



The College of Graduate Studies and the College of Law Cordially Invite You to a

Master Thesis Defense

Title

*THE RIGHT OF DEFENSE AS ONE OF THE DISCIPLINARY INVESTIGATION GUARANTEES
(IN LIGHT OF THE FEDERAL LEGISLATION AND SOME OF THE LOCAL LEGISLATIONS IN THE
UNITED ARAB EMIRATES)*

By

Shamma Mohammed Al Mazrouei

Faculty Advisor

Dr. Magdi Shouaib, Public Law Department

College of Law

Data & Venue

03:00 PM

Thursday, 16 April 2020

Room1005, first floor, H2 Building

Abstract

The disciplinary system is an integral part of the legal frame of the civil service as such it is developing in parallel with the civil service itself. The circumstances and the look to the civil service have changed as such, there was a need to clarify the civil servant's rights and obligations. The most important of which is that the civil servant shall act in a way that does not harm the dignity and respect of the civil service, as well as avoid any offensive act to his\her obligations so as not to be subject to investigation and discipline. The employer (Government entity) is committed to the continuity of the public facility in systematic and steadily manner. Therefore, it has the right of accountability towards the civil servant who is in violation of his\her duties and consequently impose the disciplinary punishment. We noticed that the Federal Legislation and the local legislations in the United Arab Emirates have regulated disciplinary guarantees in favor of the civil servant when he\she is referred to investigation and discipline in order to ensure that the Government entity is not abusing its authority in that regard. A fundamental guarantee when there is an investigation with the civil servant is to provide the civil servant with the right to express his\her point of view as well defending him\her self. This search has focused essentially on the right of defense as one of the discipline guarantees at the stage of investigation which includes the necessity of confronting the civil servant during the investigation and his\her right of review of the investigation file which shall ultimately guarantee his\her right of defense. In light of the various legislations concerned with the human resources in the UAE, this research has adopted a comparative approach between the federal legislation and the local legislations of each of Emirate of Abu Dhabi, Emirate of Sharjah, Emirate of Ajman and Emirate of Um Al Quain. The research ended with a conclusion that contained the most important results and recommendations.

keywords: Confrontation, Exercise of defense right, investigation file, comparative human resources legislations that are subject matter of the study whether on the federal or local levels.