

### 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: Choose the Correct Word

Select One word from the box to complete each sentence :

Word box:

\*Islamic Sharia \* Legal doctrine \* Higher \* Gap \* Persuasive \* Binding \* Superior \*  
Absence \*Regulations \* Jurisprudence.

- 1. The official sources of law include the Constitution, legislation, and .....
- 2. The interpretive sources includes custom, judicial precedents, and .....
- 3. In case of conflict between two sources, the ..... source is applied

4. Custom is applied when there is a ..... in the legislative text.
5. Supreme Court decisions in Algeria have ..... value.

**Exercise 04: 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 05: 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)**/ الفقه القانوني (مصدر تفسيري)

### **Explanation :**

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

### **Exercise 03: Choose the Correct Word**

Select One word from the box to complete each sentence :

Word box:

\*Islamic Sharia \* Legal doctrine \* Higher \* Gap \* Persuasive \* Binding \* Superior \*  
Absence \*Regulations \* Jurisprudence.

1. The official sources of law include the Constitution, legislation, and .....  
Choose (Islamic sharia OR Regulations)
2. The interpretive sources includes custom, judicial precedents, and .....  
Choose ( Legal doctrine OR Jurisprudence)
3. In case of conflict between two sources, the ..... source is applied  
Choose ( Higher or Superior)
4. Custom is applied when there is a ..... in the legislative text.  
Choose ( Gap OR Absence)
5. Supreme Court decisions in Algeria have ..... value.  
Choose ( Persuasive OR Binding)

### **Exercise 04: 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 05: Case Analysis**

- 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.