

ماستر 1 قانون أسرة
2021/2022
دروس في المصطلحات القانونية
Lessons in English Terminology

chapter 1

The definition of Public law and Private law

المحور الاول : تعريف القانون العام و القانون الخاص

Law **usually** is **classified** into great classes; Public law and Private law. This classification is based upon a distinction between the public or private characteristics of the **persons** concerned.

1- Public Law: a general classification of law concerned with the **political** and **sovereign capacity** of the **state**. It is that area of **constitutional**, administrative, criminal and International Law that **focuses** on the **organization** of the **government**, the **relation** between the state and its **citizens**, the **responsibilities** of the government **officials**, and the relations between states. It is concerned with political **matters**, including the **power**, **rights**, **capacities** and **duties** of various levels of government and government officials.

2- Private Law: that **portion** of the law that **defines**, **regulates**, **enforces** and administers **relationships between individuals**, **associations** and **corporations**. As used in distinction to public law, the term means that part of the law is administered between a citizen and another citizen, or that is concerned with the **definition**, regulation and **enforcement** of rights in **cases** where both the person in whom the right inheres and the person

upon whom the **obligation** rests are private **individuals**. The classification of Law according to the public or Private Law criteria.

1- Public Law comprises for examples:

Constitutional Law, Administrative Law, Tax Law And Criminal Law.

2- Private Law comprises as an example:

Civil Law, Family Law, Labour Law And Commercial.

The difference between Public and Private Law

The key difference between the branches of Law **lays** in where the state/ government's **position** in its **relationship** with other legal persons, if it is practicing its power with high authority we are dealing with laws that belong to public Law, if otherwise it is Private Law.

usually عادة

classified مقسم

persons الشخص

political السياسي

sovereign سيادي

capacity الاهلية

state الدولة

constitutional دستوري

focuses يركز

government الحكومة

relation الديانة

responsibilities المسؤوليات

officials الاعوان الرسميين

matters الشؤون

capacitie الاهلية

duties الوجبات

portion (ميدان)

defines يعرف

regulates ينظم

enforces تنفيذ

relationships العلاقات

between بين

individuals الافراد

associations جمعيات

corporations شركات

definition تعريف

enforcement حيز النفاذ

cases حالات

obligation التزام

chapter 2

United Nations Human Rights Council

المحور الثاني : مجلس حقوق الانسان للامم المتحدة

The **Human Rights Council** is an inter-governmental **body** within the **United Nations** system made up of 47 **States** responsible for the **promotion** and **protection** of all human rights around the globe.

It has the ability to discuss all thematic human rights **issues** and **situations** that require its attention throughout the year. It meets at the UN Office at Geneva.

مجلس حقوق الإنسان التابع للأمم المتحدة

مجلس حقوق الإنسان هو هيئة حكومية دولية تابعة لمنظومة الأمم المتحدة، ويتألف من 47 دولة مسؤولة عن تعزيز جميع حقوق الإنسان وحمايتها في كافة أنحاء العالم. ويمتلك المجلس صلاحية مناقشة كل المواضيع والحالات المواضيعية لحقوق الإنسان التي تتطلب اهتمامه على مدار العام. ويعقد اجتماعاته في مكتب الأمم المتحدة في جنيف.

CHAPTER 3 : Format of the Thesis

المحور الثالث : كيفية اعداد مذكرة

How to Write a Master's Thesis

In form, the thesis is a lengthy experimental, design, or theoretical report, with a problem-method-results-discussion structure. This recurrent hypothetico-deductive pattern of developing a thesis to solve a problem and then constructing a methodology and testing for results is common in research writing. When you begin to write the first draft of your thesis, try to salvage useful material for problem statements, methodologies, and bibliographies from your thesis proposal. Make use of your laboratory notebook for detailed accounts of your procedures.

Front Matter

The front matter frames the thesis work. It includes these elements:

- **Title page.** A master department will have a standard title page form you are required to follow. The title should be informative, and reveal the topic of the thesis. Include the title, author, thesis supervisor, names of members of the jury, place, and date.
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- **Abstract.** Briefly state the (1) research problem, (2) methodology, (3) key results, and (4) conclusion (5) contain keywords. Generally, abstracts are between 100 and 150 words-roughly 5-10 sentences.
- **Acknowledgments.** شكر و عرفان Acknowledge assistance from advisors, sponsors, funding agencies, colleagues, technicians, and so on.
- **Table of contents.** الفهرس List the key subject headings and subheadings of your thesis with their page numbers. Number the front-matter section in lowercase roman numerals.

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- *Nomenclature* . List unfamiliar terms, symbols, acronyms and their meanings.

Body / المتن

In the thesis body, you provide the introduction , narrative, and analysis of your work. The body includes these elements:

- Introduction. State (1) the purpose of the investigation , the background (context and importance) of the problem (citing previous work by others),the problem being investigated ، general approach, and the criteria for your study's success.
- Conclusions. **Write a powerful conclusion.** **اكتب خاتمة قوية** ، Your conclusion should detail the importance of this Master's thesis to the subject community and may suggest the direction that future researchers might follow to continue with relevant information on the subject.
- Review the results in relation to the original problem statement. Assess the success of the study in light of the criteria of success you gave in the introduction.
- Recommendations. **التوصيات** If applicable, recommend directions for future work.

End Matter

The end matter is mainly referential material too detailed to fit well in the main narrative of work done. It includes these elements:

- Appendixes. **الملاحق** Provide detailed calculations, procedures, data in separate appendixes. Give each appendix a title, a letter (Appendix A, B, C), and an introductory paragraph.
- Bibliography. **قائمة المراجع** List alphabetically any works referred to in your study. Follow the bibliographical and footnote formats of your department (law department)

- ماهي طريقة كتابة المرجع او المصدر ؟
المرجع يختلف عن المصدر

How do you write a bibliography

- 1 author name. اسم المؤلف.
 - 2 title of the publication (and the title of the article if it's a magazine or encyclopedia) عنوان الكتاب أو المقال
 - 3 date of publication if it is an article تاريخ النشر اذا كان المصدر مقال
 - 5 the publishing company of a book. دار النشر.
 - 6 the volume number of a magazine or printed encyclopedia.
 - 7 the country of issuance .
 - 8 the year
 - 1 the website (include date of the update and hour)
- يجب ادراج تاريخ زيارة الموقع مع التوقيت كما يجب ان يكون ذلك الموقع رسمي او معترف به ، من اجل اضافة اكثر مصداقية لتلك المعلومات .

Abstract example :

Abstract : ملخص

The purpose of this study , is to high light the latest implementation of economic sanction under international law.

The impact of international economic sanctions on human rights,such as the right of life, rights of nutrition, right of health, and other human rights.

The concept of humanitarian exception gave the issue to the the international community to balance between keeping peace and security, with the respect of the human rights, this concept played an important role to stop their negative consequences ,by imposing smart sanctions as new method .

Keywords: كلمات مفتاحية United Nations, Economic Sanctions, Smart Sanctions, Human Rights.

Chapter four : Legal prosecution in Algerian family law

المحور الرابع : النيابة الشرعية في قانون الاسرة الجزائري

The Algerian legislator set the provisions of the legal prosecution by the articles of the **family law**. This system principally aims to protect the **funds** of a **young age minor** or one of the **hindrance** of **eligibility**. The **legislator** already provided differente forms i.e **Guardianship**, **Trusteeship** and **custody** .

تنص المادة 81 من ق.أ.ج على أنه: كل من كان فاقد الأهلية، أو ناقصها لصغر السن، أو جنون، أو عته، أو سفه ينوب عنه قانونا ولي، أو وصي، أو مقدم، طبقا لأحكام هذا القانون. وتنص المادة 44 من ق.م.ج على أنه: « يخضع فاقدوا الأهلية، وناقصوها، بحسب الأحوال لأحكام الولاية، أو الوصاية، أو القوامة، ضمن الشروط ووفقا للقواعد المقررة في القانون. إذ نظم المشرع أحكام الولاية على مال القاصر في الكتاب الثاني من ق.أ.ج. تحت عنوان النيابة الشرعية التي تكون إما طبيعية نظرا لصلة الدم والقرباة ، وإما مكتسبة ومستمدة من الولي الطبيعي إلى الغير ، كما نص المشرع الجزائري في أكثر من 47 مادة من قانون الإجراءات المدنية و الإدارية على سبل وآليات حماية حقوق القصر

family law قانون الاسرة

funds الاموال

minor قاصر

hindrance اعاقاة

eligibility أهلية

legislator المشرع

Trusteeship الوصاية

custody الحضانة

a senior guardianship الحجر

Chapter 5 : Exequatur procedures

المحور الخامس : تنفيذ الاحكام الاجنبية في الجزائر

What is the Meaning of (Exequatur of judgment) ?

Is an **equivalent** judgment **obtained** from an Algerian Court, by an Algerian judge, which makes enforceable on the National territory a **final judgment of divorce** from an **foreign** Court.

Exequatur procedures **allow to make enforceable in a State a judicial decision rendered abroad**. ... Exequatur **procedures** involve the **sovereignty** of a State since this procedure **allows** the **execution** of a **court decision** given in Algeria has a uniform law system. Hence, the procedure of 'exequatur' is used to enforce the foreign judgments within the **entire Algerian territory**. The 'exequatur' is **regulated** by **internal rules** which are completed by Algeria **case law applying the international conventions**.

Under Articles 605, 606, 607, and 608 of the Algerian Code of Civil Procedure, any decision by non-Algerian courts will be **recognized** and **declared enforceable** in the People's Democratic Republic of Algeria by the Algerian Court of First Instance .

إن الأحكام القضائية الأجنبية تقبل التنفيذ أمام القضاء الجزائري وفق شروط معينة، ويخضع هذا التنفيذ لأحكام الاتفاقيات الدولية – الجماعية والثنائية - التي تكون الجزائر طرفاً فيها إذا توافرت شروط تطبيقها، وإلاً وفقاً لقانون الإجراءات المدنية والإدارية الصادر بموجب القانون رقم 08 – 09، وتعد هذه الشروط مألوفة إلى حد ما في مختلف التشريعات

obtained متحصل عليه

final judgment حكم نهائي

divorce طلاق

foreign اجنبي

allow يسمح

procedures اجراءات

judicial قضائي

execution تنفيذ

court مجلس،

entire جميع

territory اقليم

regulated منظم

internal داخلي

international دولي

conventions معاهدات

recognized معترف

declared معلن

enforceable قابل للتنفيذ

Chapter six رسالة تحفيزية Tips for motivation letter

مثال عن تقنيات كتابة رسالة تحفيزية من اجل اقناع مسؤول الموارد البشرية

في العموم يجب اقناع المسؤول على أنه انتي او انت قادر على ان تحصل على ذلك المنصب الشاغر، عن طريق ابراز نقاط القوة التي تتمتع بها ، يجب تفادي تكرار المعلومات التي سبق و ان تطرقت اليها في السيرة الذاتية .
هذا الشخص يريد العمل في المحكمة الجنائية الدولية ، يريد اقناع مسؤول الموارد المالية على انه يستهل تلك الوظيفة :



I would describe myself as a very determined and highly motivated person. I take my job seriously .

I'm particularly motivated by working in a team.

My professional interests are in the field of International Criminal Law, International human rights law , International humanitarian law .

I believe my skills and experience are a very good match for this post .

I'm actually working as an Attorney in a large law firm, we have dealt with many different cases relating to criminal law , human rights issues.

I am holding a Ph.D in Public Law, and my research was in: « **The new applications of international economic sanctions under international law** », part of my researches was related to economic sanctions under resolution 1591 (2005) concerning the Sudan and many other countries .

My masters degree was in the field of international criminal law and IHL , my research was on the : "**Prohibition of weapons of a nature to cause superfluous injury or unnecessary suffering**" .

Working for ICC would be an opportunity to learn about the core values and initiatives of Prosecution Division, and be a part of the mission that is leading Office Of The Prosecutor.

I believe, with my ambition and determination to achieve results, I can provide

a fresh perspective and contribute to the development of the strategies of change at the Prosecution Division.

I have organized, participated in seminars on many different issues.

I am multi lingual, speaking 4 of the 6 UN official languages and having grown up in Algeria, I am well acquainted with the localities and people of the region. I am able to converse with people from all walks of life, having worked with judges at tribunals and also everyday people.

I hope you will consider me for this position and look forward to discussing it further with you.

Best regards .

Good luck / Dr.Zaki Lounaouci