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Master Thesis Defense

Entitled

THE CRIMINAL JUDGEMENT FORCE BEFORE THE ADMINISTRATIVE JUDGE

By

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Abstract

Judgements in general and criminal judgements in particular, are of significant importance and seriousness. In addition to the consequences of penal punishment stipulated by the criminal judgements, such judgements sometimes have administrative effect and result. Hence, Administrative judiciary must identify, in its principles and judgements, the range which criminal judgements shall not exceed. Therefore, administrative judiciary has always had, relatively for long, its own stand regarding the effect of the criminal judgement before it. Thus, the researcher addressed the nature, importance and conditions of using of the force of the judicial judgement, and how to break the deadlock of what is already known about litigants unity, and the cause and subject matter of the precedent and subsequent lawsuits, and the difference between the definitive judgement and final judgement. The effect of the criminal judgement varies according to the type of the administrative judiciary (e.g. annulment judiciary, Compensation Judiciary), through the elements of criminal judgment which possess the force before it. Also, the extent and range of the substance of the force, and the situations which allow the judge to set the criminal judgment aside despite being a definitive criminal judgement having all its authentic requirements. However, an acquittal judgement does not always mean the impossibility of administrative penalty nor does a conviction judgement always mean a subsequent administrative judgement. Furthermore, since criminal judgements mostly deal with and offences which breach employee's honesty and trust, we have to define those offences and their limits, and how judiciary deals with cases brought before it. The effect of the criminal judgement is also obvious before the Compensation judiciary through the extent of the contribution of the criminal judgement or deciding on the question of identifying the tort liability (i.e. proving of tort element (beside the effect extent of the criminal judgement on the question of compensation assessing. As far as compensation is concerned, it is necessary to mention the question of limitation of the compensation lawsuit associated with the criminal lawsuit and the competent judiciary and the time in which compensation shall be assessed.

Keywords: UAE Federal and Omani Criminal Procedures Laws. UAE Human Resources Law and Oman Civil Service Law.