

Exercises-Sources of Law

Name :

Date :

Exercise 01: Ranking

Arrange these sources from highest to lowest in the Algerian legal hierarchy:

- a. Civil code
- b. Algerian Constitution 2020
- c. Ministerial decree on scholarships
- d. Presidential decree on public holidays
- e. International Human Rights treaty (ratified)

Your answer:

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Exercise 02: Identification

For each statement, identify the source of law:

1. “Article 442 Criminal Code: Theft is punishable by imprisonment”
Source:
2. “In our village, farmers share irrigation water by traditional rotation”
Source:
3. “Supreme Court ruled employer can not dismiss pregnant employee”
Source:
4. “Professor Karim writes: ‘Contract law should protect weaker party’”
Source:

Exercise 03: True or False

1. Custom can override legislation in Algeria. -----
2. Algeria’s Constitution is the supreme source of law. -----
3. Judicial precedents are binding on all courts in Algerian. -----
4. International treaties (ratified) are superior to ordinary laws. -----
5. Islamic Sharia (الشريعة الإسلامية) applies to all areas of Algerian law. -----

6. A ministerial order can contradict a law passed by Parliament. -----

Exercise 04: Case Analysis

Read and answer:

The Ministry of Education issues Order No. 50: “All high schools must start classes at 07:00 AM.”

The Educational Law (passed by Parliament) says: “School hours are flexible, determined by each school.”

Questions:

- a. Which is the higher source?
- b. In case of conflict, which applies?
- c. Explain your reasoning



Good Luck

Exercise 01: Ranking

1. **b. Algerian Constitution 2020** (Supreme Law)
2. **e. International Human Rights treaty (ratified)** (Superior to ordinary law per Article 150)
3. **a. Civil Code** (Ordinary legislation –Ordinance 75-58)
4. **d. Presidential decree on public holidays** (regulation –executive level)
5. **c. Ministerial decree on scholarships** (Regulation –lowest administrative level)

Explanation

- Constitution** is always at the **top**.
- Ratified treaties** come after constitution but before ordinary law
- **Civil Code** is legislation passed by Parliament
- Presidential decrees** are higher than ministerial orders
- Ministerial orders** are at the **bottom** of hierarchy.

Exercise 02: Identification

1. **Source: Legislation (Primary Source)/** القانون (مصدر رسمي)

Explanation:

- *The Criminal Code is ordinary legislation
- *Passed by legislative authority
- *Written, official, and binding source

2. **Source: Custom (Secondary Source)/** العرف (مصدر تفسيري)

Explanation:

- *Traditional practise repeated over time.
- *Accepted by community as binding.
- *Used when no written law exists.
- *Has both material element (repetition) and psychological element (belief in obligation)

3. **Source: Judicial Precedent (Secondary Source)/** السوابق القضائية (مصدر تفسيري)

Explanation:

- *Court decision from previous case
- *Persuasive authority (not binding in Algeria’s civil law system)
- *Guides interpretation but doesn’t create law formally.
- *Lower courts often follow Supreme Court guidance.

4. Source: Legal Doctrine (Secondary Source) / (مصدر تفسيري) الفقه القانوني

Explanation :

- *Scholarly opinion /writing.
- *Academic analysis and commentary.
- *Not binding on courts.
- *Can influence legal thinking and reform.
- *Persuasive only.

Exercise 03: True or False

1. False.

Explanation:

- Custom is a secondary source.
- Legislation is a primary source.
- Custom is only used when law is silent.
- Article 01 Civil Code: custom applies “in the absence of legislative text”.
- Custom can not contradict written law.

2. True.

Explanation:

- Constitution is at the top of legal hierarchy.
- All other laws must conform to it.
- Constitutional Council reviews constitutionality of laws.
- No law contradict the Constitution.
- Foundation of entire legal system.

3. False.

Explanation:

- Algeria follows civil law system (not common law).
- Precedents are persuasive, not binding.
- Judges are bound by codes and legislation, not previous decisions.
- Supreme Court decisions have strong persuasive authority.

4. True

Explanation:

- Article 150 of Constitution: “Treaties ratified are superior to law”
- After ratification, treaties become part of domestic law.
- Treaties rank above ordinary legislation
- But treaties are still below the Constitution

-Example: Human rights treaties prevail over conflicting domestic laws.

5. False.

Explanation:

-Sharia applies primarily to personal status/ family matters.

-Article 222 Constitution: “Provisions relating to personal status are derived from Islamic Sharia.”

-Areas like criminal law, commercial law, and administrative law follow codified civil law.

-Sharia is within constitutional framework

-Example: Family Code (marriage, divorce, inheritance) based on Islamic principles.

6. False.

Explanation:

-Ministerial order = regulation (low in hierarchy).

-Parliamentary law = legislation (higher in hierarchy).

-Lower sources can not contradict higher sources.

-If ministerial order contradicts law, it can be annulled by administrative law.

Exercise 04: Case Analysis

a. Answer: The Education Law (passed by Parliament).

Explanation:

-Parliamentary law = ordinary legislation (higher level).

-Ministerial order = regulation (lower level)

-Legislation comes from representative body (Parliament).

-Ministerial order is administrative implementation.

b. Answer: The Education Law applies (school hours remain flexible).

Explanation:

-higher source prevails over lower source

-Ministerial order contradicts the law

-Schools can challenge the ministerial order in administrative court

- Court would likely annul Order No. 50 for exceeding legal authority.