

Academic Year 2025/2026

Master's degree - Administrative Law-

## Remedial exam of Disciplinary System module

### Exercise 1: True/False with Justification (6 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. (1.5 marks)
2. A disciplinary penalty can be applied retroactively if a new, more favorable law is enacted. (1.5 marks)
3. The principle of personality allows penalties to extend to an official's family members in cases of serious misconduct. (1.5 marks)
4. Unjustified absence for 15 consecutive days is automatically considered a fourth-degree error under Article 184. (1.5 marks)

### Exercise 2: Short Answer Questions (5 Marks)

**1. Define** "disguised penalty" and provide **two examples** from administrative practice. (2 marks)

**2. List the five factors** that must be considered under the principle of proportionality according to Article 161. (1.5 marks)

**3. What are the key differences** between third-degree and fourth-degree errors? Provide **one example** of each. (1.5 marks)

### Exercise 3: (6 Marks)

**text:**

A new disciplinary ordinance introduces harsher penalties for negligence causing financial loss. The law is passed in January 2024 and takes effect on February 1, 2024.

In November 2023, Officer Leila committed an act of negligence that caused minor financial loss to the administration (approximately 5,000 DA). The investigation was completed in March 2024.

In January 2025, Officer Karim committed a similar act of negligence causing the same amount of financial loss.

### **Questions:**

1.Can Leila be punished under the new ordinance? Explain with reference to the principle of non-retroactivity and Article 174. (3 marks)

2.Can Karim be punished under the new ordinance? Explain the applicable legal basis. (3 marks)

### **Exercise 4: Essay Question (3 Marks)**

- **Discuss** how the quasi-judicial model balances administrative efficiency with fairness in the disciplinary process. Your answer should:
  - Refer to the roles of the hierarchical authority and the Equal Membership Committee.
  - Evaluate one strength and one limitation of this system.
  - Explain how the principle of proportionality (Article 161) contributes to this balance.

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