

**MAKE UP EXAM**

**Preamble**

Whereas the First Party is a professional and licensed firm concern perform of legal consultancy and legal professional services,

Whereas the Second Party shows his true and serious desire to entrust the First Party to represent him and to bring suit against The Ministry of Municipal and Rural Affairs to stay and strike out the administrative decision to remove as may be encroachment on the roads surrounding the residential compound of.....

For the purpose of this Agreement and both parties hereto declare that they are legally competent to enter into this Agreement and agrees as follows:

1. The above preamble shall be an integral part hereof.
2. The Second Party hereby agrees to entitle the First Party upon the task of judiciary presentation and procedures related to therein , as to be defined and stated in the above Preamble.
3. The First party and the First Party's staff hereby accepted the above mentioned task, and the First Party undertaken to perform the above mentioned task with high quality in according with professional practices, and to endeavor to defense for the Second Party interests under the Second party evidences and documents.
4. Both Parties mutually agreed that the First party fees shall be defined by .....in return of acceptance by First Party to perform the above mentioned task, and the fees shall be paid as follows:
  - ( ..... ) shall be paid in advance as unrefundable first payment for reviewing and briefing the Case;
  - ( .... ) shall be paid when the case finished whether in favor of the Second Party or against him under the Final Court Ruling, or abandonment or conciliation.
5. The First Party shall have the right to get all fees as determined above immediately after the case finished , and/or by any way , even if the case finished by conciliation, whether this conciliation is made by the First Party or other party.
7. The Second Party shall be obligated to provide the First party by power of attorney , all required and necessary documents that proof the Second Party situation, and the Second Party agreed to pay the fees of accountants , connoisseurs or technicians as may the judiciary needs their reports.
8. Executed in duplicated , one copy per each party , for necessary action.

The First Party

The Second party

Signature : .....

Signature : .....

## Questions

### 1/Comprehension :

- Define in the text the First and the Second parties.
- Which Administrative decision has been disputed between the two parties?
- How the portions of charges are paid between the two parties?
- Whose task belong the judiciary presentation and procedures?

### 2/lexicology :

- Find the verbs of the following nouns: abandonment – authorization – recall – conciliation
- Find the adjectives of the following nouns: dispute – decision – law – comparison
- Find a synonym for the term “ evidence”

### 3/ Terminology:

- Translate into Arabic the underlined terms and expressions in the text.

### 4/ Written Expression:

- In few lines, explain the crucial role of the competent **consultancy** firms in the Administrative Disputes area.



## Text Study

Marriage is a legally recognized contract between a man and a woman.

### 1-1 – Capacity to marry

Marriage capacity is considered valid upon reaching the age of 19. However, a judge can grant an age exemption for a reason of interest or in case of necessity.

### 1-2 - Polygamy

It is allowed to marry more than one spouse if the reason is justified. The husband must inform his previous spouse and the future spouse and submit a marriage authorisation application to the presiding judge of the tribunal of the conjugal house area.

The president of the tribunal can authorise the new marriage if he/she notes their consent and that the husband has proven the justified reason and his capacity to offer equality and the necessary conditions for marital life.

### 1-3 – Elements that constitute a marriage

Marriage is entered into by consent of the future husband and wife, the presence of the marriage guardian and of two witnesses and the issuance of a dowry. Consent results from request by either part or consent of the other using any term to indicate that the marriage is legal. The request and consent of a disabled person are validated when expressed in any written or gestural form indicating marriage in the usual language or custom. Entering into marriage for a woman is the responsibility of her guardian who is either her father or one of her close relatives. A judge is the guardian of a person who has no relatives.

The marriage guardian (Wali) cannot prevent the person placed under their guardianship to enter into the marriage if she wishes it and if such marriage is advantageous. In case of objection, the judge can authorise the marriage. However, the father can object the marriage of his virgin daughter if that is in the interest of the daughter.

A Wali (marriage guardian), whether the father or another, cannot force a person placed under their guardianship to get married and cannot force them into marriage without their consent.

The dowry is what is paid to the future wife in money or any asset that is legally licit. The dowry is her property and she can freely own it.

The marriage agreement must indicate whether payment of the dowry is immediate or subsequent. Marriage consummation or death of the husband entitles the wife to her dowry in full. The wife is entitled to half of the dowry in case of divorce before marriage consummation. If, before the marriage consummation, the dowry result in a dispute between the spouses or their heirs and no one provides evidence, a decision is taken under oath in favour of the wife or of her heirs. If such dispute takes place after marriage consummation, a decision is taken under oath in favour of the husband or of his heirs.

### 1-5 – The Deed and proof of Marriage

The marriage deed is issued before a notary or a duly authorised civil servant. The spouses can stipulate in the marriage agreement any clause they deem relevant unless it is contrary to the

provisions of the law. The future spouse can be duly represented by a representative under a power of attorney when entering into the marriage deed. Marriage is proved by the issuance of copy of marriage record from the registry office. In the absence of a registration, it is made valid by a judgment if, however, the constituting elements of marriage are gathered. Once this formality is completed, it is registered in the registry office.

### **- Spouse rights and obligations**

The obligations of spouses are as follows:

Maintain marital bonds and duties of joint life, jointly contribute to protecting the interests of the family, protecting the children and their sound upbringing. Maintain kinship and good relations with parents and relatives. Cohabitation in harmony and mutual respect in indulgence. Mutual discussion in managing family affairs and keeping intervals between childbirths. Respect their respective parents and relatives and visit them. Each spouse is entitled to visit and host their parents and relatives in goodwill.

### **- Filiation:**

Filiation is established by valid marriage, the recognition of paternity, apparent or flawed marriage and any marriage cancelled after consummation. A child is affiliated to their father by legal marriage. the possibility of marital bonds unless paternity is denied as per the legal procedures

## **Questions :**

### **Comprehension :**

1. suggest a title to the text.
2. Enumerate the element of marriage in Algeria mentionned in the text.
3. How the marriage is performed legally in Algeria ?
4. find a synonym for the term (offer)

### **Terminology and lexicology :**

1. give the verbs of the following nouns : capacity, relative, marriage, notary
2. translate into arabic the underlined terms and expressions.

### **Translation :**

Translate into arabic the following article :

المادة 8 مكرر: الأمر رقم .... المؤرخ في .....

في حالة التتليس، يجوز لكل زوجة رفع دعوى قضائية ضد الزوج للمطالبة بالتطويق.



## Second Mid-term Examination

Algeria's Constitution enshrines the principle of non-discrimination based on sex and requires the state to take positive action to ensure equality of rights and duties of all citizens, men and women. In February 2016, parliament introduced an article proclaiming that the "state works to attain parity between women and men in the job market," and "encourages the promotion of women to positions of responsibility in public institutions and in businesses."

On December 10, 2015, parliament adopted amendments to the penal code specifically criminalizing some forms of domestic violence. Assault against one's spouse or former spouse can be punished by up to 20 years in prison, depending on the victim's injuries, and the perpetrator can face a life sentence for attacks resulting in death. The amendments also criminalize sexual harassment in public places.

Despite adoption of the law, Algeria has yet to adopt the more comprehensive legal measures, such as protection orders to protect women from violence and concrete duties on law enforcement to respond to domestic violence, needed to prevent domestic violence, assist survivors, and prosecute offenders.

### Questions

- Comprehension: 5pts

1. Suggest a title to the text.
2. Define in the text the mentionned features of legislation ?
3. How the legislation protect women from violence ?
4. Find a synonym for the term "modification"

- Language and Grammar :4 pts

1. Give the verbs of the following nouns: testimony- maintenance- compliance-liability
2. Give the adjectives of the following nouns: - succession- filiation - custody- heritage

- Terminology and Translation 11 pts

1. Translate into Arabic the underlined terms in the text.
2. Translate into English the following terms and expression:

- زواج شرعي - الولي - القهود - النيابة العامة.