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Disciplinary Accountability of Judicial Officers in Algerian Law: A Framework Analysis

Responsabilidade Disciplinar dos Oficiais de Justiça no Direito Argelino: uma Análise Estrutural

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Abstract

The disciplinary liability of judicial officers in Algeria constitutes a specialized accountability mechanism wherein professional sanctions are imposed upon dereliction of statutory or regulatory duties during the execution of judicial functions. Such liability arises from violations including non-compliance with enforcement procedures, breach of professional confidentiality, abuse of public authority, or conduct involving negligence and dereliction that undermines the dignity and integrity of the profession. Grounded normatively in the concept of professional fault rather than demonstrable harm, this framework authorizes a graduated spectrum of disciplinary sanctions ranging from formal warnings and reprimands to temporary suspension and permanent disbarment, contingent upon adherence to procedural safeguards guaranteeing the right to defense. The disciplinary accountability regime serves three pivotal systemic objectives: ensuring the proper functioning of the justice delivery apparatus, maintaining public confidence in the integrity and competence of judicial officers, and safeguarding the ethical independence of the profession. This article examines the legal and institutional architecture governing disciplinary liability under Algerian Law No. 06-03 (as amended by Law No. 23-13), analyzing its constituent elements, procedural guarantees, sanctioning mechanisms, and appellate pathways, while critically evaluating the normative balance between professional discipline and due process protections.

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Resumo

A responsabilidade disciplinar dos oficiais de justiça na Argélia constitui um mecanismo especializado de prestação de contas mediante o qual são impostas sanções profissionais em caso de descumprimento de deveres estatutários ou regulamentares durante o exercício de funções judiciais. Tal responsabilidade decorre de violações que incluem o não cumprimento de procedimentos executórios, a quebra de confidencialidade profissional, o abuso de autoridade pública ou condutas caracterizadas por negligência e desídia que comprometem a dignidade e a integridade da profissão. Fundamentado normativamente no conceito de falta profissional e não em dano demonstrável, este quadro jurídico autoriza um espectro graduado de sanções disciplinares que vão desde advertências formais e repreensões até à suspensão temporária e à exclusão permanente, condicionadas à observância de salvaguardas processuais que garantem o direito de defesa. O regime de responsabilização disciplinar serve três objetivos sistêmicos fundamentais: assegurar o funcionamento adequado do aparelho de prestação jurisdicional, manter a confiança pública na integridade e competência dos oficiais de justiça e salvaguardar a independência ética da profissão. Este artigo examina a arquitetura jurídica e institucional que regula a responsabilidade disciplinar nos termos da Lei argelina n.º 06-03 (alterada pela Lei n.º 23-13), analisando os seus elementos constitutivos, as garantias processuais, os mecanismos sancionatórios e as vias recursórias, avaliando criticamente o equilíbrio normativo entre a disciplina profissional e as proteções do devido processo legal.

Introduction

Legal accountability in its various manifestations embodies the principle of the rule of law and the universal subjection of persons to legal norms. Indeed, no legal status can be conceived without a correlative obligation enforceable through sanctions upon breach. Consequently, every form of legal liability is governed by general principles regulating its constituent elements and legal effects, whether pertaining to civil liability aimed at reparation of harm, criminal liability designed to protect public order through punitive sanctions, or other forms of responsibility recognized by legislation.

Within this normative framework, the judicial officer (*huissier de justice* or *al-muḥḍir al-qaḍāʾī*), as an auxiliary to the administration of justice, is subject to a comprehensive body of legal provisions regulating professional activities and delineating the scope of obligations. On one hand, judicial officers remain subject to the general rules of civil liability enshrined in the Algerian Civil Code whenever their acts cause compensable harm. Furthermore, criminal liability may arise upon commission of offenses proscribed under the Algerian Penal Code. On the other hand, judicial officers perform their duties within a procedural framework governed by the Code of Civil and Administrative Procedure, which meticulously defines their jurisdiction and regulates their interventions in the domains of service of process, enforcement of judgments, and fact-finding operations.

Nevertheless, the liability of judicial officers extends beyond civil and criminal dimensions to encompass a distinct category of disciplinary accountability. The legislator has not merely subjected judicial officers to general legal rules but has imposed specific professional and ethical standards regulating conduct and ensuring the proper functioning of the justice system. Violation of these standards triggers disciplinary sanctions proportionate to the nature and gravity of the breach.

Accordingly, disciplinary liability emerges as a legal mechanism designed to preserve professional discipline and reinforce public confidence in the work of judicial officers, thereby achieving equilibrium between their functional independence and their subjection to legal oversight ensuring compliance with imposed duties.

Building upon this premise, this article seeks to examine the legal framework governing the disciplinary liability of judicial officers by elucidating its legislative foundation, constituent elements, procedural modalities for initiation, and resulting sanctions, while endeavoring to highlight its distinctive characteristics and differentiation from other forms of legal liability.

Research Problem

The central problematic underpinning this study of the disciplinary liability of judicial officers in Algeria may be formulated as follows:

To what extent has the Algerian legislator succeeded in structuring the disciplinary liability regime for judicial officers in a manner that achieves equilibrium between ensuring respect for professional ethics and the proper functioning of the justice system, while simultaneously safeguarding the rights of judicial officers against arbitrary or abusive disciplinary proceedings?

This primary question engenders several subsidiary inquiries:

- To what degree does this form of liability exhibit distinctive characteristics differentiating it from the general principles governing criminal liability?
- Do the existing provisions afford complete legal protection as envisaged under Law No. 06-03?
- Has Algerian legislation ensured adequate guarantees of the right to defense during disciplinary proceedings?
- What constitutes professional fault in the context of judicial officers, and what are its legal boundaries?
- Does the current disciplinary system effectively achieve professional deterrence and protection of litigants' rights, and to what extent are disciplinary sanctions proportionate to the gravity of professional misconduct?

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Significance of the Study

The topic of disciplinary liability of judicial officers assumes paramount importance given the pivotal role they play in the enforcement of judicial decisions and ensuring respect for the law. Errors committed by judicial officers have far-reaching consequences affecting individual rights and the proper administration of justice. Investigating this form of liability contributes to:

- Ensuring adherence to professional ethics and reinforcing principles of integrity while curtailing professional misconduct;
- Protecting litigants from arbitrary or abusive practices;
- Guaranteeing the execution of judgments in accordance with legal procedures; and
- Enhancing public confidence in the judicial system, thereby strengthening its credibility and legitimacy.

Furthermore, the study of disciplinary liability contributes to professional discipline and promotes efficiency and expeditiousness in the execution of judicial decisions. Consequently, this investigation represents both a scientific and practical necessity, given its role in protecting the profession, safeguarding litigants' rights, and ensuring the integrity and efficacy of the justice delivery mechanism.

Rationale for Topic Selection

The selection of this topic is motivated by several considerations. Firstly, the practical importance of the subject matter: judicial officers constitute an essential component of the justice system, rendering any dereliction of professional duties directly impactful upon litigants' rights and the proper functioning of justice. Secondly, there exists a relative paucity of specialized academic studies addressing the disciplinary liability of judicial officers under Algerian legislation compared to other legal professions, thereby constituting a compelling scholarly impetus. Additionally, the profession has undergone successive regulatory reforms, necessitating examination of the effectiveness of disciplinary mechanisms and their compatibility with the requirements of modern justice systems. Finally, the academic and research significance lies in deepening theoretical understanding of disciplinary liability, linking theoretical and applied dimensions, and enriching legal scholarship in the field of enforcement justice.

Research Objectives

The principal objectives of this study include:

- Elucidating the legal framework governing disciplinary liability by clarifying its concept, legal foundation, conditions for establishment, and limits;
- Identifying the nature of disciplinary fault by illustrating its forms and manifestations, distinguishing it from other types of fault, and highlighting the specificity of professional misconduct by judicial officers; and
- Demonstrating the role of disciplinary liability in regulating the profession and improving the professional performance of judicial officers.

Methodological Approach

This study adopts a descriptive-analytical methodology. The descriptive approach is employed to present the legal framework regulating the profession of judicial officers, elucidate the concept and foundations of disciplinary liability, identify forms of disciplinary fault and prescribed sanctions, and describe the competent authorities responsible for disciplinary proceedings and their procedures. The analytical approach is utilized to analyze legal texts governing disciplinary liability, interpret the concept of disciplinary fault and its boundaries, and reveal the effectiveness and deficiencies of the disciplinary system.

Structural Organization

To comprehensively address the disciplinary liability of judicial officers in Algeria and respond to the research problematic while achieving the stated objectives, a systematic structural approach has been adopted. This article is organized into three principal sections. The first section examines the general framework of the profession of judicial officers, addressing the legal nature of the profession and the duties of judicial officers under Law No. 06-03. The second section analyzes the establishment of disciplinary liability, focusing on its constituent elements. The third section explores the consequences of established disciplinary liability, including disciplinary proceedings,

competent authorities, procedures, sanctions, and available avenues of appeal. The article concludes with summary findings and policy recommendations.

I. THE GENERAL FRAMEWORK OF THE PROFESSION OF JUDICIAL OFFICERS

Under Law No. 06-03 (as amended) and Law No. 23-13, the profession of judicial officer is characterized as a regulated liberal profession, enabling a qualified public officer to perform essential judicial and enforcement functions under judicial supervision. The profession is governed by stringent admission requirements and is subject to strict codes of professional conduct, as well as civil, criminal, and disciplinary liability.

Law No. 06-03, as amended and supplemented by Law No. 23-13, stipulates that the judicial officer is a public officer delegated by public authority who manages a private office under his or her personal responsibility and subject to the oversight of the public prosecutor. Article 4 of Law No. 06-03 provides that "the judicial officer is a public officer delegated by public authority, responsible for managing a public office on his own account and under his responsibility, provided that the office is subject to specific conditions and standards determined by regulation" (Law No. 06-03, 2006, Art. 4). Within this normative framework, it is necessary to define the legal nature of the profession (Section A) and the legal duties of judicial officers (Section B).

A. The Legal Nature of the Profession of Judicial Officer

Based on the definition of the profession provided in Article 4 of Law No. 06-03, the legal nature of the judicial officer may be characterized by his or her status as a public officer delegated by public authority (Law No. 06-03, 2006, Art. 4) who manages a private office. This dual nature warrants further elaboration.

1. The Judicial Officer as a Public Officer

A public officer is a person to whom public authority delegates the authentication of legal acts, similar to civil status officers, court clerks at courts and judicial councils, and real estate registrars (Seggach, 2010, p. 7). The judicial officer, as a public officer, enjoys certain prerogatives and bears specific obligations inherent in this status.

2. The Judicial Officer as Delegated by Public Authority

Pursuant to Article 10 of Law No. 06-03, the judicial officer is appointed by decree of the Minister of Justice, Keeper of the Seals. The judicial officer is thus delegated by public authority to execute judicial decisions and other enforceable instruments, in addition to performing other functions such as service of process and conducting investigations. Delegation, in legal terminology, refers to the assignment of authority and responsibility from one person to another. All legislative provisions confirm the character of public service or utility and the imperative of its continuous and regular operation (Seggach, 2010, p. 7).

3. Management of a Public Office (On Own Account)

The specific conditions governing the office of the judicial officer are set forth in Executive Decree No. 09-77 of February 11, 2009, which establishes the conditions for entering and practicing the profession of judicial officer, its disciplinary regime, and

organizational rules. Articles 6, 7, and 8 stipulate that the office of the judicial officer must be suitable and appropriate for professional practice, distinct from other premises, with a minimum area of 60 square meters, comprising at least three rooms, in addition to other conditions that the judicial officer must observe and comply with (Executive Decree No. 09-77, 2009).

B. The Duties of Judicial Officers

Like other professions, the profession of enforcement imposes duties upon judicial officers which must not be violated. These duties correspond to rights which merit brief mention before delving into obligations (Djilali, 2016, p. 19).

Among the rights enjoyed by judicial officers is the right to personal protection, considered one of the most important rights granted by the Algerian legislator given the risks inherent in this profession that may affect the person of the judicial officer (Amir Alia, n.d., p. 294). Judicial officers may be subject to assault by parties against whom enforcement is directed, who may forget that the judicial officer is not an adversary but performs duties within a strict legal framework. Consequently, the legislator has provided protection for judicial officers both within their offices and during the performance of their duties. Article 19 of Law No. 06-03 provides that "insults or violent or forceful assaults against judicial officers during the performance of their duties shall be punishable in accordance with the provisions of the Penal Code" (Law No. 06-03, 2006, Art. 19).

Protection of the office is enshrined in Article 2 of Law No. 06-03, which amends and supplements Article 7 of Law No. 06-03, stipulating that the office of the judicial officer enjoys legal protection (Law No. 06-03, 2006, Arts. 2 & 7). Accordingly, it may not be searched nor may documents deposited therein be seized except pursuant to a written judicial order and in the presence of the president of the National Chamber of Judicial Officers or a representative, or after lawful notification. Any procedure violating this provision is null and void.

The law also guarantees the judicial officer's right to defense, as no disciplinary sanction may be imposed without affording the right to prepare a defense, examine the file, submit observations and defenses, and be assisted by counsel, in accordance with Article 54 of Law No. 23-13 and Article 42 of the Constitution, implementing the principle of the presumption of innocence and transparency of proceedings.

Regarding the legal obligations or duties of judicial officers in performing their functions, these may be summarized as follows:

1. Obligation to Exercise Due Diligence

In accordance with the general rules of professional liability, the judicial officer's obligation consists of performing duties as required by law and exercising the standard professional diligence expected of a competent and conscientious person (Cherif & Ben Hedna, 2009, pp. 10-11), while respecting procedures, deadlines, and the legal form of reports and enforcement actions undertaken. However, this obligation may, in certain exceptional cases related to form, transform into an obligation to achieve a result, such as drafting a report in accordance with mandatory particulars or respecting legal deadlines. Failure to comply triggers disciplinary liability, unless the act constitutes a violation

provided for in laws or decrees regulating the profession of judicial officer and its code of ethics. This element derives its basis from the texts regulating the profession and defining duties, rights, the functioning of disciplinary councils, and prescribed sanctions. No disciplinary sanction may be imposed except on the basis of these texts and in accordance with legally defined procedures, ensuring the legality of the sanction and protection of the right to defense.

2. Obligation to Maintain Professional Secrecy

The judicial officer is strictly bound by professional secrecy by virtue of his or her status as a public officer. This obligation encompasses all information, documents, or data received or accessed during the exercise of professional functions (Ben Amrane, n.d., p. 37). Unlawful disclosure of professional secrets without legal justification constitutes a serious professional fault triggering disciplinary liability and may extend to other forms of liability (civil or criminal).

The obligation to exercise due diligence and the duty to maintain professional secrecy constitute ethical duties imposed upon judicial officers. These primarily consist of demonstrating integrity, respecting the law and procedures, and refraining from abuse of the profession. Breach of these duties and obligations primarily triggers disciplinary liability and may extend to other forms of liability, as previously mentioned.

The powers and duties entrusted to judicial officers under the legal provisions of Law No. 06-03 include authority for official service of process, enforcement of judgments, judicial decisions, and enforceable instruments, preparation of official reports, and conducting investigations, among other functions.

II. ESTABLISHMENT OF DISCIPLINARY LIABILITY OF JUDICIAL OFFICERS

The judicial officer is obligated to perform the duties provided for by law in accordance with the latest amendment under Law No. 23-13. The judicial officer must respect the rules and ethics of the profession; violation thereof and commission of errors may expose the officer to accountability before disciplinary bodies and consequently to sanctions. What, then, are the totality of violations and professional faults resulting in sanctions against judicial officers? This section will address this issue in two subsections: the constituent elements of disciplinary liability (Section A) and the forms of disciplinary fault (Section B).

A. Constituent Elements of Disciplinary Liability

1. The Principle of Disciplinary Legality

In application of the principle of disciplinary legality (Basyouni, 2007, p. 13), a judicial officer may not be held disciplinarily liable unless the act committed constitutes a violation provided for in laws or decrees regulating the profession of judicial officer and its code of ethics. This element derives its foundation from the texts regulating the profession and defining duties, rights, the functioning of disciplinary councils, and prescribed sanctions. No disciplinary sanction may be imposed except on the basis of these texts and in accordance with legally defined procedures, ensuring the legality of the sanction and protection of the right to defense.

2. Disciplinary Fault and Its Forms

Disciplinary fault is defined as any act or omission by a judicial officer constituting a breach of professional duties or undermining the dignity or honor of the profession, or violating regulatory provisions governing professional conduct, even if no direct harm or criminal or civil liability results. Accordingly, this fault arises whenever the judicial officer violates legally prescribed duties, breaches requirements of impartiality and honesty (Basyouni, 2007, p. 7), or abuses delegated powers.

Forms of disciplinary fault may be classified into the following principal categories:

- **Breach of Service and Enforcement Duties:** Examples include refusal to serve process without justification, service outside official hours and legal locations, and failure to respect service deadlines.
- **Violation of Legal Enforcement Procedures:** This occurs when a judicial officer enforces a judgment without a valid enforceable instrument, fails to observe rules governing seizure or sale, or exceeds territorial jurisdiction.
- **Forgery or Falsification in Reports:** This constitutes one of the most serious disciplinary faults and may constitute a criminal offense, including alteration of facts concerning enforcement or professional service, forgery of official signatures or data.
- **Professional Negligence and Dereliction:** Examples include loss of enforcement files, delay in completing assigned work, or failure to maintain legal registers.

It should be noted that disciplinary fault is independent of criminal and civil liability. A single act may constitute solely a disciplinary fault, or may simultaneously constitute a disciplinary fault and a criminal offense, such as forgery or bribery. Egyptian legal doctrine, according to Dr. Suleiman Al-Tamawi, defines disciplinary fault as any act or omission committed by an employee contrary to the duties of the position.

3. Harm

Harm resulting from the disciplinary fault of a judicial officer is directly related to the disciplinary liability faced by this professional upon violation of legal rules and professional obligations, pursuant to Law No. 06-03 on the organization of the profession of judicial officer, as amended and supplemented by Law No. 23-13, and other relevant provisions.

Law No. 06-03 on the organization of the profession of judicial officer, particularly Article 49, provides:

"Without prejudice to criminal and civil liability provided for in applicable legislation, the judicial officer shall be subject, for any dereliction of professional obligations or in connection with their performance, to the disciplinary sanctions provided for in this Law" (Law No. 06-03, 2006, Art. 49).

This constitutes the foundation of the disciplinary liability of judicial officers upon commission of a professional or disciplinary fault, whether during the performance of duties or for breach of obligations of professional and ethical conduct.

Defining Harm in the Disciplinary Liability of Judicial Officers:

Harm in disciplinary liability is legal and professional harm resulting from commission of a disciplinary violation leading to imposition of disciplinary sanctions.

Harm is the injury or loss suffered by a person, entity, or judicial institution as a direct or indirect consequence of the judicial officer's commission of a disciplinary violation. Harm may be either material or moral, such as harm to reputation (Sarayish, 2024, p. 37).

Material harm is harm that may be financially quantified, such as incurring additional costs to repeat procedures or loss of a financial right due to delay in service. Moral harm consists of damage to the reputation or standing of the litigant. Harm here is real despite the difficulty of financial quantification.

Some jurists and legal scholars have added what is termed procedural harm, including nullity of judicial proceedings or lapse of appeal deadlines—harm resulting from a procedural defect affecting the legitimate interest of a party due to violation of a fundamental legal procedure.

4. Causal Link Between Violation and Harm

The causal link is, in general terms, the direct legal nexus establishing that the harm would not have occurred but for the judicial officer's commission of the disciplinary violation. In other words, the violation constitutes the proximate cause of the harm, not merely an incidental circumstance or secondary cause (Sarayish, 2024, p. 32).

The importance of the causal link emerges in that it determines the gravity of the disciplinary violation and characterizes disciplinary liability. Furthermore, it determines the degree of sanctions. For the causal link to be established, certain conditions or elements must be satisfied:

- **Existence of an Established Disciplinary Violation:** This refers to an affirmative act or omission by the judicial officer constituting a breach of professional duties or violation of legal texts regulating the profession.
- **Actual Occurrence of Harm:** The harm must be certain, not merely potential, and must be personal and material, moral, or procedural.
- **The Violation Must Be the Direct or Proximate Cause of the Harm:** This means that the harm must be the natural and foreseeable consequence of the disciplinary violation, excluding any harm resulting from an external cause or factors independent of the conduct of the judicial officer.

Following examination of the causal link between the harm and the disciplinary violation, a crucial element emerges: the burden of proving the causal link (Sarayish, 2024, p. 30). This burden generally falls upon the disciplinary authority or the injured party when claiming compensation, which must be demonstrated through official reports, service deadlines, judicial decisions, or testimony.

Ultimately, the causal link constitutes a fundamental criterion in determining the gravity of the violation and assessing the appropriate disciplinary sanction.

III. CONSEQUENCES OF ESTABLISHED DISCIPLINARY LIABILITY

Upon establishment of a disciplinary fault by a judicial officer, a set of legal and professional consequences ensue designed to regulate the profession, protect litigants, and ensure respect for professional ethics. These consequences represent the essence of disciplinary liability and consist of legally prescribed sanctions imposed upon judicial officers for breach of professional duties. Accordingly, this section examines disciplinary

proceedings in their entirety (Section A), procedures and types of sanctions (Section B), and available avenues of appeal (Section C).

A. Disciplinary Proceedings

Disciplinary proceedings constitute the legal process undertaken to hold a judicial officer accountable for any disciplinary fault committed during the performance of duties, whether administrative, professional, or in violation of professional ethics, for the purpose of applying legally prescribed disciplinary sanctions. Disciplinary accountability resembles criminal proceedings (Ben Amrane, n.d., p. 40).

For these proceedings to be initiated, three essential elements are required: parties, competent authorities, and procedural steps.

1. Parties to the Proceedings

The parties are:

The Complainant or Plaintiff: This may be a litigant or party harmed by the work of the judicial officer, or the administrative authority responsible for oversight (Ministry of Justice). The complainant files a complaint with the disciplinary body.

The Respondent: This is the judicial officer against whom disciplinary proceedings are initiated before the disciplinary body, enjoying full right to defense.

2. Competent Authorities

These authorities form part of the constituent elements of the proceedings as they issue the final decision following investigation. The Algerian legislator has assigned authority for disciplining judicial officers to specialized judicial and professional bodies, ensuring respect for professional rules and preserving integrity.

The principal competent authority is the **Disciplinary Council for Judicial Officers**, which considers acts attributed to judicial officers constituting breaches of professional duties or violations of professional ethics. This Council exercises disciplinary jurisdiction in accordance with legally defined procedures, either based on complaints filed by interested parties or upon proceedings initiated by competent authorities, aimed at ensuring the judicial officer's compliance with imposed professional and legal obligations.

3. Procedural Steps in Disciplinary Proceedings

Disciplinary proceedings for judicial officers are governed by Law No. 06-03 on the organization of the profession of judicial officer, as amended and supplemented by Law No. 23-13 of August 5, 2023, the principal text defining the duties and responsibilities of judicial officers, including disciplinary sanctions and related procedures.

Disciplinary proceedings are initiated upon notification of the competent Disciplinary Council regarding professional errors committed by the judicial officer. The officer is summoned to appear before the Disciplinary Council with the guarantee of the right to representation by counsel. The case is deliberated, and the Council issues a decision subject to appeal.

Disciplinary proceedings must commence with official notification of the judicial officer through formal service at least 15 days prior to the hearing date, enabling

attendance and preparation of defense. Furthermore, the judicial officer has the right to examine all documents in the disciplinary file, falling within the guarantees of a fair trial. The Disciplinary Council convenes to hear the parties and may summon witnesses if necessary.

Upon conclusion of these procedures, the Council issues a reasoned decision communicated to all parties in accordance with Articles 49-55 of Law No. 06-03 (Law No. 06-03, 2006, Arts. 49-55). It should be noted that disciplinary proceedings may be stayed pending resolution of criminal proceedings (Al-Adgham, 2003, p. 118).

B. Sanctions Upon Establishment of Disciplinary Liability

Upon establishment of disciplinary liability, judicial officers are subject to disciplinary sanctions or penalties designed to deter misconduct, protect litigants, and ensure adherence to professional ethics. These sanctions differ from civil or criminal liability. Articles 49 to 55 of Law No. 06-03 address the types of these sanctions, which may be classified into four degrees according to the severity and gravity of the violation:

1. Warning

This is a minor sanction in the form of an oral or written caution. Its purpose is to inform the judicial officer that the conduct is unacceptable and is recorded in the professional file.

2. Reprimand

This is a sanction more stringent than a warning, issued in writing. Its purpose is to deter the judicial officer and provide a clear signal of professional discipline.

3. Temporary Suspension from Practice

This is a sanction of moderate severity temporarily barring the judicial officer from performing duties for a specified period, which may extend to several months. The purpose of this suspension is to provide the judicial officer an opportunity to reconsider conduct. The effects of this sanction include impact upon professional reputation.

4. Permanent Removal or Lifetime Disbarment

Removal from practice is described as the most severe and serious disciplinary sanction. Its effects include loss of the status of judicial officer. This sanction primarily aims to protect the judicial system and the interests of litigants from grave and serious professional errors.

It should be noted that each sanction must be proportionate to the gravity of the fault; a judicial officer may not, for example, be sanctioned with a warning for a serious fault nor removed for a minor error. Furthermore, disciplinary sanctions do not exempt the judicial officer from civil or criminal liability if the acts caused harm to others or violated criminal law.

C. Avenues of Appeal Against Disciplinary Decisions

The Algerian legislator has not merely established disciplinary accountability for judicial officers but has also instituted a procedural safeguard consisting of the possibility

of appealing disciplinary decisions. In this regard, the decision issued by the Disciplinary Council may be appealed before an Appeals Committee by the sanctioned judicial officer, the Public Prosecutor, or the Minister of Justice as representative of supervisory authority over the profession. This Committee is competent to review the disciplinary decision with respect to its legality and validity, constituting an important guarantee for achieving balance between the necessity of holding judicial officers accountable for professional errors and protecting their rights and ensuring a fair disciplinary trial.

Law No. 06-03 on the organization of the profession of judicial officer, as amended and supplemented by Law No. 23-13, provides for the mandatory possibility of appealing the disciplinary decision issued by the Disciplinary Council before the National Appeals Committee within specified deadlines for the purpose of disciplinary review.

Article 56 of Law No. 06-03 provides that an appeal against a disciplinary decision issued by the Disciplinary Council may be filed within thirty (30) days from the date of service of the decision before the National Appeals Committee. The appeal may be filed by legally concerned persons: the Minister of Justice, Keeper of the Seals; the competent Public Prosecutor; and the judicial officer concerned by the disciplinary decision (Law No. 06-03, 2006, Art. 56).

Article 63 of the same law also regulates the manner of service of the disciplinary decision issued by the National Appeals Committee. Service is effected by registered letter with acknowledgment of receipt to each of the following (Law No. 06-03, 2006, Art. 63):

- The Minister of Justice, Keeper of the Seals;
- The President of the National Chamber of Judicial Officers;
- The competent Public Prosecutor; and
- The concerned judicial officer.

The appeal deadline before the National Appeals Committee is 30 days from the date of service of the disciplinary decision. This Committee examines the disciplinary decision with respect to its legality, the presence of legal procedural guarantees, and proportionality between fault and sanction. Accordingly, all these mechanisms aim to protect the legal guarantees of judicial officers and ensure balance between disciplinary authority and protection of the right to defense in the Algerian legal system.

CONCLUSION

The study of the disciplinary liability of judicial officers under Algerian legislation highlights the vital role this form of liability plays in regulating the profession of judicial officers, protecting litigants' rights, and preserving the integrity of the judicial system. Disciplinary liability is not merely a means of sanctioning professional errors but constitutes a regulatory and legal mechanism designed to achieve equilibrium between the authority of judicial officers, litigants' rights, and professional duties.

The study has demonstrated that Algerian legislation has meticulously organized the constituent elements of disciplinary liability, disciplinary proceedings, resulting sanctions, and avenues of appeal against sanctions, as well as proportionality between fault and sanction. Legal texts have emphasized the necessity of independence of the Disciplinary Council and Appeals Committee to ensure justice and transparency in disciplinary trials.

Accordingly, it may be concluded that disciplinary liability constitutes the fundamental pillar for the stability of the profession and ensuring the judicial officer's compliance with legal and professional ethics. Furthermore, it provides effective mechanisms for appeal and review, reflecting Algerian legislation's commitment to balancing protection of the judicial system with guaranteeing judicial officers' rights to self-defense.

Based on these findings, several recommendations may be proposed to enhance the effectiveness of disciplinary accountability:

- **Consecrating the principle of proportionality between fault and disciplinary sanction** to achieve deterrence without arbitrariness;
- **Raising awareness of professional ethics and rules of professional conduct** through continuous training;
- **Activating oversight and monitoring mechanisms** to ensure respect for the law.

Consequently, the development of the disciplinary liability system for judicial officers remains a fundamental challenge for judicial reform, enhancing confidence in the judicial apparatus, and achieving the rule of law based on respect for rules and accountability within a framework of justice and equity.

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