



جامعة الإمارات العربية المتحدة
United Arab Emirates University

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Master Thesis Defense

Entitled

*THE PHILOSOPHY OF DISCIPLINARY PUNISHMENT AND THE PRINCIPLES THAT GOVERN IT IN
THE LIGHT OF FEDERAL LEGISLATION IN THE UNITED ARAB EMIRATES*

By

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Abstract

This study examines the subject of the philosophy of disciplinary punishment and the principles that govern it in the light of the Federal Human Resources Act, which provides for five disciplinary sanctions (written attention, written warning, deduction from the basic salary, one-degree download, and dismissal from service). The main dilemma of this research is to indicate the extent to which these five punishments contribute to the achievement of compatibility and a fair balance between the public interest relating to the proper functioning of the facilities and the non-detriment of the rights and guarantees of the public servant, as well as his protection against the arbitrariness of the administrative authority when it is signed. In addition, see if these penalties ensure that the principle of proportionality between the offence committed and the penalty imposed on the employee is achieved. This research includes two sections, the first study examines the philosophy of punishment in general and presents the importance of disciplinary punishment and distinguishes it from similar punishments and measures and the description of disciplinary punishments provided for in the Human Resources Act. The second study examines the principles that govern the imposition of the following disciplinary punishment: the principle of the legality of punishment, the concept of a disguised sentence and its legality, the principle of non-retroactivity and any exceptions that may be made to it, the principle of non-punishment for violation twice, and finally the principle of proportionality Disciplinary proceedings signed with the offence committed. The research included a conclusion which included a number of the findings of the study, foremost of which was that the federal Human Resources Act expressly stipulated that the disciplinary sanction imposed should be proportionate to the seriousness and seriousness of the disciplinary offence committed and that the disciplinary authority should take this into account and ensure the right The staff member to seek judicial recourse when it is estimated that the administration has failed to observe this obligation. The conclusion also included a statement of some recommendations in the area of balancing the powers of the administration and the need to safeguard the rights of the public servant and ensure that the administration does not abuse him.

Keywords: disciplinary punishment, principle of legality, principle of non-retroactivity, principle of punishment unit, principle of proportionality of punishment.