

The Dark Veins of Power: Analysis of the Independence of Malagasy Justice in Light of the Separation of Powers

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DOI: <https://doi.org/10.51244/IJRSI.2026.130200160>

Received: 23 February 2026; Accepted: 28 February 2026; Published: 16 March 2026

ABSTRACT

Justice is a fundamental pillar of the rule of law and democracy. In Madagascar, despite the 2010 constitutional provisions guaranteeing judicial independence, a major contradiction persists between the stated principle and institutional reality. This article aims to demonstrate the mechanisms by which the executive branch exercises control over the judiciary and analyze the consequences for public confidence. The methodology is based on an exegetical analysis of constitutional texts and organic laws, combined with an observation of institutional practices and governance indicators. The results reveal significant executive control over career management, the budget, and appointments to the High Courts via the High Council of the Judiciary. Assessments by the World Bank and Transparency International correlate this structural dependence with levels of perceived corruption. This situation leads to administrative delays and a loss of public confidence, threatening social cohesion and the culture of Fihavanana. A comparative perspective with other African systems sheds light on Madagascar's specificities. In conclusion, judicial independence remains textual rather than substantive. Structural reform that excludes direct influence from the executive branch and incorporates the contributions of magistrates is urgently needed to restore the legitimacy of the justice system and guarantee the separation of powers.

Keywords: Malagasy justice, judicial independence, separation of powers, executive branch, rule of law

INTRODUCTION

Justice is one of the fundamental pillars of any modern democracy and the supreme guardian of the rule of law. According to the classical theory of separation of powers, developed by Montesquieu in *The Spirit of Laws*, political freedom can only exist if the power to judge is separate from the legislative and executive powers¹. In a democratic state, judicial independence is not only a corporate privilege for magistrates, it is also an essential guarantee for those subject to trial, ensuring that laws are applied impartially, without fear or favor. However, the realization of this theoretical ideal often comes up against complex political realities, particularly in developing countries where institutional balances remain fragile. In Madagascar, the issue of judicial independence remains unresolved, despite constitutional provisions enshrining it².

The Constitution of the Fourth Republic of Madagascar, adopted in 2010, states in Article 106 that justice is administered in the name of the Malagasy people by independent courts³. However, a thorough analysis of the organic texts reveals a major contradiction between the stated principle and the actual institutional organization. Indeed, the fundamental law stipulates that the President of the Republic is the guarantor of the independence of the judiciary and chairs the High Council of the Judiciary (CSM)⁴. This configuration places

¹ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 294.

² Urfer, S. (2003). *New Deal for Madagascar*. *Studies*, 398(4), p. 465.

³ Constitution of the Republic of Madagascar. (2010). Article 106. *Official Journal of the Republic of Madagascar*, p. 12.

⁴ Constitution of the Republic of Madagascar. (2010). Article 107, Paragraph 1. *Official Journal of the Republic of Madagascar*, p. 12.

the head of the executive at the heart of the system for managing the careers of magistrates, thus creating a relationship of organic subordination that undermines the autonomy of the judiciary. This interference by the executive branch in the judicial sphere raises questions about the real effectiveness of the separation of powers in Madagascar. As Dean Debbasch pointed out, the independence of the judiciary should not be used to ensure career comfort for magistrates, but to guarantee citizens that judicial decisions are made in good conscience, without external pressure⁵.

The central issue that arises is therefore to understand the extent to which the institutional organization of the judiciary in Madagascar compromises its real independence from the executive branch. The current situation is characterized by the dominance of the executive branch, which has considerable means of action and control over magistrates, particularly through budget management and appointments to the high courts⁶. This domination is leading to growing mistrust of the judiciary among the population. When citizens perceive the justice system as an instrument of political power rather than an impartial arbiter, social trust erodes, encouraging the emergence of vigilante justice and revenge⁷. This crisis of legitimacy threatens not only the rule of law, but also social cohesion and the culture of *Fihavanana* specific to the Malagasy people⁸.

The aim of this article is to demonstrate the institutional and political mechanisms through which the executive branch exercises control over the judiciary in Madagascar and to analyze the consequences of this dependence on public trust. This will involve examining the constitutional and legal provisions governing the judiciary, while comparing them with practices observed in the field. To this end, this study will draw on a doctrinal analysis of legal texts combined with an observation of recent institutional dysfunctions. The reflection will be structured around four main sections. First, the context of the study will lay the theoretical foundations of judicial independence and the Malagasy constitutional framework. Next, the methodology will outline the legal and documentary approach adopted. The third section will present the results of the analysis, highlighting the executive branch's control over the management of magistrates and the functioning of the high courts. Finally, the discussion will interpret these results in terms of their impact on the rule of law and propose avenues for reflection on the necessary structural reform⁹.

CONTEXT OF THE STUDY

Any analysis of the independence of the judiciary in Madagascar must first delve into the theoretical foundations that govern the organization of powers in a democratic state. Indeed, the judiciary cannot be understood as a mere administrative function; it constitutes a distinct constitutional power whose autonomy is a *sine qua non* condition for public freedom. This section examines the doctrinal foundations of judicial independence, mainly derived from the thinking of Montesquieu, while comparing them with contemporary constitutional developments in Africa. The comparison between the ideal theory of the separation of powers and the institutional reality of Madagascar will highlight the structural tensions that characterize the current judicial system¹⁰.

. Empirical data on governance, such as corruption perception indices, should also be included in order to assess the effectiveness of legal norms¹¹.

⁵ Debbasch, C. (2002). The independence of the judiciary. In *Au Carrefour des droits, Mélanges en l'honneur de Louis Dubouis*. Dalloz, p. 27.

⁶ Sefafi Observatoire de la Vie Publique. (2009). *What justice for the present and the future?* Antananarivo, p. 15.

⁷ Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

⁸ Renoux, T.-S. (1999). *The judiciary in France and continental Europe: a comparative approach*. *Revue de Droit Public*, (4), p. 967.

⁹ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Créons Publishing, p. 331.

¹⁰ Urfer, S. (2003). Nouvelle donne malgache. *Études*, 398(4), p. 465.

¹¹ World Bank. (2022). *Worldwide Governance Indicators: Rule of Law*. Washington, p. 12.

Theoretical Foundations Of Judicial Independence

The theory of the separation of powers is the cornerstone of the modern rule of law. Developed by Montesquieu in his major work *The Spirit of Laws*, this doctrine posits that in order to avoid arbitrariness and despotism, the three main functions of the state must be entrusted to separate bodies. According to the French philosopher, the concentration of powers in the hands of a single individual or body inevitably leads to tyranny. He illustrates this idea with a statement that has become classic in legal doctrine worldwide:

In a state, that is, in a society where there are laws, liberty can only consist in being able to do what one ought to want and not being forced to do what one ought not to want. All would be lost if the same man, or the same body of principal men, or nobles, or the people, exercised these three powers: that of making laws, that of executing public resolutions, and that of judging crimes or private disputes¹².

This quote highlights the intrinsic link between the separation of powers and political freedom. In a state governed by the rule of law, submission to the law must be universal, encompassing both the governed and the governing. The independence of the judiciary stems directly from this principle: the judicial branch must be able to settle disputes and punish offenses without being subject to pressure from the legislative or executive branches. As Dean Debbasch points out, the independence of the judiciary should not be seen as a corporatist privilege aimed at ensuring career comfort for magistrates; it is a fundamental guarantee for citizens¹³. It ensures that court decisions are made in good conscience, free from political interference.

Judicial independence has several dimensions that must be distinguished for a relevant analysis. First, institutional independence refers to the autonomy of the judiciary as a whole vis-à-vis the other branches of government. This implies that the courts have their own resources and their own administration. Second, personal independence concerns the individual status of judges. It assumes that judges cannot be arbitrarily dismissed and that their careers do not depend on the favor of the political powers that be¹⁴. In Madagascar, as in several French-speaking countries in sub-Saharan Africa, the political organization is strongly inspired by the French model, where this distinction is theoretically recognized, but in practice it is often undermined by career management¹⁵. A comparative perspective with systems such as those in Senegal or South Africa reveals variations in the constitutional protection of magistrates, offering alternative models for the management of the High Council of the Judiciary¹⁶.

In addition, two other material aspects are decisive for the effectiveness of this independence: financial and administrative plans. Financially, an independent judiciary requires budgetary autonomy. If the executive controls the purse strings, it has considerable leverage over judges, which can go as far as blackmail by restricting operating resources or adjusting salaries¹⁷. World Bank assessments of the rule of law indicate that budgetary dependence correlates strongly with perceived levels of corruption in the courts¹⁸. Administratively, courts must have the power to manage their internal organization, the length of trials, and proceedings without outside interference. Lack of autonomy in these areas makes textual independence illusory. Indeed, if the judiciary is dependent on the executive branch for its budget and administration, the personal autonomy of judges is automatically compromised¹⁹.

¹² Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 292.

¹³ Debbasch, C. (2002). The Independence of the Judiciary. In *Au Carrefour des droits, Mélanges en l'honneur de Louis Dubouis*. Dalloz, p. 27.

¹⁴ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 331.

¹⁵ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 5.

¹⁶ Conac, G. (1998). *African Constitutions, Volume II*. La Documentation française, p. 18.

¹⁷ Delcamp, A. (2013). Constitutional courts and parliaments, or how the principles of sovereignty and the rule of law are combined today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), p. 185.

¹⁸ Transparency International. (2023). *Corruption Perceptions Index 2022*. Berlin, p. 8.

¹⁹ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 7.

The freedom referred to here is not absolute freedom allowing judges to do as they please; it remains a freedom governed by law. Montesquieu specifies in this regard that political freedom does not consist in doing whatever one wants. In a free state, one must not do what the law prohibits, and one cannot compel a person to do what the law forbids²⁰. This distinction is crucial in order to avoid confusion between independence and judicial arbitrariness. The objective independence of judges means their freedom to think and interpret the law without external constraints, while remaining subject to the rule of law. It is this autonomy of reasoning that guarantees the impartiality of decisions. When this independence is compromised, justice loses its "fair" meaning and causes a feeling of permanent mistrust among citizens, thus threatening social peace²¹. Recent work by the Association of High Courts of Francophone Countries (AHJUCAF) confirms that external threats to independence are often linked to this confusion between political authority and judicial authority²².

Furthermore, modern interpretations of the separation of powers, beyond Montesquieu, incorporate the notion of effective countervailing powers in transitional democracies. Qualitative contributions from African jurists emphasize that mere constitutional enshrinement is not enough without a robust judicial culture²³. In Madagascar, the resolutions of the national meetings of the National Council of the Judiciary (Magistrature) regularly denounce interventions that seek to alter the normal course of judicial proceedings, illustrating the gap between theory and professional practice²⁴. This contextual reality requires an analysis not only of the texts, but also of the governance indicators that reveal the institutional constraints weighing on the judiciary in Madagascar²⁵.

Madagascan Constitutional Framework

An examination of the Madagascan constitutional framework reveals a fundamental contradiction between the principles affirmed and the actual institutional organization. Article 106 of the Constitution of the Fourth Republic, adopted in 2010, states that justice is administered in the name of the Madagascan people by independent courts²⁶. This provision appears to enshrine the principle of separation of powers and the autonomy of the judiciary. However, a thorough reading of the subsequent articles shows that this independence remains strongly conditioned by the preponderant role accorded to the Head of State.

Indeed, Article 107 of the Constitution stipulates that the President of the Republic is the guarantor of the independence of the judiciary. He chairs the High Council of the Judiciary (CSM), the body responsible for assisting the President in this task²⁷. This institutional configuration places the head of the executive at the heart of the judiciary management system. The CSM has specific roles as a body responsible for safeguarding, managing the careers of, and sanctioning magistrates. It ensures compliance with the law and ethical rules, while making recommendations on the administration of justice²⁸. However, the fact that the President of the Republic, who is part of the executive branch, chairs this body creates potential confusion of powers. As noted by the Sefafi Observatory, this situation places magistrates in a position of hierarchical dependence on the executive branch²⁹.

²⁰ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 297.

²¹ Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

²² Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 3.

²³ Mbaye, K. (1992). *African law*. Éditions A. Pedone, p. 45.

²⁴ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Créons Publishing, p. 335.

²⁵ World Bank. (2022). *Worldwide Governance Indicators: Rule of Law*. Washington, p. 15.

²⁶ Constitution of the Republic of Madagascar. (2010). Article 106. *Official Journal of the Republic of Madagascar*, p. 12.

²⁷ Constitution of the Republic of Madagascar. (2010). Article 107, Paragraphs 1 and 2. *Official Journal of the Republic of Madagascar*, p. 12.

²⁸ Constitution of the Republic of Madagascar. (2010). Article 107, Paragraph 03. *Official Journal of the Republic of Madagascar*, p. 13.

²⁹ Sefafi Observatory of Public Life. (2009). *What justice for the present and the future?* Antananarivo, p. 15.

The composition of the CSM and its mode of operation illustrate this influence. The President of the Republic is assisted by the Minister of Justice as Vice-President of the Council³⁰. The presence of these two figures from the executive branch at the head of the body responsible for managing magistrates means that judges' careers, appointments, promotions, and sanctions are ultimately under the control of the political authorities. This reality contradicts the principle that the function of judging is a constitutional function that falls directly to magistrates, distinct from that of Parliament and the Government³¹. In Madagascar, the major problem lies in the fact that the career management of magistrates is closely linked to political power, making it difficult to emancipate them from their ties to the second branch of government³².

A comparison with other legal models helps to better understand the specific nature of the Malagasy case. In Anglo-Saxon countries such as Canada, the administration of justice is based on a different model, where case law is a primary source of law and where the independence of the judiciary is the guardian of the rule of law without being placed under the direct authority of the head of the executive branch³³. In Canada, the council ensures compliance with the principle of independence without placing the judiciary under the organic supervision of the executive, thus protecting the justice system from political domination³⁴. In contrast, the Malagasy model is similar to that of Morocco, where the Council is also assisted by the King, who embodies the executive power³⁵. This similarity with the French model, where the President is the guarantor of independence, shows the limitations of systems inherited from the civil law tradition in contexts where democratic culture is still being consolidated.

The Malagasy Constitution also provides for the existence of High Courts, whose independence is crucial to the balance of powers. The High Constitutional Court (HCC) is responsible for verifying the constitutionality of laws, while the High Court of Justice (HCJ) judges high-ranking state officials³⁶. However, the method of appointing members to these courts reveals the direct influence of the executive branch. The President of the Republic appoints three of the nine members of the HCC, with the other six being appointed by the CSM, the National Assembly, and the Senate³⁷. As for the HCJ, its members come from the CSM, whose executive presidency we have seen³⁸. This arrangement allows the executive branch to influence the decision-making of the judges of these two high courts, often leading to functional paralysis when the interests of power are at stake³⁹.

Ultimately, the Madagascan constitutional framework, despite professing a desire for separation of powers, institutionalizes a form of executive control over the judiciary. In practice, the Constitution has become an instrument for strengthening presidential power, as evidenced by successive constitutional revisions aimed at protecting leaders⁴⁰. This situation is causing growing concern among the population. When citizens perceive the justice system as an instrument at the service of political power rather than as an impartial arbiter, social trust erodes. As Ricœur asserts, indignation can free itself from the desire for revenge that incites victims to take justice into their own hands⁴¹. It is precisely this phenomenon of popular vengeance that we see in Madagascar, a direct symptom of the failure of the judiciary and its lack of real independence⁴².

³⁰ Constitution of the Republic of Madagascar. (2010). Article 107. *Official Journal of the Republic of Madagascar*, p. 12.

³¹ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 5.

³² Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 331.

³³ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 7.

³⁴ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 8.

³⁵ Conac, G. (1998). *African Constitutions, Volume II*. La Documentation française, p. 18.

³⁶ Constitution of the Republic of Madagascar. (2010). Article 133. *Official Journal of the Republic of Madagascar*, p. 18.

³⁷ Constitution of the Republic of Madagascar. (2010). Article 114. *Official Journal of the Republic of Madagascar*, p. 15.

³⁸ Organic Law No. 2014-043. (2014). *On the High Court of Justice*. Article 2. *Official Journal of the Republic of Madagascar*, p. 4.

³⁹ Sefafi Observatory of Public Life. (2009). *What justice for the present and the future?* Antananarivo, p. 22.

⁴⁰ Conac, G. (1998). *African Constitutions, Volume II*. La Documentation française, p. 18.

⁴¹ Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

⁴² Renoux, T.-S. (1999). The Judiciary in France and Continental Europe: A Comparative Approach. *Revue de Droit Public*, (4), p. 967.

METHODOLOGY

To understand the complexity of judicial independence in Madagascar, this study adopts a qualitative approach based on legal analysis and observation of institutional practices. This approach allows constitutional norms to be compared with the political realities observed in the field. The aim is to highlight the differences between formal law and the law as it is experienced, based on verified primary and secondary sources⁴³.

The first phase of the research consists of an exegetical analysis of the fundamental texts governing the Malagasy judiciary. These are mainly the Constitution of the Fourth Republic of 2010 and subsequent organic laws, in particular Organic Law No. 2014-043 relating to the High Court of Justice⁴⁴. This method makes it possible to identify the legal provisions that theoretically guarantee the independence of magistrates and those that, paradoxically, establish executive oversight. At the same time, this legal analysis is enriched by a review of classical and contemporary doctrine. Montesquieu's work on the separation of powers serves as a theoretical framework for assessing the conformity of the Malagasy system with democratic standards⁴⁵.

Similarly, Debbasch's reflections on the independence of the judiciary and Weber's on the legitimacy of power shed light on the issues of judicial authority⁴⁶. This doctrinal approach makes it possible to construct a normative frame of reference against which the practices observed will be measured.

The second phase is based on the observation of institutional facts and recent political dynamics. The analysis focuses on the concrete mechanisms of judicial management, such as appointments, career advancement, and budget allocation. Reports from monitoring bodies such as the Sefafi Observatoire de la Vie Publique provide crucial data on political interference in judicial proceedings⁴⁷. The study also examines the effective functioning of the High Courts (HCC and HCJ) since their establishment, noting cases of functional paralysis or apparent bias during political crises⁴⁸. This observation of practices makes it possible to verify whether the career management of magistrates is indeed closely linked to political power, as suggested by constitutional texts⁴⁹. By cross-referencing these factual data with legal analysis, the methodology aims to demonstrate how the executive's influence materializes in concrete terms, affecting citizen confidence and the rule of law⁵⁰.

RESULTS

Analysis of constitutional provisions and institutional practices in Madagascar reveals a contrasting reality where judicial independence, although proclaimed, is hampered by structural mechanisms of dependence. This section presents the results of the investigation into the organization of the judiciary, highlighting the vectors of executive control.

Executive Control Over The Management Of Magistrates

The first major finding of this study concerns the composition and presidency of the High Council of the Judiciary (CSM). Under Article 107 of the 2010 Constitution, the President of the Republic is the guarantor of the independence of the judiciary and chairs the CSM⁵¹. This provision places the head of the executive

⁴³ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Créons Publishing.

⁴⁴ Organic Law No. 2014-043. (2014). *On the High Court of Justice*. Official Journal of the Republic of Madagascar.

⁴⁵ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion.

⁴⁶ Weber, M. (2003). *The Scholar and the Politician*. La Découverte.

⁴⁷ Sefafi Observatory of Public Life. (2009). *What justice for the present and the future?* Antananarivo.

⁴⁸ Conac, G. (1998). *African Constitutions*, Volume II. La Documentation française.

⁴⁹ Constitution of the Republic of Madagascar. (2010). Article 107. Official Journal of the Republic of Madagascar.

⁵⁰ Ricœur, P. (1995). *Justice*. Éditions Esprit.

⁵¹ Constitution of the Republic of Madagascar. (2010). Article 107, Paragraph 1. *Official Journal of the Republic of Madagascar*, p. 12.

branch at the head of the body responsible for managing the careers of magistrates. In addition, the Minister of Justice assists the President as Vice-President of the Council⁵². This institutional configuration creates an organic confusion of powers, as the two highest authorities of the executive branch head the body that is supposed to protect the autonomy of the judiciary. As Imbiki points out, this situation places magistrates in a position of hierarchical dependence on the executive branch, making it difficult for them to break free from their ties to the second branch of government⁵³. The CSM, which should be a safeguard, thus becomes an instrument of political management of the judiciary.

This organic supervision has direct and tangible consequences on the careers of magistrates. Analysis of practices shows that promotions, appointments, and sanctions are closely linked to political power. Magistrates often find themselves unable to make independent decisions for fear of reprisals against them⁵⁴. With career management controlled by the President and the Minister, political loyalty sometimes becomes an implicit criterion for professional advancement

personal independence. According to the resolutions of the national conference of the Malagasy judiciary, judges are campaigning to denounce any interference that tends to alter the normal course of legal proceedings⁵⁵. However, the reality on the ground indicates that the fear of dismissal or demotion weighs heavily on their professional conscience. In this regard, Dean Debbasch pointed out that independence should not be used to ensure career comfort for magistrates, but rather to guarantee citizens that decisions are made in good conscience⁵⁶. However, in Madagascar, it is the career itself that compromises this guarantee.

In addition, the results highlight a critical financial and administrative dependence. The judiciary does not have real budgetary autonomy; it is the executive branch that holds the purse strings⁵⁷. This economic dependence, linked to operating expenses and magistrates' salaries, creates the possibility of blackmail and illegal taking of interest⁵⁸. If the executive branch controls the budget, it has considerable leverage, which can go as far as restricting the operating resources of the courts. Administratively, the judicial map and criminal policy are the prerogatives of the government⁵⁹. The Minister of Justice can thus influence judges through political expediency and professional promotion. This interference contradicts the principle that courts should have the power to administer themselves without pressure or influence from other bodies⁶⁰. Montesquieu warned that it is an eternal truth that all men who have power are inclined to abuse it⁶¹. In Madagascar, the concentration of administrative and financial management in the hands of the executive branch validates this assertion, creating an environment where the personal autonomy of judges is automatically impaired by the structural dependence of their institution⁶².

⁵² Constitution of the Republic of Madagascar. (2010). Article 107, Paragraph 1. *Official Journal of the Republic of Madagascar*, p. 12.

⁵³ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Créons Publishing, p. 331.

⁵⁴ Sefafi Observatoire de la Vie Publique. (2009). *What justice for the present and the future?* Antananarivo, p. 15.

⁵⁵ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 335.

⁵⁶ Debbasch, C. (2002). The Independence of the Judiciary. In *Au Carrefour des droits, Mélanges en l'honneur de Louis Dubouis*. Dalloz, p. 27.

⁵⁷ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes- a-l-independance-de-la-justice/html>, p. 5.

⁵⁸ Delcamp, A. (2013). Constitutional courts and parliaments, or how the principle of sovereignty and the rule of law are combined today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), p. 185.

⁵⁹ Tiberghien, F. (2017). Judicial power and autonomous management of resources. *Après-demain*, 41(1), p. 26.

⁶⁰ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes- a-l-independance-de-la-justice/html>, p. 7.

⁶¹ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 293.

⁶² Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes- a-l-independance-de-la-justice/html>, p. 8.

Political Influence Within The High Courts

Executive control is increasing within the High Courts, the supreme bodies regulating powers. Analysis of appointments to the High Constitutional Court (HCC) and the High Court of Justice (HCJ) reveals mechanisms that favor direct political influence, compromising impartiality when the interests of power are at stake⁶³.

The 2010 Constitution grants the Head of State significant leeway. The President directly appoints three of the nine members, with the others being appointed by the CSM, the National Assembly, and the Senate⁶⁴. Although this distribution appears balanced, the presidential majority often influences parliamentary appointments⁶⁵. This court plays a pivotal role in announcing election results and validating referendums⁶⁶. Critically, it pronounces the removal of the President in cases of high treason⁶⁷. The presence of members appointed by the President creates a structural conflict of interest in electoral appeals or impeachment proceedings.

The High Court of Justice illustrates the difficulties of implementing independent justice for high-ranking officials. Established by Organic Law No. 2014-043, it judges the President and members of the government for offenses committed in the exercise of their duties⁶⁸. However, despite its legal existence since 2014, it has only been operational since 2018⁶⁹. This delay can be explained by the complexity of the indictment procedures and the political reluctance to activate a mechanism that could lead to the punishment of leaders⁷⁰.

There is ample evidence of functional paralysis. The indirect influence exerted by the executive branch on Parliament is an apparent flaw in the proposed impeachment resolution⁷¹. Economic dependence linked to operating expenses creates the possibility of blackmail⁷². World Bank indicators on the rule of law correlate this budgetary dependence with perceived levels of corruption⁷³. This reality validates Montesquieu's analysis: It is an eternal experience that every man who has power is inclined to abuse it; he goes as far as he finds no limits. In order that power may not be abused, it is necessary that, by the arrangement of things, power should check power⁷⁴.

In Madagascar, there are no limits because the executive branch controls the bodies that are supposed to limit it. Historically, the Constitution has become an instrument for strengthening presidential power⁷⁵. During the First Republic, President Zafy Albert was impeached by Parliament, followed by his removal from office by the HCC. Out of caution, his successor Didier Ratsiraka revised the Constitution in 1998 to limit cases of impeachment⁷⁶. Today, bias rears its head when it comes to defending a high-ranking official of the regime⁷⁷. As a result, the executive branch is immune from any sanctions resulting from impeachment proceedings⁷⁸. This impunity breeds growing mistrust and contributes to the decline of the rule of law⁷⁹.

⁶³ Conac, G. (1998). *African Constitutions, Volume II*. La Documentation française, p. 18.

⁶⁴ Constitution of the Republic of Madagascar. (2010). Article 114. *Official Journal of the Republic of Madagascar*, p. 15.

⁶⁵ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 7.

⁶⁶ Constitution of the Republic of Madagascar. (2010). Article 116. *Official Journal of the Republic of Madagascar*, p. 16.

⁶⁷ Constitution of the Republic of Madagascar. (2010). Article 116. *Official Journal of the Republic of Madagascar*, p. 16.

⁶⁸ Organic Law No. 2014-043. (2014). *On the High Court of Justice*. Article 13. *Official Journal of the Republic of Madagascar*, p. 4.

⁶⁹ Sefafi Observatory of Public Life. (2009). *What justice for the present and the future?* Antananarivo, p. 22.

⁷⁰ Organic Law No. 2014-043. (2014). *On the High Court of Justice*. Article 14. *Official Journal of the Republic of Madagascar*, p. 5.

⁷¹ Delcamp, A. (2013). Constitutional courts and parliaments, or how the principles of sovereignty and the rule of law are combined today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), p. 185.

⁷² Delcamp, A. (2013). Constitutional courts and parliaments, or how the principles of sovereignty and the rule of law are combined today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), p. 185.

⁷³ World Bank. (2022). *Worldwide Governance Indicators: Rule of Law*. Washington, p. 12.

⁷⁴ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 293.

⁷⁵ Conac, G. (1998). *African Constitutions, Volume II*. La Documentation française, p. 18.

⁷⁶ Constitution of the Republic of Madagascar. (1998). Articles 50 and 51. *Official Journal of the Republic of Madagascar*, p. 10.

⁷⁷ Sefafi Observatoire de la Vie Publique. (2009). *Quelle justice pour le présent et l'avenir ?*. Antananarivo, p. 22.

⁷⁸ Delcamp, A. (2013). Constitutional courts and parliaments, or how the principles of sovereignty and the rule of law are combined today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), p. 185.

Corruption And The Failure Of The Public Judicial Service

The consequences of the executive branch's hold over the judiciary are not limited to institutional aspects; they also have a direct impact on the quality of public services provided to those subject to trial. The failure of the judiciary in Madagascar is manifested in endemic corruption and administrative failure, which erode public confidence. This section analyzes the links between the precariousness of magistrates, the cumbersome nature of procedures, and the loss of legitimacy of the judicial institution in the eyes of the population⁸⁰.

The first factor contributing to this failure is the close link between the precariousness of magistrates and corruption. Economic dependence linked to operating expenses and magistrates' salaries creates opportunities for blackmail and illegal taking of interest⁸¹. When the executive branch controls the purse strings, it has leverage that undermines the integrity of judges. Favoritism, nepotism, and corruption have become commonplace within the judiciary because of this total control over career management and budgets⁸². Magistrates, faced with difficult working conditions and sometimes insufficient remuneration, may be tempted to give in to external pressures. This situation contradicts the ideal of virtue necessary for the judicial function. As Montesquieu pointed out, the love of democracy is the love of equality, and no one should be above the law⁸³. However, corruption introduces a fundamental inequality in the handling of cases, where justice becomes a commodity accessible according to the financial means or political connections of the litigant. Transparency International's corruption perception indices corroborate this structural vulnerability⁸⁴.

Furthermore, the failure of the public judicial service is characterized by administrative slowness and prohibitive procedural costs. Faced with administrative delays and costly procedures, people are reluctant to seek justice when they suffer harm. This situation has a double negative effect. On the one hand, it discourages honest citizens from asserting their rights, leaving offenses unpunished. On the other hand, it encourages the use of informal or illegal solutions to settle disputes. The judiciary must be able to respond to the needs of the general interest, but the backlog in the courts and the complexity of the procedures make this difficult⁸⁵. The rule of law will always be a utopia if there is no free and independent judiciary in the republican system, capable of delivering swift and affordable decisions⁸⁶.

Finally, these dysfunctions lead to a major loss of confidence in the judicial institution among the population. Within the Malagasy state, citizens no longer trust judges, perceiving the institution as biased and ineffective⁸⁷. This situation leads to social unrest such as outrage and other forms of violence. The phenomenon of mob justice in Malagasy society therefore probably stems from the general outrage caused by the lack of independence of the judiciary⁸⁸. When the state justice system fails in its mission, citizens take justice into their own hands, breaking the state's monopoly on legitimate violence. Paul Ricœur analyzed this mechanism, stating that: Indignation can free itself from the desire for revenge that incites the victim to take justice into their own hands⁸⁹.

⁷⁹ Urfer, S. (2003). New situation in Madagascar. *Studies*, 398(4), p. 465.

⁸⁰ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 331.

⁸¹ Delcamp, A. (2013). Constitutional courts and parliaments, or how the principles of sovereignty and the rule of law are combined today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), p. 185.

⁸² Constitution of the Republic of Madagascar. (2010). Article 107. *Official Journal of the Republic of Madagascar*, p. 12.

⁸³ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 168.

⁸⁴ Transparency International. (2023). *Corruption Perceptions Index 2022*. Berlin, p. 8.

⁸⁵ Renoux, T.-S. (1999). *The Judiciary in France and Continental Europe: A Comparative Approach*. *Revue de Droit Public*, (4), p. 967.

⁸⁶ Urfer, S. (2003). New deal for Madagascar. *Studies*, 398(4), p. 465.

⁸⁷ Sefafi Observatoire de la Vie Publique. (2009). *Quelle justice pour le présent et l'avenir ?*. Antananarivo, p. 15.

⁸⁸ Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

⁸⁹ Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

This drift directly threatens social cohesion and the *Fihavanana* culture of the Malagasy people⁹⁰. Indeed, problems of justice also affect Malagasy *Fihavanana* because the family of the victim of popular vengeance will want revenge, establishing a kind of vendetta that festers in society. Peace, security, and above all *Fihavanana* will no longer be maintained within the social organization if injustice persists. On a psychological level, on a daily basis, the people lose interest in and mistrust justice, creating a climate of fear when it comes to filing complaints against certain high-ranking individuals⁹¹. Nothing gives more strength to the law than the extreme subordination of citizens to magistrates, and this subordination requires that magistrates themselves be subject to ethics and the law⁹². In the absence of this trust, the legitimacy of the judiciary collapses, thus validating the qualitative findings on the alarming failure of the system⁹³.

DISCUSSION

The findings presented above highlight an institutional reality in which judicial independence in Madagascar remains largely theoretical. This section aims to interpret these findings in light of the fundamental principles of the rule of law and the specific socio-cultural characteristics of Madagascar. An analysis of the mechanisms of executive control provides insight into the profound ramifications of this dependence on democracy and social cohesion. It is therefore necessary to go beyond simple legal observations to explore the political and social implications of a justice system under supervision, while considering avenues for structural reform⁹⁴.

Impacts On The Rule Of Law And Democracy

The violation of the principle of separation of powers is at the heart of the democratic problem in Madagascar. As the results have shown, the concentration of powers to manage the judiciary in the hands of the executive directly contradicts Montesquieu's political philosophy. Montesquieu argued that in order to prevent the abuse of power, the arrangement of things must be such that power restrains power⁹⁵. However, in the current system, the executive branch is not effectively limited by the judiciary, since it is the executive branch that appoints, manages, and finances judges. This configuration creates a major risk of arbitrariness, where the law is no longer applied impartially, but according to the interests of the political moment.

The risk of a two-tier justice system then becomes a tangible reality. On the one hand, ordinary citizens are subject to the full force of the law, often with delays and high costs. On the other, senior state officials enjoy implicit protection thanks to the institutional safeguards put in place within the High Court of Justice and the High Constitutional Court Constitutionnelle⁹⁶. This dichotomy in the legal treatment of citizens violates the principle of equality before the law, the very foundation of the rule of law. Montesquieu pointed out in this regard that the love of democracy is the love of equality, and that no one should be above the law⁹⁷. When this equality is compromised, the legitimacy of the political regime erodes. Democracy is not just about organizing elections; it also requires the existence of effective countervailing powers capable of sanctioning abuses by those in power.

⁹⁰ Constitution of the Republic of Madagascar. (2010). Preamble. *Official Journal of the Republic of Madagascar*, p. 2.

⁹¹ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Créons Publishing, p. 335.

⁹² Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 176.

⁹³ Ahjucaf. (2022). *External threats to the independence of the judiciary*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html>, p. 7.

⁹⁴ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 331.

⁹⁵ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 293.

⁹⁶ Constitution of the Republic of Madagascar. (2010). Article 133. *Official Journal of the Republic of Madagascar*, p. 18.

⁹⁷ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 168.

Furthermore, the confusion of powers leads to legal uncertainty for investors and citizens. If court decisions can be influenced by political considerations, the predictability of the law disappears. This situation is particularly damaging to economic development, as legal certainty is a prerequisite for the confidence of economic actors⁹⁸. The World Bank's governance indicators correlate this institutional dependence with a deteriorating business climate⁹⁹. The rule of law will always be a utopia if there is no free and independent judiciary in the republican system¹⁰⁰. The failure of the judiciary in Madagascar is therefore not only an internal legal problem, it represents a structural obstacle to democratic consolidation and national development. The executive branch's stranglehold on the judiciary transforms it into an instrument of political regulation rather than an impartial arbiter of social conflicts.

Social Consequences: The Crisis Of Confidence

Beyond institutions, the failure of justice resonates deeply within Malagasy society. Citizens' loss of confidence in the judiciary is a direct consequence of its perceived lack of independence. Within the Malagasy state, citizens no longer trust judges, perceiving the institution as biased and ineffective¹⁰¹. This mistrust is not passive; it translates into active behaviors that circumvent the state justice system. The phenomenon of mob justice in Malagasy society therefore probably stems from the general indignation caused by the lack of independence of the judiciary¹⁰². When the official justice system fails in its mission to protect and punish, citizens feel entitled to take justice into their own hands.

This trend directly threatens social cohesion and the *Fihavanana* culture of the Malagasy people¹⁰³. *Fihavanana*, a central concept in Malagasy society, is based on solidarity, peace, and mutual respect. However, injustice is a violation of Malagasy culture. Thus, the family of a victim of popular vengeance will seek revenge, thereby establishing a kind of vendetta that corrupts society. Peace, security, and above all *Fihavanana* will no longer be maintained within the social organization if injustice persists. Popular justice thus becomes a visible symptom of the failure of state justice. It represents a desperate response to the impunity of the powerful and the slowness of proceedings for the weak.

On a psychological level, in everyday life, people lose interest in and mistrust justice, creating a climate of fear when it comes to bringing complaints against certain high-ranking individuals¹⁰⁴. This fear paralyzes citizen action and reinforces impunity. Paul Ricœur analyzed this mechanism, arguing that indignation can free itself from the desire for revenge that drives the victim- e to take justice into their own hands¹⁰⁵. In Madagascar, this indignation turns into violence when legal channels are blocked. The proliferation of mob justice indicates that the social contract has been broken: the state no longer fulfills its sovereign function of legal protection, and citizens take this power upon themselves, at the cost of social chaos. Nothing gives laws more force than the extreme subordination of citizens to magistrates, but this subordination requires that magistrates themselves be subject to ethics and the law¹⁰⁶.

Ideas For Reform

In light of these alarming findings, structural reform of the judiciary is a matter of national urgency. The first avenue for consideration concerns the need for genuine financial and administrative autonomy. Currently, economic dependence linked to operating expenses and magistrates' salaries creates opportunities for blackmail and illegal conflicts of interest¹⁰⁷. To guarantee independence, the justice budget must be ring-

⁹⁸ Urfer, S. (2003). New Deal for Madagascar. *Studies*, 398(4), p. 465.

⁹⁹ World Bank. (2022). *Worldwide Governance Indicators: Rule of Law*. Washington, p. 12.

¹⁰⁰ Urfer, S. (2003). *Nouvelle donne malgache. Études*, 398(4), p. 465.

¹⁰¹ Sefafi Observatoire de la Vie Publique. (2009). *Quelle justice pour le présent et l'avenir ?*. Antananarivo, p. 15.

¹⁰² Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

¹⁰³ Constitution of the Republic of Madagascar. (2010). Preamble. *Official Journal of the Republic of Madagascar*, p. 2.

¹⁰⁴ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Créons Publishing, p. 335.

¹⁰⁵ Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

¹⁰⁶ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 176.

fenced and managed autonomously, without discretionary intervention by the executive. The World Bank's governance indicators correlate this budgetary autonomy with a reduction in perceived corruption¹⁰⁸. Budgetary autonomy would enable courts to plan their activities and operate without the threat of financial restrictions being used as a means of pressure.

The second major avenue concerns the revision of the appointment process to the High Council of the Judiciary (CSM). It is imperative to exclude the direct influence of the executive branch from the career management of magistrates. The power to appoint magistrates should not lie with either the legislature or the executive. This task must be carried out by the judiciary itself¹⁰⁹.

The President of the Republic should no longer chair the CSM, as this role creates an organizational conflict that is incompatible with the separation of powers. We must begin by reviewing the texts, in particular Article 107 of the Constitution, and imposing the material separation of powers¹¹⁰. A composition of the CSM elected mainly by fellow magistrates, with representation from civil society, would strengthen the legitimacy and independence of the management body.

Finally, the reform must aim to restore public confidence through transparency and speed. Faced with administrative delays and costly procedures, people are reluctant to seek justice when they suffer harm. Simplifying procedures, reducing costs, and combating internal corruption are essential complementary measures. Magistrates must be conscientious and virtuous in order to ward off any attempts at corruption and bias¹¹¹. The demands made by magistrates can only be met if the root of the problem is finally resolved¹¹². In short, the independence of the judiciary in Madagascar will only be effective when constitutional texts are brought into line with practice, thus ensuring that the judiciary can truly restrain the executive branch, in accordance with the spirit of Montesquieu.

CONCLUSION

At the end of this analysis, it is clear that the Malagasy justice system is undergoing a profound structural crisis in which its proclaimed independence clashes with a restrictive institutional reality. This study has confirmed that the independence of the judiciary in Madagascar is essentially theoretical rather than practical. Although the 2010 Constitution affirms the principle of separation of powers and the autonomy of the courts, the management mechanisms put in place by the executive branch neutralize this autonomy in practice¹¹³. The findings of this research show that the High Council of the Judiciary, chaired by the Head of State, is the main vehicle for this dependence, transforming the constitutional guarantee into an instrument of political control¹¹⁴.

In response to the issue raised, it has been established that the executive branch uses constitutional levers to control the judiciary. Control over career management, the budget, and appointments to the high courts allows the political authorities to influence judicial decisions, particularly when their interests are at stake¹¹⁵. This configuration validates Montesquieu's warning that it is an eternal truth that all men who have power are inclined to abuse it¹¹⁶. In Madagascar, this lack of effective limits on executive power in the judicial sphere

¹⁰⁷ Delcamp, A. (2013). Constitutional Courts and Parliaments: How the Principles of Sovereignty and the Rule of Law Coexist Today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), p. 185.

¹⁰⁸ World Bank. (2022). *Worldwide Governance Indicators: Rule of Law*. Washington, p. 12.

¹⁰⁹ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 294.

¹¹⁰ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 331.

¹¹¹ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, pp. 168-169.

¹¹² Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 337.

¹¹³ Constitution of the Republic of Madagascar. (2010). Article 106. *Official Journal of the Republic of Madagascar*, p. 12.

¹¹⁴ Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons, p. 331.

¹¹⁵ Sefafi Observatory of Public Life. (2009). *What justice for the present and the future?* Antananarivo, p. 15.

¹¹⁶ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 293.

leads to a confusion of powers that undermines the rule of law. The judiciary, which is supposed to be the guardian of freedoms, thus becomes a tool of political regulation, incapable of punishing abuses by those in power or effectively protecting citizens from arbitrary rule¹¹⁷.

The consequences of this failure extend beyond the institutional framework to affect society as a whole. The loss of public confidence in the judiciary is the most alarming symptom of this crisis. When the state justice system fails in its mission, the phenomenon of mob justice emerges as a desperate response to impunity. This drift directly threatens social cohesion and the culture of *Fihavanana*, a pillar of Malagasy society. As Ricœur pointed out, indignation can free itself from the desire for revenge that incites the victim to take justice into their own hands¹¹⁸. In Madagascar, this indignation turns into violence when legal channels are perceived as blocked by corruption and administrative slowness. Social peace can only be maintained if justice regains its legitimacy in the eyes of the people.

As a starting point, it is urgent to undertake a profound structural reform to restore the legitimacy of justice and avoid social chaos. This reform must begin with real financial and administrative autonomy, freeing the justice budget from the discretionary control of the executive branch. It is also imperative to revise the method of appointment to the High Council of the Judiciary to exclude the direct influence of the President of the Republic, entrusting this management instead to fellow magistrates and civil society¹¹⁹. The demands made by magistrates can only be met if the root of the problem is finally resolved¹²⁰. Finally, the fight against corruption and the simplification of procedures are essential to make justice accessible and credible. The rule of law will always be a utopia if there is no free and independent justice in the republican system¹²¹. Only a truly independent judiciary can guarantee equality for all before the law and preserve the *Fihavanana* of the Malagasy people¹²².

BIBLIOGRAPHICAL REFERENCES

Books

1. Conac, G. (1998). *African Constitutions, Volume II*. La Documentation française.
2. Constitution of the Republic of Madagascar. (1998). *Official Journal of the Republic of Madagascar*.
3. Constitution of the Republic of Madagascar. (2010). *Official Journal of the Republic of Madagascar*.
4. Debbasch, C. (2002). The Independence of the Judiciary. In *Au Carrefour des droits, Mélanges en l'honneur de Louis Dubouis* (pp. 27-33). Dalloz.
5. Imbiki, A. (2013). *Ethics and Responsibilities of Magistrates*. Éditions Créons.
6. Organic Law No. 2014-043. (2014). *On the High Court of Justice*. Official Journal of the Republic of Madagascar.
7. Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion.
8. Ricœur, P. (1995). *Justice*. Éditions Esprit.
9. Sefafi Observatory of Public Life. (2009). *What justice for the present and the future?*
10. Weber, M. (2003). *The Scholar and the Politician*. La Découverte.

¹¹⁷ Urfer, S. (2003). New Deal in Madagascar. *Studies*, 398(4), p. 465.

¹¹⁸ Ricœur, P. (1995). *Justice*. Éditions Esprit, p. 19.

¹¹⁹ Montesquieu, C. (1979). *The Spirit of Laws*. Garnier-Flammarion, p. 294.

¹²⁰ Imbiki, A. (2013). *Déontologie et Responsabilités des Magistrats*. Éditions Créons, p. 337.

¹²¹ Urfer, S. (2003). *Nouvelle donne malgache*. *Études*, 398(4), p. 465.

¹²² Constitution of the Republic of Madagascar. (2010). Preamble. *Official Journal of the Republic of Madagascar*, p. 2.

Articles

1. Delcamp, A. (2013). Constitutional courts and parliaments, or how the principles of sovereignty and the rule of law are combined today. *Les Nouveaux Cahiers du Conseil constitutionnel*, (38), 181-203. <https://www.cairn.info/revue-nouveaux-cahiers-conseil-constitutionnel-2013-1-page-181.htm> (accessed February 16, 2026).
2. Renoux, T.-S. (1999). The judiciary in France and continental Europe: a comparative approach. *Revue de Droit Public*, (4), 967-984.
3. Tiberghien, F. (2017). Judicial power and autonomous management of resources. *Après-demain*, 41(1), 26-30. <https://www.cairn.info/revue-apres-demain-2017-1-page-26.htm> (accessed February 18, 2026).
4. Urfer, S. (2003). New deal in Madagascar. *Studies*, 398(4), 465-474. <https://www.cairn.info/revue-etudes-2003-4-page-465.htm> (accessed February 18, 2026).

WEBOGRAPHY

1. Ahjucaf. (2022). *External threats to judicial independence*. <http://v1.ahjucaf.org/Les-menaces-externes-a-l-independance-de-la-justice/html> (accessed February 16, 2026).
2. World Bank. (2022). *Global Governance Indicators: Rule of Law*. <https://www.banquemondiale.org> (accessed February 16, 2026).
3. Transparency International. (2023). *Corruption Perceptions Index 2022*. <https://www.transparency.org> (accessed February 16, 2026).