

إلزامية كتابة اللقب و الاسم باللغة العربية : * إلزامية كتابة الإجابة بالرقن على الحاسوب

Department of Law - University of Khemis Miliana

May 2026

Master 1 – Family Law



Examination of Crimes against the family.

Question 1: Multiple Choice Questions– (4 points)

1. Under Article 330 of the Algerian Penal Code, the crime of abandoning the marital home requires that the spouse abandons the home for a period exceeding:

- a) One month
- b) Two months
- c) Three months
- d) Six months

2. Prosecution for the crime of adultery under Algerian law can only be initiated upon:

- a) A complaint by the public prosecutor
- b) A complaint by any relative of the injured spouse
- c) A complaint by the injured spouse
- d) A report by the police

3. Which of the following is NOT an element of the crime of neglecting a pregnant wife under Article 330/2 (before its amendment)?

- a) Existence of a valid marriage contract
- b) The wife's pregnancy must be apparent
- c) The husband must fail to fulfill all family obligations
- d) The husband leaves the marital home for more than two months

4. The crime of indecency between blood relatives under Article 337 bis of the Penal Code is considered:

- a) Always a misdemeanor
- b) Always a felony
- c) Sometimes a felony and sometimes a misdemeanor depending on the relationship
- d) A contravention.

Question 2: Short Answer Questions – (6 points)

- 1. Distinguish between the crime of abandoning the marital home (Art. 330/1) and the crime of neglecting a pregnant wife (Art. 330/2) as they appeared before the amendment of Law No. 15-19. What did the amendment change?**
- 2. Explain the legal nature of the complaint as a condition for prosecuting the crime of abandoning the marital home. What happens if the public prosecutor initiates proceedings without a complaint?**
- 3. What are the three exclusive methods of proving the crime of adultery under Article 341 of the Algerian Penal Code?**

Question 3: Case Study – (6 points)

Ahmed and Fatima are legally married and have two children, aged 4 and 6. Their marriage contract is registered with civil status records. In January 2026, Ahmed leaves the marital home without any serious reason. He does not inform Fatima of his whereabouts, stops providing any financial support (food, clothing, rent), and does not contact his children for three months. Fatima files a complaint with the public prosecutor in April 2026. During the investigation, it is discovered that Fatima was three months pregnant at the time Ahmed left, and Ahmed knew about the pregnancy.

Questions:

1. What crime(s) can Ahmed be charged with under the Algerian Penal Code? Justify your answer by identifying the elements of each crime. *(3 points)*
2. What is the prescribed penalty for each crime under Articles 330 and 331 (as amended by Law No. 15-19)? *(1.5 points)*
3. Can Fatima withdraw her complaint after prosecution has begun? What would be the legal effect of such withdrawal? *(1.5 points)*

Question 4: Essay Question – (4 points)

Write a structured essay on the following topic:

“The Algerian legislator’s approach to protecting the family through criminal law: strengths and weaknesses, with special reference to the crime of non-payment of alimony (Article 331) and the crime of adultery (Article 339).”

Nb: Writing the Name in Arabic ; and the answer must be typed on a computer.

Pr. Chekirine Dilmi