

Academic Year 2025/2026
Public Administration Law

Total Marks: 12

Disciplinary System Examination

Section A: True/False with Justification (4 Marks)

State whether each statement is True or False and briefly explain why.

1. The principle of legality in disciplinary law requires a complete list of all possible offenses, just like in criminal law.
2. A disciplinary penalty can be applied retroactively if a new, more favorable law is enacted.
3. The principle of personality allows penalties to extend to an official's family members in cases of serious misconduct.
4. The Equal Membership Committee gives a non-binding opinion for fourth-degree penalties.
5. Unjustified absence for 15 consecutive days is considered a fourth-degree error under Article 184.

Section B: Answer clearly and concisely (2 Marks)

6. Define “disguised penalty” and give one example from the text. (marks)
7. List the five factors that must be considered under the principle of proportionality according to Article 161.
8. What are the key differences between third-degree and fourth-degree errors? Provide one example of each.

Section C: Read the scenarios and answer the questions.

(4 Marks)

Text1:

Officer Samir, a senior clerk, is accused of repeatedly disclosing internal meeting minutes to a private company. His superior issues a formal report and transfers him to a remote branch with no administrative responsibilities before the disciplinary hearing.

9. **Which degree of error has Samir likely committed? Justify with reference to Articles 178–181. (10 marks)**
10. **Has Samir’s right to defense been violated? Explain which procedural steps should have been followed.**

text 2:

A new disciplinary ordinance introduces harsher penalties for negligence causing financial loss. The law is passed in January 2024. In December 2023, Officer Leila committed an act of negligence that caused minor financial loss.

11. **Can Leila be punished under the new ordinance? Explain with reference to the principle of non-retroactivity. (10 marks)**

Section D: Essay Question (2 Marks)

12. **Discuss how the quasi-judicial model balances administrative efficiency with fairness in the disciplinary process. Refer to the roles of the hierarchical authority and the Equal Membership Committee, and evaluate one strength and one limitation of this system.**

Pr.Chekirine Dilmi

Note: The answer must be typed, not handwritten, and the surname and first name must be written in Arabic.