

The Obligation of the Professional Sports Club Administration to Declare Players to Social Security Institutions

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Abstract

The professional player falls within the category of special groups insured under the social security system and is therefore subject to the obligation of declaration for affiliation with the competent social security institution. However, the professional player differs from ordinary wage earners in several respects, including the nature of the legal texts governing the duty of declaration, the type of legal rule involved, the designation of the person subject to declaration, the scope of risk coverage, responsibility for filing the declaration, the contribution base, and the contribution rate. These differences are examined in the present article.

It is worth noting that Article 66(5) of Presidential Decree No. 20-442 of 30 December 2020 promulgating the constitutional amendment approved in the referendum of 1 November 2020 states that “the law guarantees the worker's right to social security.”

Keywords: *professional player; professional club; obligations; declaration; social security.*

Introduction

Professional sport in Algeria is a relatively recent concept adopted by the national authorities in response to the economic, social, and cultural changes experienced by the Algerian state. One consequence of this development has been the emergence of a new category of athletes—professional athletes—who are linked by an employment relationship to the joint-stock sports companies for which they work. The employer, represented by the professional sports club, is legally obliged to file their declarations with the social security institutions. This obligation is a relatively new legal requirement when compared with the more general right of the worker to affiliate with a social security institution under Article 5(4) of Law No. 90-11 of 21 April 1990 on labor relations.

1. Problem Statement

The obligation to declare affiliation with a social security institution is incumbent upon both the worker and the employer within the employment relationship. The delay of the Algerian sports legislator in expressly subjecting the professional athlete to this obligation may be explained by the persistent debate over the legal characterization of the professional athlete: is the athlete a worker or an independent contractor? This article proceeds from the assumption that the professional athlete is a worker employed by a commercial sports company. The problem may therefore be stated as follows: is there a difference between the obligation to declare a professional athlete to social security institutions and the corresponding obligation applicable to other workers?

2. Hypotheses

- General hypothesis: there is a difference between the social security declaration obligation applicable to the professional athlete and that applicable to other workers.
- First sub-hypothesis: the difference appears at the formal level.
- Second sub-hypothesis: the difference appears at the substantive level.

3. Objectives of the Study

- To clarify the obligation of declaration before social security institutions.
- To explain the difference between the declaration obligation applicable to the professional player and that applicable to other declarants.
- To revisit, in a more focused manner, issues previously addressed in an unpublished study by the author.

4. Significance of the Study

- To direct researchers toward this specialized field of study.
- To highlight the legal texts governing declaration to social security institutions.
- To demonstrate the mandatory nature of the declaration obligation and the legal effects resulting from it.

5. Concepts and Terminology

Obligation: “a legal bond or relationship between two persons by virtue of which one of them is bound to perform a specific act for the other or to refrain from a specific act in the other's interest.” (Muhammad Sabri Al-Saadi, 2009, p. 15).

Obligations arising from social insurance laws: obligations deriving from workers' rights to the various in-kind and cash benefits established under social insurance laws (Suleiman Ahmia, 2012, p. 134).

Operational definition: by the obligation of the professional athlete to be declared to a social security institution, we mean that the professional athlete is a worker who, like other workers, is subject to this obligation.

6. Previous and Related Studies

The first study is an article by Belarj Mohamed Amine entitled “The Misdemeanor of Failure to Declare Workers to the Social Security Institution,” produced within the Labor Law and

Employment Laboratory at the Faculty of Law and Political Science, Abdelhamid Ibn Badis University of Mostaganem. It discusses the employer's duty to declare all workers employed by him to the social security institution and the penalties incurred where such a declaration is omitted, since non-declaration constitutes an act punishable under Algerian law.

The second study is an article by Ben Salem Kamal and Ben Salem Malika entitled “An Analytical Study of the Rules Governing the Declaration of Professional Activity to the National Social Security Fund in the Moroccan Basic Health Coverage Code,” produced within the same laboratory. It examines the relationship between non-declaration of professional activity and workers' social coverage. Among its conclusions are the need to tighten criminal sanctions against employers who fail to make declarations and the need to apply the principle of equality in matters of social security contributions.

7. Methodology

This study uses the descriptive method, which is the most appropriate method for a legal analysis of the obligation to declare athletes of the professional sports club to social security institutions.

8. Research Corpus

The analysis relies on a corpus of Algerian legal texts relevant to the issue, including Law No. 83-11 of 2 July 1983 on social insurance, Law No. 83-12 of 2 July 1983 on retirement, Law No. 83-14 of 2 July 1983 concerning the obligations of persons liable in the field of social security, Law No. 13-05 of 23 July 2013 on the organization and development of physical and sports activities, Executive Decree No. 15-73 of 16 February 2015 governing the professional sports club and the model statutes of commercial sports companies, Executive Decree No. 16-152 of 23 May 2016 determining the basis and rate of social security contributions and the benefits enjoyed by sports technical staff and athletes of professional sports clubs, and the Decision of 1 July 2010 specifying the model specifications to be subscribed by professional sports companies and clubs.

9. Research Tools and Findings

9.1 Content Analysis

After examining the legal texts included in the research corpus, it appears that the obligation to declare affiliation with a social security institution differs between ordinary workers and special insured categories. These differences may be organized into formal and substantive dimensions.

A. Formal Differences

1. Nature of the Legal Texts Governing the Declaration Obligation

For wage earners, Algerian law regulates the declaration obligation through legal texts at the rank of statute—ordinary legislation—which recognizes general rights for workers. For the professional athlete, by contrast, the declaration obligation is regulated by executive decrees and decisions, that is, by subordinate legislation implementing the general provisions of ordinary legislation. These implementing texts and decisions expressly rely on the general social security texts in their legal bases. This difference is historically explicable: when the general legal texts on declaration to social security institutions were issued in 1983, the concept of professional sport had not yet been

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implemented in Algeria, and neither the professional player nor the commercial sports company had a legal existence.

Table 1. Nature of the legal texts governing the obligation of declaration to social security institutions.

For workers: ordinary legislation	For the professional athlete: subordinate legislation
Law No. 83-11 of 2 July 1983 on Social Insurance; Law No. 83-12 of 2 July 1983 on Retirement.	Executive Decree No. 15-73 of 16 February 2015 governing the professional sports club and the model statutes of commercial sports companies.
Law No. 83-14 of 2 July 1983 concerning the obligations of persons liable in the field of social security.	Executive Decree No. 16-152 of 23 May 2016 determining the basis and rate of social security contributions and benefits for sports technical staff and athletes of professional sports clubs.
	Decision of 1 July 2010 specifying the model specifications to be subscribed by professional sports companies and clubs.

2. Type of Legal Rule

With respect to workers, the Algerian legislator regulates the obligation to declare by means of mandatory legal rules. This is evident both in the wording of Article 10 of Law No. 83-14 of 2 July 1983—which begins with the mandatory verb “must” and obliges employers, within ten days of hiring, to submit the application for affiliation to the competent social security institution—and in the attachment of sanctions to non-compliance, notably financial penalties.

The same imperative character appears with respect to the professional athlete. Article 15 of Executive Decree No. 15-73 of 16 February 2015 uses the verb “it is incumbent,” which leaves no room for contrary conduct and sets out the obligations borne by the amateur club and, by extension, by the entities involved in professional sports governance. Here too the legislator couples the imperative formulation with sanctions in order to underline the importance of the declaration procedure.

3. Designation of the Person Subject to Declaration

For ordinary workers, Algerian legislation uses the terms “wage earners” or “persons assimilated to wage earners” to refer to the persons benefiting from social security protection, provided that they work on national territory, irrespective of the amount or nature of their remuneration. In the sports field, however, the professional athlete is not designated as a wage earner in the relevant sports legislation; instead, the law refers to the “professional sports player” and treats him as one of the special categories insured under the social security system.

Table 2. Designation of the person subject to declaration to the social security institution.

Wage earners or persons assimilated to wage earners	Professional sports player (special insured category)
Article 3(1) of Law No. 83-11 of 2 July 1983 on Social Insurance.	Article 1(1) of Executive Decree No. 16-152 of 23 May 2016.
Applicable to all sectors of activity.	Recognized as a special category insured under social security.
They work on national territory, regardless of the amount or nature of their remuneration (Article 6(1) of Law No. 83-11).	The designation is linked specifically to professional sport.

B. Substantive Differences

1. Risk Coverage

For wage earners, declaration to the social security institution gives rise to coverage of a number of risks affecting the worker personally as well as his ascendants, descendants, and spouse, and it also gives access to retirement rights. The professional athlete benefits from the same general categories of protection, but the applicable sports regulation frames these benefits through special implementing texts.

Table 3. Risks covered and retirement rights for the wage earner and the professional sports player.

Risk coverage	Retirement rights
Illness	Direct pension granted on the basis of the worker's own activity, with an increase for the dependent spouse.
Disability	Transferred pension including: pension for the surviving spouse; pension for orphans; pension for ascendants.
Maternity	Retirement rights continue to derive from the applicable retirement legislation and the specific sports decree.
Death	Survivor-related rights follow from the same legal framework.

2. Responsibility for Filing the Declaration

In both regimes, responsibility for preparing and filing the declaration with the social security institution lies with the employer, not with the wage earner or the professional player personally.

Table 4. Responsibility for filing the declaration with the social security institution.

Wage earner	Professional sports player
Responsibility of the employer (Article 17 of Law No. 83-14 of 2 July 1983).	Responsibility of the employer (Article 2(2) of Executive Decree No. 16-152 of 23 May 2016).

3. Contribution Base

The contribution base for the ordinary wage earner consists of all components of salary or proportional income and the proceeds of work, excluding family-related benefits, expense reimbursements, grants and allowances of a special nature, and compensation linked to special conditions of residence and isolation. For the professional athlete, the base is the amount of remuneration subject to social security contributions under the legislation in force, provided that this amount is not lower than the guaranteed national minimum wage and does not exceed fifteen times that wage.

Table 5. Contribution base for the wage earner and the professional sports player.

Wage earner	Professional sports player
All components of salary or proportional income and work proceeds, excluding family benefits, expense reimbursements, special grants and allowances, and compensation linked to special conditions of residence and isolation.	The amount of remuneration subject to social security contributions under the applicable legislation, not lower than the guaranteed national minimum wage and capped at fifteen times that wage.

4. Contribution Rate

The same contribution rate applicable to ordinary wage earners is applied to the professional sports player, pursuant to Article 4 of Executive Decree No. 16-152 of 23 May 2016. The rates distributed between employers, workers, and social services may be summarized as follows:

Branches	Employers	Workers	Social services share	Total
Social insurance	12.5	1.5	—	14
Occupational accidents and diseases	1.25	—	—	1.25
Retirement	10	6.75	0.5	17.25
Early retirement	0.25	0.25	—	0.5
Unemployment insurance	1	0.5	—	1.5
Total	25	9	0.5	34.5

Source: Ministry of Labour, Employment and Social Security, National Social Security Policy (consulted on 8 December 2023).

General Conclusion

The examination of the relevant legal texts shows that the Algerian legislator has regulated social security and retirement through provisions occupying different levels in the hierarchy of norms, beginning with the Constitution and extending to ordinary legislation, subordinate legislation, and administrative decisions. Social security and retirement are thereby conceived as workers' rights and

employers' obligations. Because these rights are established by law, the employer must honor them on pain of sanctions.

This conclusion is consistent with the first previous study, which demonstrated that Algerian law obliges all persons subject to social security legislation to declare their workers to the competent institutions and criminalizes failure or evasion in this regard. The obligation is simultaneously anchored in social insurance law and backed by mandatory legal formulations. In other words, the employer is under a compulsory legal duty enforceable through sanctions.

The sports legislator adopted the same logic. It treated the obligation of the employer—namely the commercial sports company—to declare professional athletes to social security institutions as a mandatory obligation governed by imperative legal rules and enforceable through sanctions, even if the sports legislator was somewhat late in giving the obligation a clear and separate legal expression. As noted above, the declaration obligation in professional sport is relatively recent compared with the corresponding obligation in non-sporting employment relations. It emerged explicitly through the Decision of 1 July 2010 specifying the model specifications to be subscribed by professional sports companies and clubs, that is, twenty-seven years after Law No. 83-11 of 2 July 1983 on social insurance.

The obligation to declare the professional sports player to social security institutions must therefore be regarded as a right belonging to the player and deserving effective protection. The large number of general and special regulatory texts surrounding this issue clearly indicates its importance and necessity, to the point that the sports legislator repeatedly refers back to the general social insurance texts because of the close connection between the two bodies of law.

The study also confirms the existence of several differences between the declaration obligation applicable to the ordinary wage earner and that applicable to the professional sports player as a special insured category. Formally, the differences concern the nature of the governing legal texts, the type of legal rule, and the designation of the person subject to declaration. Substantively, they concern risk coverage, responsibility for filing the declaration, the contribution base, and the contribution rate.

The second previous study, by Ben Salem Kamal and Ben Salem Malika, recommended the unification of the social security system in application of the principle of equality, the creation of mechanisms for coordination among the various institutions to overcome the problem of non-declaration of professional activity, the tightening of criminal sanctions against violators of declaration obligations concerning professional activity, workers, and wages, and the consolidation of equality among wage earners, employees, and other social categories by ensuring that social security contributions are deducted from the real wage rather than from the wage merely declared. These conclusions reinforce the present study's findings.

Accordingly, the general hypothesis—that there is a difference between the social security declaration obligation applicable to the professional athlete and that applicable to other workers—

has been confirmed. The first sub-hypothesis concerning formal differences has likewise been confirmed, as has the second sub-hypothesis concerning substantive differences.

References

- Suleiman Ahmia. Concise Guide to Labour Relations Law in Algerian Legislation. University Publications Office, 2012.
- Muhammad Sabri Al-Saadi. The Clear Explanation of Civil Law: The General Theory of Obligations, Sources of Obligations, Contract and Unilateral Will, A Comparative Study in Arab Laws. Dar Al-Huda, Ain M'Lila, 4th ed., 2009.
- Ministry of Labour and Social Security, National Institute of Labour. Fixed-Term Employment Contract. University Publications Office, Algeria, 2006.
- Belarj Mohamed Amine. "The Misdemeanor of Failure to Declare Workers to the Social Security Institution." Journal of Labour Law and Employment, vol. 6, no. 2, April 2021.
- Ben Salem Kamal and Ben Salem Malika. "An Analytical Study of the Rules Governing the Declaration of Professional Activity to the National Social Security Fund in the Moroccan Basic Health Coverage Code." Journal of Labour Law and Employment, vol. 6, no. 2, April 2021.
- Presidential Decree No. 20-442 of 30 December 2020 promulgating the constitutional amendment approved in the referendum of 1 November 2020.
- Law No. 83-11 of 2 July 1983 on Social Insurance.
- Law No. 83-12 of 2 July 1983 on Retirement.
- Law No. 83-14 of 2 July 1983 concerning the obligations of persons liable in the field of social security.
- Law No. 13-05 of 23 July 2013 on the organization and development of physical and sports activities.
- Law No. 90-11 of 21 April 1990 on labour relations.
- Order No. 95-01 of 21 January 1995 determining the basis of social security contributions and benefits.
- Executive Decree No. 15-73 of 16 February 2015 governing the professional sports club and the model statutes of commercial sports companies.
- Executive Decree No. 16-152 of 23 May 2016 determining the basis and rate of social security contributions and the benefits enjoyed by sports technical staff and athletes of professional sports clubs.
- Decision of 1 July 2010 specifying the model specifications to be subscribed by professional sports companies and clubs.
- Ministry of Labour, Employment and Social Security. National Social Security Policy.