



# THE ELECTRONIC ADMINISTRATIVE DECISION BETWEEN: The Requirements of Effectiveness and the Guarantees of Legal Security

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## ABSTRACT

The electronic administrative decision represents a central manifestation of digital transformation in public administration, reshaping how decisions are prepared, adopted, and implemented. This evolution requires reconsidering the traditional pillars of administrative action — competence, cause, subject matter, and purpose — to ensure both administrative effectiveness and legal security in the digital environment.

This article examines how a balance can be achieved between the requirements of digital effectiveness and the guarantees of legal security in the electronic administrative decision. Adopting a combined analytical and comparative methodology, the study draws on European legal frameworks — notably French administrative law (CRPA, KPMG decision 2006), German administrative procedure law (VwVfG), and key EU instruments including the GDPR, the eIDAS Regulation, Directive 2006/123/EC, and the EU eGovernment Action Plan 2016–2020 — as well as the Council of Europe Venice Commission Rule of Law Check-

list, the OECD Digital Government Policy Framework, and selected Arab legal experiences from Egypt and Jordan.

The study demonstrates that the legal pillars of the electronic administrative decision are identical in substance to those of the traditional decision, differing only in the means of expression. It further establishes that the principle of legal security — constitutionally enshrined in Algeria's 2020 constitutional amendment — constitutes a fundamental safeguard, particularly in relation to the powers of annulment and withdrawal of electronic decisions. The findings confirm that digital transformation demands the re-engineering of legal guarantees and that comparative European and international experiences offer instructive models for strengthening national frameworks in this field.

## INTRODUCTION

Public administration has undergone profound transformations with the transition from traditional bureaucratic models to electronic governance, producing a qualitative shift in how administrative decisions are prepared, adopted, and implemented. The emergence of the electronic administrative decision — characterised by speed, precision, and traceability — reflects this evolution while remaining anchored in the traditional legal pillars of competence, cause, subject matter, and purpose.

This transformation has simultaneously generated a pressing need to ensure the protection of rights and the stability of legal positions, making legal security a central concern of equal importance to administrative effectiveness in the digital environment. Against this backdrop, Western scholarship has emphasised that digital governance requires flexible yet principled legal frameworks. Brownsword argued that modern technological developments demand regulatory rules capable of balancing digital innovation with the protection of fundamental rights.<sup>1</sup>

Darrell M. West demonstrated that the in-

tegration of digital technology into public administration enhances the speed and accuracy of decision-making while profoundly affecting traditional administrative processes.<sup>2</sup>

Perri G. examined the impact of digital governance tools on public policy formulation, stressing the need to align digital structures with the requirements of transparency and accountability.<sup>3</sup>

Cecilia Magnusson Sjöberg analysed the role of algorithms in accelerating administrative decision-making while warning of the erosion of legal guarantees in the application of digital tools.<sup>4</sup>

Jane E. Fountain, whose work on the virtual state remains a foundational reference, argued that integrating information technology into administrative structures goes beyond mere technical modernisation, producing profound institutional changes that reshape decision-making patterns, redefine accountability mechanisms, and introduce new con-

1 Brownsword, R. (2019). *Law 3.0: Rules, Regulation and Technology*. Routledge, p. 45.

2 West, D. M. (2005). *Digital Government: Technology and Public Sector Performance*. Princeton University Press, pp. 78–79.

3 Perri, G. (2004). *Governance Styles of Political Judgment in the Information Age*. Palgrave Macmillan, pp. 102–104.

4 Sjöberg, C. M. (2003). *The Rule of Law and Automated Decision Making*. Springer, pp. 55–57.

ceptions of rights protection in the digital environment.<sup>5</sup>

In the Algerian context, the academic literature has increasingly engaged with the electronic administrative decision from multiple perspectives. However, an integrated treatment linking its effectiveness to the guarantees of legal security remains largely absent, underscoring the need for the present research.

This article accordingly raises the following central question: How can a balance be achieved between the requirements of digital administrative effectiveness and the necessities of legal security in the electronic administrative decision? To address this question, the article is structured in two main sections: the first examines the concept and legal pillars of the electronic administrative decision and the mechanisms of its entry into force; the second analyses the content and components of legal security as applied to electronic administrative decisions, with particular attention to the powers of annulment and withdrawal.

## METHODOLOGY

The research combines the analytical and comparative methods. The analytical approach is applied to the doctrinal literature defining the electronic administrative decision and to the theoretical foundations of the principle of legal security. The comparative approach draws on multiple legal levels: at the European level, the study examines the French model – including the Code des relations entre le public et l'administration (CRPA) and the landmark KPMG decision of the Conseil d'État (2006) – and the German model, including the *Verwaltungsverfahrensgesetz* (VwVfG) and the jurisprudence of the *Bundesverfassungsgericht*; at the EU level, reference is made to the General Data Protection Regulation (GDPR – Regulation (EU) 2016/679), the eIDAS Regulation (No 910/2014),

Directive 2006/123/EC on services in the internal market, and the EU eGovernment Action Plan (2016–2020); at the international level, the OECD Digital Government Policy Framework and the UN E-Government Survey are consulted; and at the Arab level, the legal experiences of Egypt and Jordan are examined. This multi-layered approach aims to develop an integrated scientific perspective to inform national legal reform.

## FINDINGS AND DISCUSSION

### 1. THE ELECTRONIC ADMINISTRATIVE DECISION AND THE REQUIREMENTS OF ADMINISTRATIVE EFFECTIVENESS IN THE DIGITAL ENVIRONMENT

The electronic administrative decision stands as one of the most prominent expressions of digital transformation within public administration. The shift to digital governance has generated new patterns in the preparation, adoption, and implementation of decisions, necessitating a reconceptualisation of the decision's components to ensure administrative effectiveness without undermining the legal controls that have traditionally governed administrative action. This section examines, in turn, the concept and legal pillars of the electronic administrative decision and the mechanisms governing its entry into force in the digital environment.

#### 1.1 The administrative decision in its electronic form: Concept and legal pillars

The increasing reliance on digital technologies in administrative practice requires a clear understanding of both the conceptual contours of the electronic administrative decision and the legal pillars upon which its validity rests. The following sub-sections address each of these dimensions in turn.

5 Fountain, J. E. (2001). *Building the Virtual State: Information Technology and Institutional Change*. Brookings Institution Press, pp. 5–9.

### 1.1.1 The concept of the electronic administrative decision

The electronic administrative decision is a compound notion that merits examination both linguistically and terminologically before its legal content can be properly assessed.

From a linguistic standpoint, the term “decision” denotes firmness and stability — the settling of a matter upon reflection. The qualifier “administrative” derives from the concept of management and organisation in the public interest, encompassing both the organic dimension (the administrative apparatus) and the functional dimension (the activities directed at managing public services). The term “electronic” refers to the deployment of information and communication technologies — computers, the internet, digital platforms — as the medium through which administrative action is carried out.

These linguistic elements converge in the legal concept. One strand of jurisprudence defines the electronic administrative decision as: the public administration’s receipt of an electronic request through its website, its expression of willingness to issue a decision and sign it electronically, and its notification of the concerned party via email of the legal position arising under applicable laws and regulations, to produce a specific, lawful legal effect in pursuit of the public interest.<sup>6</sup>

Another definition emphasises the unilateral character of the act: the expression by the public administrative authority of its binding unilateral will, through electronic means, with the intention of producing legal effects whenever this is legally permissible — differing from the traditional administrative decision solely in the means by which that will is expressed.<sup>7</sup>

A third, more concise definition characterises it as: the electronic document expressing the binding, unilateral will of the administration to

produce a specific legal effect.<sup>8</sup>

These definitions converge on a fundamental point: the electronic administrative decision is identical in legal substance to the traditional administrative decision, differing only in the technological medium used to express the administration’s will. It must accordingly satisfy the same essential requirements — issuance by a competent authority, unilateral character, and intention to produce legal effects — while drawing on digital technologies to achieve greater speed and effectiveness. From these definitions, the following distinctive characteristics may be identified:<sup>9</sup>

- The electronic administrative decision is a legal act designed to produce specific legal effects, whether by creating, modifying, or extinguishing a legal position; material acts performed through digital means without the direct intention to produce legal effects fall outside its scope;
- It is issued by a competent administrative authority through its unilateral will alone, without the concurrence of any other party — a feature that distinguishes it from electronic administrative contracts;
- It is final and enforceable from the moment of its issuance, though it may only be invoked against individuals upon proper notification;
- It relies on digital media and modern technologies for its issuance, documentation, and publication, thereby accelerating administrative procedures and enhancing their overall effectiveness.

### 1.1.2 The legal pillars of the electronic administrative decision

The validity of the electronic administrative decision depends on the availability of its es-

6 Othman, H. M. (2018). *Lessons in Administrative Judiciary Law in Lebanon, France, and Egypt*. Dar Al-Jami’a Al-Jadida, Egypt, p. 53.

7 Al-Qabilat, H. (2014). *Electronic Public Administration Law* (1st ed.). Dar Wael for Publishing, Amman, p. 96.

8 Mohamed, S. Sh. (2015). *Electronic Entry into Force of the Administrative Decision* (Doctoral thesis). Faculty of Law, Ain Shams University, p. 41.

9 Majed, M. Z. (2023). Legal Controls of Electronic Administrative Decisions. *Journal of Jurisprudential and Legal Research*, Damanhur, No. 41, p. 1027.

essential legal pillars. These pillars do not differ in substance from those of the traditional administrative decision; however, their expression acquires new digital dimensions. They may be grouped into formal and substantive elements, each of which is examined below.

## A. FORMAL ELEMENTS

### i. Competence

Competence in its traditional sense denotes the legal authority of an administrative body or official to issue specific decisions within defined subject matter, territorial, and temporal limits. In the digital environment, competence additionally encompasses the administration's authority to adopt decisions through electronic procedures and to issue them in the form of electronic documents, in accordance with the technical and software means at its disposal.<sup>10</sup>

Four dimensions of competence must be distinguished. First, personal competence requires that the decision be issued by the legally designated official. In electronic administration, this is ensured through the allocation of unique digital credentials — usernames and passwords — that restrict access to the decision-making system to the authorised person alone, preventing any unauthorised exercise of administrative powers.

Second, subject-matter competence delimits the fields within which the administration may issue decisions through electronic procedures, typically operationalised through the design of digital templates specific to each administrative body and its allocated functions.<sup>11</sup>

Third, territorial competence confines the exercise of administrative powers to a defined geographical area, which in the digital context is implemented by linking electronic templates to specific administrative bodies within designated territorial jurisdictions, each identified by a unique digital code.

10 Baali, M. (2005). *Administrative Decisions*. Dar Al-Oloum for Publishing and Distribution, Algeria, p. 49.

11 Majed, M. Z. A. (2023). Legal Controls of Electronic Administrative Decisions. *Journal of Jurisprudential and Legal Research*, Damanhur, No. 41, p. 1034.

Fourth, temporal competence limits the exercise of administrative powers to a defined period. In electronic administration, this is addressed by programming digital templates to remain operative for a period corresponding to the duration of the relevant competence, after which they automatically expire.<sup>12</sup>

### ii. Form and procedures

Form refers to the manner in which the administrative decision is expressed upon its issuance — whether written, oral, explicit, implicit, or, as in the present context, electronic. French jurisprudence distinguishes between essential formalities, the violation of which entails absolute nullity, and secondary formalities. Procedures, by contrast, denote the preparatory steps preceding the issuance of the decision. In the digital context, the issuance of a decision in electronic form is legally valid provided it does not raise specific legal objections. The electronic signature has emerged as a pivotal instrument for ensuring the security and authenticity of digital administrative decisions, as recognised under the EU eIDAS Regulation (No 910/2014) and its national implementing provisions.<sup>13</sup>

## B. SUBSTANTIVE ELEMENTS

### i. Cause

The element of cause refers to the legal or factual considerations that prompt the administration to adopt a particular decision. It constitutes the objective foundation upon which the decision rests at the moment of its issuance and does not, in substance, differ between traditional and electronic decisions. For the cause to be valid, three conditions must be met: it must actually exist and be established at the

12 Koussa, F. (2013). *The Administrative Decision in Light of the Jurisprudence of the Council of State*. Dar Houma, Algeria, pp. 136 ff.

13 Al-Eid, B. (2024). The Impact of Electronic Administration on Administrative Activity. *Journal of Law*, Ahmed Zabana University Center, Relizane, Vol. 13, No. 1, p. 41. See also: European Commission, COM(2016) 179 final, EU eGovernment Action Plan 2016–2020; and Regulation (EU) No 910/2014 (eIDAS Regulation).

time of the decision's issuance; it must be proportionate to the outcome the administration seeks to achieve; and it must be lawful. In the digital environment, these conditions are operationalised by requiring the competent official to enter the relevant legal and factual data into designated fields within the electronic decision template before the decision may be issued.<sup>14</sup>

### ii. Subject matter

The subject matter of the administrative decision is the direct legal effect it produces – the creation, modification, or extinction of a legal position. In electronic decisions, the subject matter is governed by the same rules as in traditional decisions, with the added characteristic that the electronic system is pre-programmed to execute precisely defined tasks and does not possess independent discretionary authority over the content of decisions. It is anticipated, however, that advances in artificial intelligence may progressively alter this position by enabling systems to contribute to the determination of the decision's content in a semi-autonomous manner.<sup>15</sup>

The use of algorithms in administrative decision-making has generated significant debate in comparative jurisprudence. Karen Yeung demonstrated that algorithmic regulation raises fundamental issues of transparency, accountability, and judicial oversight. This concern has been addressed at the European level through Article 22 of the GDPR, which establishes the right of individuals not to be subject to solely automated decisions with significant effects, and through the French Law for a Digital Republic (No 2016-1321), which imposes obligations of transparency on algorithmic ad-

ministrative acts. Looking ahead, the EU Artificial Intelligence Act (Regulation (EU) 2024/1689) introduces a risk-based regulatory framework specifically applicable to high-risk AI systems used by public authorities, including automated administrative decision systems.<sup>16</sup>

### iii. Purpose

The element of purpose refers to the ultimate objective that the administration seeks to achieve through the issuance of a decision. Where the legislator has expressly allocated a specific objective – as in decisions relating to the maintenance of public order – the administration is strictly bound by that allocation; any deviation constitutes a misuse of power rendering the decision unlawful. Where no such allocation has been made, the administration retains a degree of discretion, but remains at all times bound to direct its decisions toward the realisation of the public interest. In the digital environment, the element of purpose is operationalised by incorporating designated fields within the electronic decision template that reflect the objective being pursued, and by programming those fields in accordance with the applicable legal framework.<sup>17</sup>

## 1.2 The entry into force of the electronic administrative decision

The entry into force of the electronic administrative decision denotes the moment at which it begins to produce its legal effects and becomes enforceable. This section examines the concept of entry into force and the technical and legal mechanisms through which it is achieved in the digital environment.

14 Ben Aichouch, A. (2024). The electronic administrative decision: A reading in concept and importance. *Journal of Jurisprudential and Legal Nawazel*, Laghout, 8(1), p. 66.

15 Al-Arabi, W. (2022). The Electronic Administrative Decision as a Modern Method for Managing Public Utilities. *Algerian Journal of Law and Political Science*, University of Algiers 1, Vol. 7, No. 1, pp. 754 ff. See also: Directive 2006/123/EC on services in the internal market.

16 Yeung, K. (2001). Algorithmic Regulation: A Critical Interrogation. *Regulation & Governance*, Vol. 12, pp. 503–523. See also: Regulation (EU) 2016/679 (GDPR), Article 22; and France, Law No. 2016-1321 pour une République numérique.

17 Hammamda, A. H. (2016). The Electronic Administrative Decision. *Police Thought Journal*, UAE, Vol. 25, No. 99, p. 77.

### 1.2.1 The concept of entry into force

The entry into force of an administrative decision is generally understood as its entry into the stage of implementation: the moment from which it produces the legal effects for which it was issued and becomes opposable to the parties concerned. In the context of electronic administrative decisions, this concept presents certain specificities arising from the digital nature of the act. One influential definition characterises it as: “the entry of the decision into the stage of implementation from the date of its issuance by the competent authority, having fulfilled its conditions and produced its legal effects – it being understood that the decision cannot be invoked against individuals except after they become aware of it through one of the prescribed means of notification: publication for regulatory decisions, and individual notification for individual decisions”.<sup>18</sup>

A broader definition describes the entry into force as: “a programming process undertaken by the public administration after issuing its decision, through which it seeks to introduce it into the legal system and ensure its applicability against those concerned”. The entry into force thus involves both a legal dimension – the production of legal effects – and a technical dimension specific to the digital environment, namely the use of electronic media, internet platforms, and digital communication tools to implement the decision remotely.<sup>19</sup>

### 1.2.2 Mechanisms of entry into force

The mechanisms through which an electronic administrative decision enters into force differ according to whether the decision is regulatory or individual in nature. The following sub-sections address each category in turn.

## A. REGULATORY DECISIONS: ELECTRONIC PUBLICATION

Regulatory electronic administrative decisions enter into force through publication, which in the digital environment takes the form of electronic publication. This may be defined as the process whereby the relevant administrative authority transfers the decision from its database to its official website or other designated digital platform, making its content accessible to all concerned parties. Electronic publication through official websites or digital gazettes constitutes a lawful and effective means of bringing regulatory decisions into force, provided that the chosen medium ensures the decision’s official character and allows the date of its legal effect to be determined with certainty. The administration retains discretionary authority over the choice of publication method, save where the law prescribes a specific medium, in which case compliance is mandatory.<sup>20</sup>

## B. INDIVIDUAL DECISIONS: ELECTRONIC NOTIFICATION AND CERTAIN KNOWLEDGE

Individual electronic administrative decisions enter into force through notification or through the establishment of certain knowledge. Electronic notification differs from traditional notification solely in the medium employed: the decision is communicated to the concerned person through digital means – email, secure digital platforms, or dedicated administrative portals – rather than through paper-based channels. For notification to be effective, it must provide the recipient with certain knowledge of the decision’s content and must include all essential elements, so that legal time limits and appeal periods may begin to run. The burden of proving that notification has been duly effected lies upon the administration.<sup>21</sup>

18 Omar, A. H. (2021). Means of Entry into Force of the Electronic Administrative Decision. *Al-Bayan Journal for Legal and Political Studies*, Vol. 6, No. 1, p. 14.

19 Ben Ramdana, L., Ben Drah, A. I. (2025). Provisions of the Entry into Force of the Electronic Administrative Decision. *Journal of Legal and Economic Research*, Aflou University Center, Vol. 8, No. 1, p. 28.

20 Briache, A. (2024). The Impact of Electronic Administration on Administrative Activity. *Journal of Law, Relizane*, Vol. 13, No. 1, p. 44.

21 Al-Ajarma, N. A., Salamat, N. A. H. (2018). Entry into Force of the Electronic Administrative Decision. *Dirasat: Sharia and Law Sciences*, Vol. 40, No. 1, Jordan, p. 1028. See also: OECD (2020). Digital Government Poli-

It has been observed, however, that electronic notification does not invariably guarantee actual knowledge of the decision; it may constitute no more than a presumption of receipt, particularly where the message fails to reach its intended recipient or is received by a third party.<sup>22</sup>

The theory of certain knowledge addresses situations where the concerned person has demonstrably become aware of the decision's content through means other than formal administrative notification. In the digital environment, certain knowledge may be established through evidence of access to a secure electronic account or digital platform through which the decision was communicated — means that are technically traceable and that afford a higher degree of certainty than their paper-based equivalents.<sup>23</sup>

## 2. GUARANTEES OF LEGAL SECURITY IN THE ELECTRONIC ADMINISTRATIVE DECISION

The principle of legal security constitutes a fundamental safeguard in any legal system, and its importance is heightened in the context of electronic administrative decisions, where the speed and opacity of digital processing may threaten the stability of legal positions. This section examines the concept and content of the principle of legal security before turning to its specific application in the field of electronic administrative decisions, with particular attention to the powers of annulment and withdrawal.

### 2.1 The concept of legal security

The principle of legal security is a multi-dimensional concept that has been developed

progressively through doctrinal scholarship and judicial jurisprudence across multiple legal systems. Its content may be examined from three complementary perspectives: the doctrinal, the judicial, and the constitutional.

#### 2.1.1 The doctrinal definition

Legal security has been defined in doctrine as: “the quality of a legal system that ensures citizens an understanding of and confidence in the law at a given time, which will most likely be the law of the future”. This definition emphasises the prospective dimension of legal security — the ability of individuals to predict with reasonable confidence how the law will apply to their future conduct.<sup>24</sup>

A broader definition focuses on the relational dimension: “the existence of a relative stability of legal relationships and a minimum level of stability for the legal positions arising therefrom, to spread reassurance and security among members of society”.<sup>25</sup>

A third strand of doctrine defines legal security in terms of the obligations it imposes on public authorities: “the measures taken by public authorities to achieve a balance between the stability, clarity, and accessibility of the applicable legal rules at a given time, thereby ensuring confidence and reassurance among those addressed by them, together with the possibility of their natural development and change”.<sup>26</sup>

Based on these definitions, the requirements of legal security may be summarised under two principal heads. The first concerns the quality of legislation: legal rules must be clear, precise, accessible, and sufficiently stable to enable individuals to organise their affairs in reliance upon them. The second concerns the

cy Framework, OECD Public Governance Policy Papers No. 02. <https://doi.org/10.1787/f64fed2a-en>.

22 Briache, A., op. cit., p. 45.

23 Al-Arabi, W., op. cit., p. 757.

24 Aouacheria, R. (2016). Legal Security and Its Impact on Development. *Algerian Journal of Human Security*, University of Batna, No. 1, p. 25.

25 Fatima, A., Amal, A. B. The Role of Administration in Protecting the Principle of Legal Security in the Field of the Administrative Decision, p. 85.

26 Radi, M. L. (2020). *Protection of Legal Security in Contemporary Legal Systems* (1st ed.). Arab Center for Publishing and Distribution, Egypt, p. 22.

protection of acquired rights and the stability of legal positions: individuals must be able to rely on the legal positions they have acquired without fear of arbitrary or retroactive change.<sup>27</sup>

### 2.1.2 *The judicial definition*

The judiciary has played a decisive role in developing the substantive content of the principle of legal security across major legal systems, progressively elevating it from a doctrinal aspiration to a judicially enforceable norm.

Germany was a pioneer in this development. The Federal Constitutional Court (Bundesverfassungsgericht), in its decision of 18 December 1953, declared legal security an essential component of the rule of law as embodied in the Basic Law, holding that constitutional bodies are prohibited from disregarding legal certainty except within the narrowest of limits, lest they undermine the peace-preserving function that constitutes one of the fundamental objectives of law.<sup>28</sup>

The Court of Justice of the European Union subsequently recognised legal security as a general principle of EU law, affirming in 1962 that the principle of legal security — and the principle of legitimate expectations which forms part of it — must be applied to all acts issued by the Member States in implementation of EU law.<sup>29</sup>

In France, the principle was formally recognised by the Conseil d'État in its landmark KPMG decision of 24 March 2006, which defined legal security as a principle requiring that citizens be able, without undue difficulty, to determine what is permitted and what is prohibited under the applicable law, and that the rules governing them be clear, understandable, and

not subject to frequent or unpredictable change over time.<sup>30</sup>

At the European human rights level, the European Court of Human Rights, in *Brumărescu v. Romania* (1999), held that legal certainty is an implicit requirement of the rule of law under the Convention, precluding the arbitrary reversal of final judicial decisions — a principle applicable by extension to the stability of administrative decisions in the digital environment. The Council of Europe's Venice Commission, in its Rule of Law Checklist (CDL-AD(2016)007), has similarly identified legal certainty, predictability, and the protection of legitimate expectations as core requirements of the rule of law in digital governance frameworks.<sup>31</sup>

### 2.1.3 *Constitutional enshrinement in the Algerian legal system*

The Algerian constitutional framework has progressively incorporated the principle of legal security, reflecting the broader international trend towards its constitutional recognition.

The constitutional amendment of 2020 enshrined the principle of legal security for the first time in explicit constitutional terms. The Preamble, which forms an integral part of the Constitution, affirms that the Constitution guarantees “the separation and balance of powers, the independence of justice, legal protection, oversight of the actions of public authorities, and the guarantee of legal and democratic security”. Article 34 further provides that, to achieve legal security, the State shall ensure, when enacting legislation relating to rights and freedoms, its accessibility, clarity, and stability. These provisions are fully consonant with the

27 Fatima, A., Amal, A. B., op. cit., p. 85.

28 Bouhafs, H. (2025). *The Role of the Administrative Judge in Protecting the Principle of Legality and Establishing the Foundations of Legal Security* (Doctoral thesis). University of Ain Temouchent Belhadj Bouchaib, p. 295.

29 Ghazi, F. A. (2023). *Criminal Legal Security — A Comparative Analytical Study* (1st ed.). Arab Center for Publishing and Distribution, Egypt, p. 26. See also: Court of Justice of the European Union, Case 112/77, *Töpfer v. Commission* [1978] ECR 1019, affirming legal security as a general principle of EU law.

30 Bouhafs, H., op. cit., pp. 298 ff. See also: French Conseil d'État, Decision of 24 March 2006, *KPMG*, No. 288460, formally recognising legal security (*sécurité juridique*) as a general principle of French administrative law, requiring adequate transitional periods when introducing new regulatory measures affecting individual legal positions.

31 Ibid. See also: ECtHR, *Brumărescu v. Romania*, No. 28342/95 (28 October 1999), holding legal certainty an implicit requirement of the rule of law; and Council of Europe Venice Commission, Rule of Law Checklist, CDL-AD(2016)007, paras. 55–58.

standards developed by the European Court of Human Rights regarding the quality, clarity, and predictability of legislation as prerequisites of legal security.<sup>32</sup>

The constitutional enshrinement of this principle renders it directly applicable to the field of electronic administrative decisions, requiring that the legislative and regulatory framework governing the issuance, entry into force, annulment, and withdrawal of such decisions meet the standards of accessibility, clarity, and stability it prescribes.

## 2.2 Components of legal security in the field of electronic administrative decisions

Having established the conceptual foundations of legal security, this section examines its concrete application to the exercise of the administration's power to annul and withdraw electronic administrative decisions — the two areas in which the tension between administrative discretion and the stability of legal positions is most acutely felt.

### 2.2.1 Legal security and the annulment of electronic administrative decisions

Administrative annulment is one of the principal mechanisms through which the administration modifies or terminates the legal effects of its own decisions. Its regulation is closely connected to the requirements of legal security, since unconstrained annulment powers would fundamentally undermine the stability of legal positions that the principle is designed to protect.

Administrative annulment denotes an administrative measure aimed at nullifying the effects of a decision for the future, issued in accordance with the same procedures and formal requirements as the original decision. The annulment decision produces immediate, pro-

spective effect — consistent with the principle of non-retroactivity of administrative decisions — and does not affect legal positions already constituted prior to its issuance.<sup>33</sup>

With respect to regulatory decisions, the administration enjoys broad freedom to amend or annul them at any time, since they do not create individual legal positions and may be modified whenever the public interest so requires. However, this power is subject to an important limitation: the annulment of a regulatory provision may not affect the individual decisions that have already been issued on the basis of that provision and that have created acquired rights, unless those decisions conflict with public order. In such exceptional cases, the affected parties are entitled to compensation based on the principle of equality before public burdens.<sup>34</sup>

Individual decisions require more nuanced treatment. Where a decision does not generate acquired rights for its beneficiary, the administration may revoke it at any time without temporal restriction. Where, however, the decision creates acquired rights, it enjoys a degree of protection: it may not be interfered with unless it is tainted by a legal defect. Even then, a distinction must be drawn between minor illegality — where annulment is subject to the applicable time limits for administrative appeal, after which the decision becomes immune — and serious illegality, where annulment is not constrained by such time limits.

This regulatory framework demonstrates that the power of annulment, when properly circumscribed, serves rather than undermines legal security: the immunity of rights-creating decisions after the expiry of appeal periods reflects respect for the stability of legal positions, while the retained power to annul seriously un-

32 Algerian Constitution, amended by Presidential Decree No. 442-20 of 30 December 2020. Official Gazette No. 82, Preamble and Article 34.

33 Aouabdi, A. (1999). *The Theory of Administrative Decisions between Public Administration Science and Administrative Law*. Dar Houma, Algeria, p. 169.

34 Belamouri, N. (2024). *Lectures in Administrative Decisions and Contracts* (Third-Year Students, Public Law). University of Mohamed Ben Ahmed, Oran 2, p. 41. See also: Bundesverwaltungsgericht, BVerwGE 66, 61 (1983), on conditions for retroactive withdrawal of unlawful administrative acts under para. 48 VwVfG.

lawful decisions ensures that legality is maintained as a structural guarantee of the legal order. The same principles apply fully to electronic administrative decisions, with the additional requirement that the technical means used to implement annulment decisions — including digital notification systems and electronic publication platforms — must themselves satisfy the standards of reliability and traceability required by the principle of legal security.

### *2.2.2 Legal security and the withdrawal of electronic administrative decisions*

The power of administrative withdrawal — the retroactive annulment of an administrative decision from the date of its issuance, as if it had never been adopted — is among the most potentially disruptive of administrative powers from the standpoint of legal security, given its capacity to extinguish rights already acquired and to unsettle legal positions that individuals have organised their affairs in reliance upon.

The exercise of this power is therefore subject to strict conditions in both national and comparative law. Three requirements are essential: the decision subject to withdrawal must be unlawful; the withdrawal must be effected by the competent authority; and the administration must, in exercising this power, respect the principle of legality and ensure adequate protection of the rights and legal positions of those concerned. The comparative experience of European legal systems is instructive in this regard. Under German administrative law, paragraph 48 of the *VwVfG* subjects the withdrawal of unlawful administrative acts conferring benefits to a balancing exercise between the principle of legality and the protection of legitimate expectations. The French *Conseil d'État*, in its *Soulier* decision (2002), confirmed a four-month time limit for the withdrawal of rights-creating individual decisions, subsequently codified in Article L. 242-1 of the *CRPA* as amended by the *Loi ESSOC* (2018). The *OECD Digital Government Policy Framework* (2020) recommends that national legal systems establish equivalent mech-

anisms in the digital environment to ensure predictability and legal security.<sup>35</sup>

This comparative framework underscores a fundamental principle: the power of withdrawal, while necessary to correct unlawful administrative acts, must be exercised within defined temporal and procedural limits that prevent the administration from unilaterally extinguishing acquired rights based on errors of its own making. In the context of electronic administrative decisions, the digital environment can facilitate both the exercise of this power and the imposition of appropriate constraints upon it, through the use of automated time-limit controls, digital audit trails, and secure notification systems that provide verifiable evidence of the date and content of the decision's communication to the persons concerned.

## CONCLUSION

This study has demonstrated that the electronic administrative decision constitutes a practical embodiment of digital transformation in public administration, capable of achieving speed and efficiency in administrative action without compromising the requirements of legality. Its legal pillars — competence, cause, subject matter, and purpose — are identical in substance to those of the traditional administrative decision, with the formal elements adapted to the digital environment in ways that, when properly regulated, enhance rather than undermine their integrity.

The comparative analysis of European legal systems — particularly the French model, including the *CRPA*, the *Loi pour une République numérique*, and the *Conseil d'État's* *KPMG* jurisprudence, and the German model, including the *VwVfG* and the *Bundesverfassungsgericht's*

35 Ibid. See also: French *Conseil d'État*, Decision of 6 November 2002, *Soulier*, No. 240270, reaffirming the four-month time limit for withdrawal of rights-creating administrative decisions, as codified in Article L. 242-1 *CRPA*, amended by Law No. 2018-727 (*Loi ESSOC*). See further: *OECD Digital Government Policy Framework* (2020).

foundational decisions on legal security — together with the relevant EU instruments (GDPR, eIDAS Regulation, Services Directive 2006/123/EC, EU AI Act 2024/1689) and the Council of Europe's Venice Commission Rule of Law Checklist, has confirmed that the legal challenges identified in the Algerian context form part of a broader international debate on the governance of digital administration. These comparative experiences offer concrete and transferable solutions for the development of the national legal framework.

The principle of legal security — constitutionally enshrined in Algeria's 2020 constitutional amendment — has emerged as the indispensable counterweight to administrative digitisation, ensuring that the speed and efficiency of electronic decision-making do not come at the cost of the stability of legal positions and the protection of acquired rights. Its application to the powers of annulment and withdrawal of electronic administrative decisions, informed by the principle of legitimate expectations as developed in European comparative administrative law, provides the analytical framework necessary for the re-engineering of legal guarantees in the digital environment.

The scientific contribution of this study lies in its systematic examination of the complementary relationship between administrative digitisation and the principle of legal security, and in its identification of the mechanisms — annulment and withdrawal, digital notification, electronic publication, and algorithmic transparency — through which that balance can be institutionally secured.

Based on these findings, the following recommendations are submitted:

- Enact clear legislative frameworks specifically regulating the issuance, entry into force, annulment, and withdrawal of electronic administrative decisions, drawing on the French CRPA and the German VwVfG as comparative models.
- Adopt secure digital technologies for the issuance and notification of administrative decisions, in conformity with the e-

DAS Regulation standards on electronic signatures and trusted services.

- Establish specific time-limit mechanisms for the annulment and withdrawal of rights-creating electronic administrative decisions, ensuring adequate protection of acquired rights and legal positions in the digital environment.
- Develop training programmes for administrative officials to strengthen legal and technical competencies in digital administration, aligned with the OECD Digital Government Policy Framework.
- Align the national legal framework with international benchmarks, including the OECD Digital Government Policy Framework, the Council of Europe Venice Commission Rule of Law Checklist, the EU eGovernment Action Plan, and the UN E-Government Survey recommendations.

## Future Research Perspectives

Several avenues for future comparative research emerge from this study. First, the implications of the EU AI Act (Regulation (EU) 2024/1689) for automated administrative decision-making warrant dedicated analysis, particularly in relation to the risk-based classification of AI systems deployed by public authorities and the corresponding obligations of transparency, accountability, and human oversight.

Second, the protection of personal data in digital administrative decision-making requires further examination in light of Article 22 GDPR and the Council of Europe Convention 108+, both of which impose substantive constraints on algorithmic administrative action that must be integrated into national administrative law frameworks.

Third, comparative research should examine the approaches adopted by France (CRPA and algorithmic transparency obligations), Germany (VwVfG and the emerging debate on AI in public administration), and the Netherlands — whose experience with the SyRI algorithmic welfare

system, invalidated by the Hague District Court in 2020 on human rights and proportionality grounds, provides a cautionary model – in regulating algorithmic governance within public administration.

Fourth, analysis of the EU Data Governance Act (Regulation (EU) 2022/868), the Interoperable Europe Act, and the revised EU Digital Identity Framework (Regulation (EU) 2024/1183 amending eIDAS) would substantially enrich

the comparative study of digital administrative law in the Arab and Algerian legal contexts.

Fifth, the challenges posed by cross-border electronic administrative decisions in regional integration frameworks – particularly in light of the Internal Market Services Directive and the EU's single digital gateway initiative – offer a promising model for exploring pathways toward regional harmonisation of digital administrative procedures.

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