

# The Role of Quasi-Judicial Authorities in Safeguarding the Rights of Employees Facing Disciplinary Proceedings

Abdelhamid Ben Ali<sup>1</sup>, Dahmane Hamadou<sup>2</sup>

## Abstract

*The exercise of disciplinary authority within the quasi-judicial disciplinary system requires that the appointing authority consult the parity committees, convened as a disciplinary council, before imposing any disciplinary sanction. This is particularly necessary when the hierarchical authority deems that the alleged acts committed by the employee constitute third- or fourth-degree violations of a serious nature. The primary objective behind establishing parity committees and appeals committees is to provide the best possible legal safeguards for employees subject to disciplinary proceedings or sanctions, thereby preventing measures that could jeopardize their professional careers and infringe upon their legally guaranteed rights.*

**Keywords:** *Quasi-Judicial Authorities; Public Employee Discipline; Disciplinary Safeguards; Disciplinary Sanctions.*

Received: 29/04/2025

Accepted: 23/09/2025

## Introduction

The role of participation committees in managing employees' professional careers falls within the essential procedural requirements for administrative decisions imposing disciplinary sanctions. Consequently, the administration or the hierarchical authority responsible for imposing sanctions must exercise great caution when initiating disciplinary proceedings against offending employees. This is particularly important given that Algerian legislation mandates that disciplinary decisions adhere to specific formal requirements. This principle is reinforced by Article 165 of Ordinance No. 06/03, which establishes the General Statute of the Civil Service, stating that "the authority with the power of appointment shall impose disciplinary sanctions through a justified decision..."

A distinguishing feature of disciplinary procedures is their written form, which serves as a fundamental procedural safeguard ensuring the protection of employees' rights during disciplinary proceedings. For instance, the legislator's requirement that disciplinary decisions be adequately justified inherently implies that they must be issued in writing. As a result, the issue of proof does not pose a significant challenge in disciplinary procedures.

When the legislator requires the administration to follow specific procedures—particularly obtaining the binding opinion of parity committees convened as a disciplinary council—it aims to ensure the proper functioning of public services on one hand and to protect the rights of employees subject to disciplinary proceedings on the other.

This highlights the crucial role of quasi-judicial authorities in disciplinary matters, specifically the parity committees acting as disciplinary councils, as well as the provincial and ministerial appeal committees, in safeguarding employees' rights. These bodies work alongside the hierarchical authority in managing employees' professional careers, whether in matters of promotion, transfer, secondment, or disciplinary action, among others.

---

<sup>1</sup> Senior Lecturer "A," Faculty of Law and Political Science, Saida University, Algeria. Email :Abdelhamid.benali@univ-saida.dz

<sup>2</sup> Senior Lecturer "A," Faculty of Law and Political Science, Saida University, Algeria. Email:dahmane.hamadou@univ-saida.dz

This raises the question of the role that these quasi-judicial authorities play in protecting the rights of employees subject to disciplinary proceedings. Have they been successful in fulfilling this role?

To answer these questions and others, this study will be divided into two sections. The first section will examine the organic and functional concept of quasi-judicial authorities in disciplinary matters (Section One). The second section will explore the role of quasi-judicial authorities as a safeguard for employees facing disciplinary action (Section Two).

## **Section One: The Organic and Functional Concept of Quasi-Judicial Authorities in Public Employee Discipline**

Quasi-judicial authorities in public employee disciplinary matters refer to the disciplinary councils entrusted by law with the authority to impose sanctions (Muhareb 2004, 481), in addition to the disciplinary measures imposed by hierarchical authorities. As such, they represent the second dimension of the disciplinary system.<sup>3</sup>

This section will examine the parity committees convened as a disciplinary council (Subsection One) and then discuss the appeal committees (Subsection Two).

### **Subsection One: Parity Committees Convened as a Disciplinary Council**

The exercise of disciplinary authority within the quasi-judicial disciplinary system requires that the appointing authority consult the parity committees, convened as a disciplinary council, before imposing any disciplinary sanction. This is particularly necessary when the hierarchical authority determines that the acts attributed to the employee constitute third- or fourth-degree violations and are of a serious nature. (Boudeyf 1988, 110)

These committees operate under a legal framework that governs their composition (First Subdivision) and jurisdiction (Second Subdivision).

#### **First Subdivision: Composition of Parity Committees Convened as a Disciplinary Council**

It is essential to first highlight that parity committees, as a fundamental component of the procedural framework for imposing disciplinary sanctions on employees, convene in two primary forms. The first form is as an advisory committee, which may be consulted on all matters of an individual nature. The second form is as a disciplinary council, which is specifically responsible for reviewing first- and second-degree sanctions.

In response to evolving legal and institutional needs, the legislator undertook the reorganization of parity committees, appeal committees, and technical committees within public institutions and administrations. This was achieved through the enactment of (Executive Decree No. 20/199 2020), replacing the long-standing Decree No. 84/10 of January 14, 1984, which had governed these committees for an extended period. During that time, there was a clear lack of coherence in the legal provisions regulating the establishment and functioning of parity committees and appeal committees. These regulations had originally been formulated in a historical context marked by Algeria's adoption of a socialist system, characterized by a non-competitive party system. However, the country has since transitioned toward political liberalization and a capitalist economic model, necessitating adjustments to the legal framework governing these committees.

---

<sup>3</sup> The first form of the administrative disciplinary system is the disciplinary authority of the hierarchical superior in its individual capacity. This entails the powers granted to the administrative superior to impose certain "minor" disciplinary sanctions, such as first- and second-degree penalties. The second form, however, involves delegating the imposition of "severe" sanctions to disciplinary councils.

Consequently, Decree No. 84/10 of January 14, 1984 (now repealed) operated under two successive legal frameworks governing the civil service: Decree No. 85/59 of March 24, 1985 (Decree No. 85/59 1985), and later Ordinance No. 06/03 of July 15, 2006 (Order No. 06/03 2006).

Upon reviewing (Executive Decree No. 20/199 2020), as previously mentioned, it is evident that the legislator did not provide a formal definition of parity committees but merely stipulated their establishment within public institutions and administrations. Additionally, the decree assigned these committees the competence to examine all individual matters concerning employees. (Ghari 2021, 467).

Parity administrative committees can be defined as “advisory bodies within the civil service, established for each rank, group of ranks, corps, or set of corps with equivalent qualification levels, within public institutions and administrations. Their creation is formalized through a decision or order, depending on the case, issued by the authority vested with the power of appointment (Article 02 of Executive Decree No. 20/199 2020).”

Accordingly, the composition of these committees follows a gradual structure, where the number of members increases in proportion to the number of employees belonging to the concerned rank or corps. This approach embodies the principle of participatory democracy within the administration, ensuring that decisions related to employees' professional careers are made inclusively (Slimani 2020, 11). Through this mechanism, the legislator aims to involve employees in decision-making processes affecting their career paths while guaranteeing their fundamental rights, particularly the right to defense.

These committees consist of an equal number of representatives from both the administration and the employees, with the latter being elected by their peers for a three-year term (Article 8 of Executive Decree No. 20/199 2020). The administration's representatives are appointed by a decision issued by the authority with the power of appointment within the relevant public institution or administration, or by the supervisory authority, within fifteen (15) days following the announcement of election results (Article 10 of Executive Decree No. 20/199 2020).

In this regard, it is important to note that the administration's representatives within parity committees are selected from among the employees of the concerned administration, provided they hold a rank equivalent to or higher than that of an Administrator (or an equivalent rank) (Article 10 of Executive Decree No. 20/199 2020). However, if the number of employees holding the rank of Administrator or an equivalent position is insufficient, the administration may appoint representatives from among employees of the next lower rank.

The elections for employee representatives must be organized no earlier than four (4) months and no later than two (2) months before the expiration of the current term (Article 22 of Executive Decree No. 20/199 2020).

Parity committees may be structured based on a specific corps, a group of corps, a rank, or a group of ranks with equivalent qualification levels within public institutions and administrations. When forming these committees, several criteria are taken into consideration, primarily: the sector of activity, the nature of functions, the number of employees, the hierarchical level of the corps, the demands of the service, and its specific organizational structure.

Parity committees are chaired by the authority within which they are established (Article 14 of Executive Decree No. 20/199 2020).

### **Subsection Two: Jurisdiction of Parity Committees**

While the primary function of parity committees is advisory in nature—since they are considered participatory bodies whose opinions are generally non-binding on the administration—there are exceptions where the law explicitly requires the administration to seek and adhere to the committee's binding opinion, particularly in disciplinary cases involving employees subject to disciplinary proceedings.

Accordingly, parity committees exercise two types of jurisdiction in their field of operation. In certain cases, they have mandatory jurisdiction over the administration. This is explicitly stated in Article 12 of Executive Decree No. 20/199, which provides:

*"Without prejudice to the provisions of special statutes, the parity administrative committee must be consulted to issue a binding prior opinion on the following matters: the tenure of probationary employees, grade promotion, rank promotion through selection after registration on the eligibility list, integration into a secondment rank, compulsory transfer in the interest of the service, third- and fourth-degree disciplinary sanctions, and the reinstatement of an employee dismissed due to abandonment of post, in accordance with applicable regulations."*

In these matters, the hierarchical authority is obligated to seek the binding opinion of the parity committees, particularly in disciplinary cases. Failure to do so may result in the annulment of the administrative decisions issued in such cases.

It is important to emphasize that when exercising its powers, the committee does not issue a decision to impose a sanction, as the authority to impose disciplinary measures is exclusively vested in the appointing authority, as stipulated by law (Abdelhamid 2011, 87).

Additionally, parity administrative committees may be consulted to provide advisory opinions, particularly on the following matters:

Modifying the legal quotas applicable to various modes of recruitment.

Employee evaluation methods.

The contested performance rating assigned to an employee as part of their evaluation.

Granting an employee unpaid leave (availability) for personal reasons.

Exceptional promotion in rank, when explicitly provided for in the applicable special statute.

Parity administrative committees are also consulted on periodic employee transfer movements, as stipulated by the relevant statutory regulations (Article 13 of Executive Decree No. 20/199 2020).

## **Subsection Two: The Structural and Functional Framework of Appeal Committees**

Unlike parity committees, which are established within employing administrations, the provincial and ministerial appeal committees review disciplinary decisions issued by the administration. These committees have the authority to annul, uphold, or modify disciplinary sanctions, effectively serving as appellate bodies that review disciplinary decisions made by parity committees concerning employees (Reda 2013, 101).

The legislator reorganized these appeal committees under (Executive Decree No. 20/199 2020), as previously mentioned. This decree serves as the new regulatory framework governing these committees, supplemented by directives from the General Directorate of Civil Service, as well as provisions outlined in Ordinance No. 06/03 of July 15, 2006 (Article 65 of Order No. 06/03 2006).

This section will examine the composition of appeal committees (Subsection One) and then discuss their jurisdiction (Subsection Two).

### **Subsection One: Composition of Appeal Committees**

Unlike parity administrative committees, appeal committees are not established at the level of a single rank or corps (Ghari 2021, 106). Instead, they are formed for groups of employee corps with equivalent qualification levels (Categories A, B, C, or D). However, if the number of employees within a specific

qualification group is insufficient to establish an appeal committee, a joint appeal committee may be created to encompass multiple groups of employee corps (Article 47 of Executive Decree No. 20/199 2020).

Appeal committees—whether attached to a minister, a governor, or the competent authority for certain public institutions and administrations—consist of fourteen (14) permanent members and fourteen (14) alternate members, divided equally between employee representatives and administration representatives. The administration is represented by seven (7) permanent members and an equal number of alternate members, while employees are also represented by seven (7) permanent members and seven (7) alternate members (Article 49 of Executive Decree No. 20/199 2020).

The representatives of employees in appeal committees are elected on a parity basis, meaning they are chosen indirectly by the members of parity committees (Article 66 of Executive Decree No. 20/199 2020).

Article 68 of Ordinance 06/03 stipulates that priority in candidacy for employee representation within parity committees should be given to members of the most representative trade unions. However, in the absence of such unions, any employee meeting the legal eligibility criteria may submit their candidacy.

As for the administration's representatives—both permanent and alternate members—they are appointed by the minister, governor, or the competent authority within fifteen (15) days following the announcement of employee representative election results.

Article 53 of Executive Decree No. 20/199 requires that appointed members belong to Category A, which includes employees holding the necessary qualifications to perform design, research, and study-related activities, or any other equivalent qualification level.

### **Subsection Two: Jurisdiction of Administrative Appeal Committees in Employee Disciplinary Matters**

(Order No. 06/03 2006), as previously mentioned, does not explicitly define the jurisdiction of ministerial and provincial appeal committees. It merely acknowledges their existence in Article 65. Consequently, their legal framework is primarily governed by (Executive Decree No. 20/199 2020), as previously referenced.

It is important to note that appeal committees are competent to review administrative appeals against disciplinary decisions issued by the appointing authority after obtaining the binding opinion of the parity committees convened as a disciplinary council.

Referring to the now repealed Decree No. 84/10, it is evident that the jurisdiction of appeal committees was previously limited to specific disciplinary sanctions, which were exclusively listed in Article 24. This article stated:

*"The administration or the concerned employees themselves may file an appeal before the appeal committees within fifteen (15) days in the case of the following disciplinary decisions only:"*

- Demotion in rank or grade.
- Compulsory retirement.
- Dismissal with retention of pension rights.
- Dismissal with revocation of pension rights.

However, the legislator later revised this position, expanding the scope of appeals to include all decisions imposing third- and fourth-degree disciplinary sanctions.<sup>4</sup>

## **Section Two: Quasi-Judicial Committees as a Safeguard for the Rights of Employees Subject to Disciplinary Sanctions**

The importance of appeal committees in disciplinary sanctions imposed on public employees has significantly increased, particularly concerning severe penalties. Their role is essential as they provide employees subjected to disciplinary measures with an opportunity for reconsideration of the sanctions imposed by parity committees convened as a disciplinary council.

This section will examine:

Parity committees as a safeguard for protecting the rights of employees subject to disciplinary proceedings (Subsection One).

Provincial and ministerial appeal committees as a safeguard for protecting the rights of employees facing disciplinary sanctions (Subsection Two).

### **Subsection One: Parity Committees as a Safeguard for Protecting the Rights of Employees Subject to Disciplinary Proceedings**

This subsection will address:

The procedures followed before parity committees in disciplinary matters (First Division).

The legal consequences of the actions taken by parity committees in disciplinary matters (Second Division).

#### **First Subdivision: Procedures Followed Before Parity Committees in Disciplinary Matters**

Discussing the procedural safeguards granted to public employees facing disciplinary charges necessitates highlighting the critical importance of procedural and formal guarantees that precede the issuance of a disciplinary decision. These guarantees represent the most crucial and sensitive stage in the exercise of disciplinary authority when imposing sanctions on an employee. The administration is obligated to adhere to these procedures, as they constitute the fundamental safeguards for public employees in disciplinary matters. Any violation of these procedural requirements results in the nullification of the disciplinary decision.

It is important to first emphasize that for these committees to operate within a legal framework, they must be lawfully constituted, issue their decisions by the required majority, convene at the designated location, and conduct deliberations and discussions that are duly recorded in meeting minutes. Failure to comply with any of these requirements renders the administrative decision procedurally defective, leading to its invalidation (Khalifa 2002, 109).

The initiation of disciplinary proceedings against a public employee begins upon the detection of a violation (Article 166 of Order No. 06/03 2006). However, the parity committee, convened as a disciplinary council,

---

<sup>4</sup>. Article 163 of Ordinance 06/03 exhaustively enumerates disciplinary sanctions, particularly third- and fourth-degree penalties, which include:

- Suspension from work for a period ranging from four (04) to eight (08) days.
- Demotion by one or two grades.
- Compulsory transfer.
- Demotion to a lower rank.
- Dismissal.

becomes involved only upon being formally notified by the hierarchical authority. This notification must be accompanied by a substantiated report detailing the alleged misconduct of the employee. The hierarchical authority is required to carry out this procedure within forty-five (45) days from the date of detecting the disciplinary offense. If this deadline is exceeded, the disciplinary offense is nullified, and the employee can no longer be subjected to disciplinary proceedings (Article 165-166 of Order No. 06/03 2006).

For the meeting of the parity committee convened as a disciplinary council to be legally valid, it must be properly summoned. The committee may be convened in one of two ways:

At the request of the chairperson of the disciplinary council, who determines the location, date, and time of the meeting. The accused employee must be notified at least fifteen (15) days before the scheduled meeting (Article 167 of Order No. 06/03 2006) to allow adequate time to prepare their defense.

At the request of one-third of the permanent members of the committee, through a written request.

Additionally, the secretariat of the disciplinary council is responsible for issuing summonses to the members of the parity committee, specifying the date, location, and time of the meeting.

It is important to note that the disciplinary council is legally required to review the case within forty-five (45) days from the date of notification. If this deadline expires without a decision, the charges against the employee are dismissed, and the employee must be reinstated in their position (Article 165 of Order No. 06/03 2006).

However, this deadline may be extended to six (6) months if the employee is subject to criminal proceedings that prevent them from continuing in their position. In such cases, their status cannot be regularized until a final judicial decision has been rendered, in accordance with Article 174 of Ordinance No. 06/03.

The parity committee convened as a disciplinary council deliberates in a closed session, with at least three-quarters of its members present. If this quorum is not met, the members are summoned again within eight (8) days. In the second meeting, the session is considered valid if at least half of the members are present (Article 19 of Executive Decree No. 20/199 2020).

It is also important to highlight that if the disciplinary committee opposes the administration's proposal to dismiss or terminate the employee due to gross misconduct, or if the employee is acquitted of the charges, or if the committee fails to reach a decision within the legally prescribed timeframe, the administration is legally obligated to regularize the employee's administrative and financial status in accordance with Article 173 of Ordinance No. 06/03.

### **Second Subdivision: Legal Consequences of the Actions of Parity Committees**

As previously mentioned, the meetings of the parity committee are confidential and closed to the public. The outcomes of these meetings are reflected in a decision issued by the hierarchical authority vested with disciplinary powers. In this context, it is essential to distinguish between two scenarios:

The legal consequences of the committee's actions when disciplinary proceedings are based on professional misconduct (A).

The legal consequences of the disciplinary council's actions when the disciplinary violation is linked to criminal prosecution (B).

## **Legal Consequences of the Disciplinary Council's Actions in Cases of Gross Professional Misconduct**

When the appointing authority identifies a fourth-degree professional misconduct, it submits a substantiated report to the parity committee convened as a disciplinary council. After completing all necessary procedures and considering the statements and observations related to the disciplinary case, the committee deliberates in a closed session to issue its opinion, which may result in the following outcomes:

Confirming the facts attributed to the employee in question, and consequently, providing an opinion on the appropriate sanction for the misconduct committed. In this case, the committee is not bound by the disciplinary sanction proposed by the disciplinary authority in the report submitted to the disciplinary council. The committee's opinion may align with the disciplinary authority's proposal regarding the sanction to be imposed.

In all cases where the misconduct is confirmed, the disciplinary authority is legally bound by the opinion of the parity committee convened as a disciplinary council. Therefore, if the disciplinary authority imposes a sanction contrary to the committee's opinion, the decision is deemed unlawful and may be subject to annulment by administrative courts.

If the parity committee convened as a disciplinary council does not establish the material facts upon which the alleged misconduct was classified as third- or fourth-degree, the committee may take one of two actions:

Reclassify the misconduct as a first- or second-degree violation, in which case the hierarchical authority regains jurisdiction to impose a sanction without referring the matter back to the disciplinary council.

Dismiss the allegations entirely, meaning the employee is exonerated of all charges. In this situation, the administration is legally obligated to reinstate the employee to their prior status before the initiation of disciplinary proceedings. Additionally, the employee must be fully restored all rights and benefits, including the portion of their salary that was deducted due to precautionary suspension (Article 173 of Order No. 06/03 2006) (Instruction Letter No. 267 2016) (Article 174 of Order No. 06/03 2006).

### **Legal Consequences of the Actions of the Parity Committee Convened as a Disciplinary Council in Cases of Criminal Prosecution**

An employee may be subjected to criminal prosecution, which could prevent them from remaining in their position. In such cases, the hierarchical authority may place the employee under precautionary suspension if it determines that the criminal charges effectively prevent them from continuing their duties. This decision is based on the seriousness of the alleged offenses, their relevance to the employee's professional responsibilities, their incompatibility with the position, or their potential harm to the reputation of the administration, as stipulated in Article 42 of Ordinance No. 06/03.

It is important to note that, under Article 174 of Ordinance No. 06/03, the administration cannot regularize the administrative status of an employee facing criminal prosecution until the criminal judgments become final and acquire *res judicata* (the force of a final decision).

However, as an exception, the status of an employee under criminal prosecution may be submitted to the parity committee for a decision, even if the case is still under appeal before the Supreme Court. This exception is justified by the lengthy judicial process involved in resolving such cases. The handling of these situations follows specific procedures, as outlined below:

If the employee is acquitted of the charges at the appellate level (Court of Appeals), the parity committee convened as a disciplinary council issues an opinion recommending the employee's reinstatement, unless it determines that a professional misconduct has been committed.

If the employee is convicted at the appellate level but with a suspended sentence, and the conviction is based on acts that constitute professional misconduct, the parity committee convened as a disciplinary council decides on the employee's status based on the nature of the professional misconduct.

If the employee is convicted at the appellate level for offenses unrelated to their professional duties or committed outside the workplace, the parity committee convened as a disciplinary council issues an opinion recommending reinstatement, unless it determines that a professional misconduct has occurred.

If the employee is convicted by a final judgment and sentenced to a custodial penalty (imprisonment or detention) for serious offenses, the parity committee convened as a disciplinary council issues an opinion recommending the employee's dismissal (Instruction Letter No. 267 2016).

## **Subsection Two: The Appeal Committee as a Safeguard for the Rights of Employees Subject to Disciplinary Sanctions**

This subsection will examine:

The procedures followed before appeal committees (First Division).

The legal consequences of their decisions (Second Division).

### **First Division: Procedures Followed Before Appeal Committees**

As previously mentioned, the primary purpose of establishing appeal committees is to ensure the highest level of protection for employees subject to disciplinary sanctions and to prevent the implementation of measures that could jeopardize their professional careers without adequate safeguards (Instruction No. 20 1984).

It is important to note that the procedures followed before provincial and ministerial appeal committees are identical to those applied before parity committees. This is explicitly outlined in (Executive Decree No. 20/199 2020), as previously referenced.

The appeal process begins on the date the appeal is submitted by the employee subject to disciplinary sanctions, who must file the appeal within one (1) month from the date of receiving notification of the disciplinary decision (Article 54 of Executive Decree No. 20/199 2020). Once the appeal is submitted, the appeal committee is required to issue a decision within forty-five (45) days from the date the appeal is lodged.

If the appeal committee fails to convene or does not issue an opinion within the specified timeframe, for any reason, the employee's potential suspension may be lifted. In this case, the employee must be reinstated in their position, restored all rights, and the disciplinary sanction remains suspended until the appeal committee issues its final decision on the case (Article 55 of Executive Decree No. 20/199, 2020).

### **Second Division: Legal Consequences of the Actions of Appeal Committees in Public Employee Disciplinary Matters**

One of the most distinctive aspects of the appeal committee's role, compared to parity committees convened as a disciplinary council, is that the appeal committee provides stronger safeguards for public employees. This is because the appeal committee cannot impose a harsher sanction than the one initially decided by the parity committee. Instead, it may:

Uphold the sanction imposed on the disciplined employee.

Reduce the severity of the sanction.

Annul the sanction entirely, thereby offering a substantial safeguard for the employee's rights.

Furthermore, appeal committees do not issue advisory opinions; they render administrative decisions that are subject to legal challenge. This principle was confirmed by the Algerian Council of State in its decision dated January 22, 2001 (Lahcine Ben Cheikh At Moulouya n.d., 301).<sup>5</sup>

Additionally, it is important to note that filing an appeal before an appeal committee automatically suspends the enforcement of the disciplinary sanction, in accordance with Article 54 of Executive Decree No. 20/199.

After deliberation, appeal committees issue decisions that are immediately enforceable and must be executed exactly as rendered (Circular No. 05 2004).

In this regard, if the appeal committee overturns the decision of the parity committee convened as a disciplinary council and orders the reinstatement of the employee, the employee must be reinstated with full restoration of their rights and receive full salary compensation for the entire suspension period. However, this applies only if the disciplinary proceedings were initiated under Article 173 of Ordinance No. 06/03 (Letter No. 224 2010).

Under Article 174, however, reinstatement takes effect from the date of the appeal committee's meeting, not from the start of the criminal prosecution. Consequently, no retroactive salary payments or professional entitlements are granted, as the suspension period is considered as time not worked, meaning it does not count toward promotion or salary entitlement, in accordance with Article 32 of Ordinance No. 06/03.

Ultimately, it can be observed that the functioning of appeal committees is often marked by inconsistency and unpredictability in decision-making. This is primarily due to the frequent instructions and circulars issued by the General Directorate of Civil Service, which create disparities in how cases are handled. Although many cases presented before the committees share similar circumstances, the decisions vary significantly—at times upholding dismissal, at others imposing a lesser sanction, and in some cases, acquitting the employee altogether. This inconsistency is largely attributed to the lack of clear legal frameworks governing the committee's decision-making process.

### **Conclusion:**

There is no doubt that the role of quasi-judicial authorities is fundamental and essential in safeguarding the rights of employees subject to disciplinary proceedings, whether through parity committees convened as a disciplinary council or provincial and ministerial appeal committees.

Based on the discussion presented, the following key findings have been reached:

Disciplinary authorities do not have absolute discretion in imposing sanctions on employees. They are legally required to obtain the binding opinion of quasi-judicial authorities when imposing third- and fourth-degree disciplinary sanctions. Any action taken by the hierarchical authority that disregards this requirement renders the disciplinary decision legally invalid and subject to judicial annulment.

The level of protection afforded by quasi-judicial authorities varies. For instance, provincial and ministerial appeal committees provide stronger safeguards compared to parity committees, due to several factors, including their composition, the nature of their decisions, the binding force of their rulings, and their susceptibility to judicial review.

For example, the decisions of appeal committees are considered administrative decisions, whereas the opinions issued by parity committees convened as a disciplinary council are merely binding

---

<sup>5</sup>- State Council Decision, Third Chamber, Index No. (40), dated 22-01-2001, in the case of (L.A.) vs. the Governor of Jijel. The decision establishes that the rulings of appeal committees, having an administrative nature, may be challenged through an action for abuse of power.

recommendations, which are subsequently formalized into disciplinary decisions by the appointing authority.

Analyzing the legal framework governing the operation of these committees in public employee disciplinary matters, it is evident that it still falls short of providing adequate safeguards. This is particularly due to (Executive Decree No. 20/199 2020), which assigns the chairmanship of these committees exclusively to the administration rather than to employee representatives. Additionally, the decree grants the administration the power to dissolve these committees without consulting their members.

To address these issues, the legislator should establish a more balanced structure within these committees. As an essential mechanism for employee participation in managing their professional careers and protecting their disciplinary rights, these bodies must be reformed to ensure greater fairness and impartiality

## References

- Abdelhamid, Ben Ali. 2011. "Disciplinary Punishment Procedures Against Public Employees." Master's Thesis. Tlemcen: Abou Bakr Belkaid University of Tlemcen.
- Article 02 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 7 25.
- Article 10 of Executive Decree No. 20/199 . 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 13 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 14 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 165 of Order No. 06/03. 2006. "General Civil Service Law." Official Government Gazette. 07 16.
- Article 165-166 of Order No. 06/03. 2006. "General Civil Service Law." Official Government Gazette. 07 16.
- Article 166 of Order No. 06/03. 2006. "General Civil Service Law." Official Government Gazette. 07 16.
- Article 167 of Order No. 06/03. 2006. "General Civil Service Law." Official Government Gazette. 07 16.
- Article 173 of Order No. 06/03. 2006. "General Civil Service Law." Official Government Gazette. 7 16.
- Article 174 of Order No. 06/03. 2006. "General Civil Service Law." Official Government Gazette. 7 16.
- Article 19 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 22 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 7 25.
- Article 47 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 49 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 7 25.
- Article 54 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 55 of Executive Decree No. 20/199,. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 65 of Order No. 06/03 . 2006. "General Civil Service Law." Official Government Gazette. 07 16.
- Article 66 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Article 8 of Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. 07 25.
- Boudeyf, Ahmed. 1988. *The Disciplinary Crime of Public Employees in Algeria*. Algeria: National Publishing House.
- Circular No. 05. 2004. "Procedures for Applying Articles 130 and 131 of Decree No. 85/59, containing the Basic Model Law for Employees of Public Institutions and Administrations (repealed)." Ministry of Public Service and Administrative Reform, 04 12.
- Decree No. 85/59. 1985. "Basic Model Law for Employees of Public Institutions and Administrations." Official Government Gazette. no. 13. 03 14.
- Executive Decree No. 20/199. 2020. "Organization of Equal Member Committees, Appeals Committees, and Technical Committees in Public Institutions and Administrations." Official Government Gazette. no. 44. 07 25.
- Ghari, Ahsan. 2021. "The Legal System of Equal Member Administrative Committees in Algeria: A Study in Light of the Provisions of Executive Decree No. 20/199." *Kuwaiti College of Law Journal*.
- Instruction Letter No. 267. 2016. "Procedures for Applying the Provisions of Articles 173 and 174 of Order No. 06/03 Containing the General Civil Service Law." Ministry of Public Service and Administrative Reform, 01 19.
- Instruction No. 20. 1984. "Organization and Management of Equal Member Committees and Appeals Committees." General Directorate of Public Service, 06 26.
- Khalifa, Abdulaziz Abdul Moneim. 2002. *Grounds for Appeals to Annul Administrative Decisions in Jurisprudence and the State Council's Rulings*. Alexandria: University Thought Publishing House.

- Lahcine Ben Cheikh At Moulouya. n.d. "The Selected in Jurisprudence." State Council.  
Letter No. 224. 2010. "Response to an Inquiry from the Municipal Guard Delegation of Algiers on a Legal Situation."  
General Directorate of Public Service, 01 11.
- Muhareb, Ali Gomaa. 2004. Administrative Discipline in the Civil Service, A Comparative Study. 1st Edition. Administrative  
Discipline in the Civil Service, A Comparative Study.
- Order No. 06/03. 2006. "General Civil Service Law." Official Government Gazette. no. 46. 07 16.
- Reda, Mahdi. 2013. "The Role of Public Service Bodies in Managing Participation and Dialogue Methods in Light of Order  
No. 06-03 Containing the Public Service Law." Algerian Journal of Legal, Economic, and Political Sciences.
- Slimani, Mounir. 2020. "The Limitations of the Effectiveness of the Disciplinary System in Protecting Public Employees."  
The Academic Journal of Legal Research.