in both systems, and thus overcoming the traditional ideas based on discrimination between political control based on the objective interest and judicial control based on the personal interest.

Footnotes

1. See: Shawqi Al-Sayed, The Interest requirement, Journal of Legal Studies, Dar Al Koubafor Publishing and Distribution, Algeria, n.d., 2000, p.11.
2. Shawqi Al-Sayed, The Interest requirement, Ibid, p.13.
3. Faisal Abdul-Hafid Shawabkeh, The Interest Requirement in the cancellation action, Journal of Politic and Law, Issue Seven, June 2012, p.151.
4. Salah al-Din Fawzi, The Constitutional lawsuit, Dar Al-Nahda Al-Arabiya, Egypt, 1998, p.155.

5. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Kuwait Law Journal, Issue One, 1985, p.15.
6. Abdel Aziz Mohamed Salman, Constitutional control of laws, Dar Al-Fikr Al-Arabi, Cairo, 1955, p.353.
7. Ibid, p.50.
8. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.54.
9. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.55.
10. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.20.
11. Sal Ibrahim Mohamed Hussein, Judicial control of the Constitutionality of Laws, Dar Al-Kutub Al-Qanuniyah, Egypt, 2003, p.192.
12. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.24.
13. Ibid, p.25.
14. ah al-Din Fawzi, The Constitutional lawsuit, Ibid, p.157.
15. For further details see: Ibrahim Mohamed Hussein, Judicial control of the Constitutionality of Laws, Ibid, pp.192-193-194.
16. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.35.
17. Salah al-Din Fawzi, The Constitutional action, Ibid, p.163.
18. Adel Al-Tabtabai, Ibid, p.43.
19. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.45.
20. Ibid, p.46.
21. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.34.
22. Mohamed Nasr El-Din Kamel, The Jurisdiction of the Supreme Constitutional Court, Alam Al-Kutub for Publishing, Egypt, 1989, p.11.
23. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.34.
24. Salah al-Din Fawzi, The Constitutional action, ibid, p.162.
25. For more information, see: Mohamed Abdel Salam Mukhlis, The Theory of Interest in the Annulment Lawsuit, PhD Dissertation, 1981, pp.161-262, Adel Al-Tabtabai, Ibid, pp.42-43.
26. Mansour Ibrahim Al-Atoum, The Effect of the Termination of Interest on the Proceedings of the Annulment Lawsuit in the Light of the Jurisprudence of the Administrative and Comparative Judiciary, Journal of Sharia and Law, Issue Forty-Nine (49), January 2012, p.199.
27. Ibid, p.203.
28. Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Ibid, p.55.

References list

Books:

- Ibrahim Mohamed Hussein, Judicial control of the Constitutionality of Laws, Dar Al-Kutub Al-Qanuniyah, Egypt, 2003.
- Mohamed Nasr El-Din Kamel, The Jurisdiction of the Supreme Constitutional Court, Alam Al-Kutub for Publishing, Egypt, 1989.
- Rachida Al-Aam, The Algerian Constitutional Council, Dar Al-Fajr for Publishing and Distribution, Egypt, 2006.
- Said Boucheir, The Constitutional Council in Algeria, Diwan Al-Matbouat Al-Jamia, Algeria, 2012.

- Salah al-Din Fawzi, The Constitutional action, Dar Al-Nahda Al-Arabiya, Egypt, 1998.
- Yussra Mohamed Al-Assar, The interest Requirement in the Annulment and Constitutional lawsuits, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 1994.

Journals:

- Adel Al-Tabtabai, The Interest requirement in the Constitutional lawsuit, Kuwait Law Journal, Issue One, 1985.
- Boukra Idris, Some Legal Observations on the Process of Replacing the president of the National Assembly, Journal of Administration, Issue 21, 2001.
- Faisal Abdul-Hafid Shawabkeh, The Interest Requirement in the cancellation action, Journal of Politic and Law, Issue Seven, June 2012.
- Mansour Ibrahim Al-Atoum, The Effect of the Termination of Interest on the Proceedings of the Annulment Lawsuit in the Light of the Jurisprudence of the Administrative and Comparative Judiciary, Journal of Sharia and Law, Issue Forty-Nine (49), January 2012.
- Shawqi Al-Sayed, The Interest requirement, Journal of Legal Studies, Al Kouba Publishing and Distribution House, Algeria, n.d., 2000.
- Yussra Mohamed Al-Assar, Combining the previous and subsequent control over The Constitutionality in France after the Constitutional Amendment of 2008, Article published online .www, google, fr.

Theses and Dissertations:

- Jamam Aziz, The Ineffectiveness of the control of the Constitutionality of Laws in Algeria, Master's Thesis in Public Law, Faculty of Law and Political Science, Mouloud Mammeri University, TiziOuzou- 2010/2011.
- Mohamed Abdel Salam Mukhlis, The Theory of Interest in the Annulment Lawsuit, PhD Dissertation, Collection of Phd Theses, 1981.
- Mohamed, The Notification Mechanisms in the Framework of the Control of the Constitutionality of Laws, Master's Thesis, University of Oran, 2004-2005.

References in French :

- Dominique Favre 1ère procédure et traitement de la saisîmes recevable. www.accpnf.org, 2001.
- Pascal Jean, l'accès au juge constitutionnel Français modalité procédure , RDP N°2, 2001.
- Thierry le Roy In le constitutionalisme quelle réalité dans les pays du Maghreb, Revue Française de droit constitutionnel N° 79, 2009.