


Criminalization and Punishment Policies in Administrative Disciplinary Law: A Comparative Study of Criminal Law from a Societal Perspective

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Abstract

This study aimed to explore how society perceives disciplinary law (DL) policies in comparison to traditional criminal law, particularly in terms of criminalization and punishment. To achieve this goal, data was collected through a questionnaire-based survey involving 137 specialized respondents. The survey offers insight into the various aspects of DL, including its clarity, fairness, and effectiveness in deterring administrative violations and promoting discipline. The results indicated that whereas DL seems effective and fair, urgent reforms are necessary, especially in aligning its procedures and sanctions with those of criminal law. Furthermore, the findings highlighted the need for more precise definitions of misconduct and improved procedural fairness to strengthen public trust and enhance the law's deterrent effect. Statistical tests reveal that respondents' opinions are not neutral, with a general consensus in agreement with the statements. The study's findings highlight the pressing need to review and reform the DL structure to confirm fairness, consistency, and impressionability, thereby advancing immediate action.

Keywords:

Disciplinary Law; Societal Perspective; Legal Reform.

Introduction

Criminal law, represented by private criminal law, is a vital branch of law that plays a distinctive societal role. It protects society from the hazards of criminal behavior through deterrence, incapacitation, rehabilitation, retribution, and restitution.¹ The criminalization and punishment policy of the state's criminal justice system is a defining feature of criminal law. It identifies behaviors as criminal and prescribes suitable penalties for their violation.² By prohibiting certain behaviors or deeming them unlawful, criminal law provides a fitting response to wrongdoing, including penalties and a distinct procedure for establishing guilt.³ Nevertheless, disciplinary law, a crucial aspect of the public structure, is deeply embedded in every state organization, regardless of its nature. Its primary function is to oversee and identify the conduct of public officials by the directorial doctrines outlined in existing legislation. This oversight is not merely conventionalism; it is vital for preserving the integrity and effectiveness of public institutions, ensuring that the state's objectives and interests are upheld. The role of disciplinary law in maintaining the integrity and efficiency of public institutions is not just fundamental—it is paramount, as it ensures that public officials adhere to the highest standards of conduct. Disciplinary law encompasses sanctions imposed when a public official breaches their duties and prohibitions, serving as a deterrent against misconduct and reinforcing compliance with administrative laws, regulations, and policies.⁴

¹ Henderson, H. *Alaska Criminal Law*, (2022): 23–24.

² Hall, D. *Criminal Law, and Procedure* (8th ed.). Delmar Cengage Learning, New York, (2008): 24.

³ Cornford, A. "The Aims and Functions of Criminal Law," *The Modern Law Review*, 87, no. 2, (2024): 398–429. <https://doi.org/10.1111/1468-2230.12846>

⁴ Rathee, A. "Understanding Administrative Sanctions: A Comprehensive Guide to Types and Consequences." (2020): <https://www.sanctionfy.com/blog/understanding-administrative-sanctions-a-comprehensive-guide-to-types-and-consequences>

Additionally, it is common for legislation to empower administrators to establish rules or adjudicate specific cases.⁵

Both disciplinary law and criminal law encompass punitive and preventive rules. However, distinguishing between these two branches of law has become increasingly challenging due to the evolving boundaries of repressive law.⁶ Nevertheless, criminal law legislators define unlawful acts, omissions, and corresponding punishments.⁷ According to the principle of legality, a penalty only applies to an action if it was punishable under the law in force at the time the action was committed. For instance, 21 U.S. Code § 863, stipulates that “(a) In general, it is unlawful for any person—(1) to sell or offer for sale drug paraphernalia; (2) to use the mails or any other facility of interstate commerce to transport drug paraphernalia; or (3) to import or export drug paraphernalia. (b) Penalties: Anyone convicted of an offense under subsection (a) of this section shall be imprisoned for not more than three years and fined under title 18.”⁸

In disciplinary law, an offense constitutes a violation of administrative rules, public official duties, and regulations, resulting in fines or other sanctions.⁹ In this context, the legislator specifies an administrative violation as any unlawful action or omission committed by a public official that breaches the duties associated with their position as outlined in laws, regulations, directives, and legal orders from superiors. Such violations may also include conduct that undermines the dignity of the position held. Unlike criminal law, disciplinary law does

⁵ Gellhorn, W. “Administrative Prescription Imposition of Penalties.” *Washington University Law Quarterly*, 1970 no.3, (1970): 265–286.

⁶ Naibaho, N., Harkrisnowo, H. AR, S. and Wibisana, A. G. “Administrative Law: Developments and Challenges in Indonesia,” *Indonesia Law Review*, 11, no. 1, (2021): Article 1. DOI: <http://dx.doi.org/10.15742/ilrev.v11n1.647>

⁷ Nirmala k G. & Zegeye, A. *Criminal Law I, Teaching Material*, (2009): https://www.lawethiopia.com/images/teaching_materials/Criminal%20law%20I.pdf

⁸ US CODE, (2023): <https://www.govinfo.gov/content/pkg/USCODE-2023-title21/pdf/USCODE-2023-title21-chap13-subchapI-partD-sec863.pdf>

⁹ Ming, H. “Re-discussion of the Nature of Administrative Crime and its Influence on the Status of Administrative Criminal Law.” *Modern Law Science*. (2004): <https://typeset.io/papers/re-discussion-of-the-nature-of-administrative-crime-its-3qusi2z5>, <https://www.doi.org/10.32577/MR.2020.4.2>

not specify particular offenses or corresponding sanctions; instead, punishments are determined based on the nature of the act or omission.¹⁰ For example, Article 5 of the Saudi Job Discipline Law stipulates that “Any public official found to have committed a financial, administrative, or disciplinary offense that constitutes a breach of his duties shall be subject to the sanction prescribed in the law.” In contrast, Article 6 of the Job Discipline Law states, “Sanctions that may be imposed on public officials include: 1. Written warning. 2. Salary deduction, not exceeding three months’ net salary, provided the monthly deduction should not exceed one-third of the net salary. 3. Deprivation of one annual bonus.”

The study aims to explore how society perceives disciplinary law policies concerning criminalization and punishment compared to criminal law. Given the previous and limited literature in this context, investigating this issue still needs to be completed. Therefore, the present study offers a novel contribution by providing unique insights into criminalization and punishment policies in disciplinary law from a social perspective. It also establishes a foundation for further research and investigation, helping policymakers balance accountability based on public interest considerations with individual rights. It also encourages further reflection on potential legal reforms, enhancing the transparency and fairness of administrative and criminal justice systems. Moreover, this study highlights the significance of its role in examining the societal differences between criminalization and punishment policies in disciplinary and criminal law.

The study sheds light on the scopes of disciplinary law related to clarity, fairness of sanctions, effectiveness, public trust, comparative efficiency, procedural fairness, consistency in application, the potential need for reform, and the balance between law and rights. Regarding the clarity of laws, misconduct (administrative or financial offense) in disciplinary law needs to be more specific and precise; like criminal law, Al-Tamawi indicated that some law jurists advocate for codifying

¹⁰ Al-Tamawi, S. M. *Administrative Judiciary*, Book 3, *Disciplinary Judiciary*, 3rd ed., Dar Al-Fikr Al-Arabi, (1987): 45-48. Ministry of Finance and the Public Service: “Disciplinary Policy for Public Bodies.” (2016): <https://www.mof.gov.jm/wp-content/uploads/disciplinary-policy-public-bodies-2016.pdf>

administrative offenses as criminal law for clarity purposes.¹¹ According to Valkadinova, the fairness of sanctions, dictates that proportionality in exercising powers to issue administrative decisions by the administrative agencies is a fundamental doctrine of the administrative process.¹² On the other hand, Ukpere observed that the effectiveness of disciplinary action significantly depends on the reasons and circumstances under which it is applied.¹³ Concerning people's trust in the ability of disciplinary law to hold public officials accountable, Renfro confirmed that when public officials are held responsible for their job performance, it strengthens the trustworthiness of governmental actions.¹⁴ In terms of comparative efficiency, disciplinary law is less effective than criminal law in deterring and punishing unlawful actions. Shabangu, Kahn, and Thani explained that the general objective of discipline is not only to minimize the number of public officials breaking discipline rules or the number of immoral behavior appearances but, first and foremost, to enhance the quality of life in the workplace and increase public official satisfaction.¹⁵ The Australian Law Reform Commission (ALRC) has indicated that a fair decision-making procedure is a vital element of the rule of law, particularly in terms of procedural fairness, ensuring that the competent authority acts reasonably in disciplinary decision-making.¹⁶ In his turn,

¹¹ Al-Tamawi, S. M. *Administrative Judiciary, Book 3, Disciplinary Judiciary*, 3rd ed., Dar Al-Fikr Al-Arabi, (1987): 96-99.

¹² Valkadinova, V., "The Principle of Proportionality in the Application of Sanctions and Other Measures of State Coercion According to Bulgarian Legislation and European Union Law." International Scientific Conference: Law in the context of addressing the Challenges of the Contemporary World. (2018): <https://www.prafak.ni.ac.rs/files/zbornik/sadrzaj/zbornici/z79/10z79.pdf>

¹³ Ukpere, W., "The Effectiveness and Consistency of Disciplinary Actions and Procedures within a South African Organization." *Mediterranean Journal of Social Sciences*, 5, no. 4, (2014): 589-596.

¹⁴ Renfro, J., L. *Public Administration: The Essentials*, University of Northern Iowa. <https://open.umn.edu/opentextbooks/textbooks/1558> (2023).

¹⁵ Shabangu, K., M. Kahn, S. B. Thani, X. C. "Critical Considerations for Effective Discipline Management in the Public Sector," *Administratio Publica*, 30, no. 4, (2022): 71-95. https://journals.co.za/doi/epdf/10.10520/ejcadminpub_v30_n4_a5

¹⁶ Australian Law Reform Commission (ALRC) Report, (2015): 1-596. https://law.unimelb.edu.au/_data/assets/pdf_file/0009/2248227/2015.dec.alrc_129_final_report_.pdf

Cole noted that the consistency of disciplinary law application in various public institutions is a significant aspect of procedural fairness in disciplinary decisions.¹⁷ Finally, concerning the need for disciplinary law reform, G. Avdeiko and A. Gazizov confirmed that reforming the legislation on administrative offenses is essential.¹⁸ On the balance between disciplinary law and rights, Bruegger affirmed that various interactions exist between the rule of law and an individual's freedom. Observance of the rule of law enhances freedom by fostering stability and predictability in the law, which people can rely on to plan their behaviors at any given time.¹⁸

The remainder of this study is structured as follows. The second section covers materials and methods. The third section presents the results, followed by a discussion in the fourth section. Finally, the fifth section five concludes the article.

Method

Data collection and descriptive analysis

The data for this study were collected through an online survey distributed to a diverse group of respondents. Specifically, I used a structured questionnaire to evaluate perceptions regarding the clarity, fairness, and effectiveness of criminalization and punishment policies in disciplinary law compared to those in criminal law. It introduces a brief overview of the study's purpose and ensures confidentiality. The questionnaire is designed to be completed online, providing the facility responds to the reception. The target sample comprised participants from various professional categories, including lawyers, academic staff, students, graduates, public officials, and legal advisors, thereby ensuring diverse perspectives. Additionally, the respondents varied in terms of gender, age, and work or study experience, ranging from less than five

¹⁷ Cole, N. "Consistency in employee discipline: An empirical exploration." *Personnel Review*, 37, no. 1, (2008): 109–117. <https://doi.org/10.1108/00483480810839996>

¹⁸ G Avdeiko, A., A Gazizov, D. "Reforming the Legislation on Administrative Offences," *Siberian Law Review*, 16, no. 4, (2019): 454-467. <https://doi.org/10.19073/2658-7602-2019-16-4-454-467>

¹⁹ Bruegger, J., A. "Freedom, Legality, and the Rule of Law." *WASH. U. JUR. REV.* 9, no. 1 (2016): https://openscholarship.wustl.edu/law_jurisprudence/vol9/iss1/7

years to over 20 years. A total of 137 responses were received and approved.

Table 1: Items and questions of the study

Variable	Question
Clarity of Laws:	Do you think that describing misconduct in disciplinary law should be more specific and precise, similar to the standards in criminal law?
Fairness of Sanctions:	Do you think the sanctions imposed under disciplinary law are proportional to the offenses committed by public officials?
Effectiveness of Disciplinary Law:	Do you think the criminalization policy in disciplinary law effectively deters public officials from committing administrative offenses?
Public Trust	Do you think people trust the ability of disciplinary law to hold public officials accountable?
Comparative Efficiency:	Do you think disciplinary law is less effective than criminal law in deterring and punishing unlawful actions?
Procedural Fairness:	Do you think the procedures for prosecuting unlawful acts under disciplinary law are fair and ensure the rights of the accused?
Consistency in Application:	Do you feel that disciplinary law is applied consistently in various public institutions?
Need for Reform:	Do you think there is a need to reform the criminalization policies of disciplinary law to align it more closely with criminal law?
Balance Between Law and Rights:	In your opinion, does disciplinary law strike a good balance between enforcing legal standards and protecting the rights of public officials?

The questionnaire consisted of nine structured questions addressing key variables, as indicated in Table 1. Respondents rated their agreement with the statements on a five-point Likert scale ranging from 1 to 5, indicating “Strongly Disagree” to “Strongly Agree.” The online platform (Google) ensured respondents’ confidentiality, and all data were stored securely in compliance with ethical research standards.

Figure 1 and Table 2 represent the distributions of the respondents by demographic characteristics, including gender, age, and position. The survey results reveal critical insights into the demographic composition of the respondents based on gender, age, and professional position. The gender distribution indicates a notable imbalance, with 93% of the respondents identifying as male and only 7% as female. This suggests a significant gender disparity in the study population, potentially reflecting the large number of males compared to females. This can reflect a representative sample given that the number of males in professions such as law and public administration remains predominantly male due to historical and cultural factors.

Regarding age, most participants are 55 years and above, representing 53% of the total sample. This indicates that many respondents are experienced professionals with likely extensive careers in the legal or administrative fields. The 36-55 age group accounts for 25%. Meanwhile, the younger age groups are underrepresented, with 13% of participants aged 26-35 years and only 9% falling into the 18-25 years category. This suggests that the responses primarily come from older individuals, which may influence the study’s results to reflect more traditional or experienced viewpoints.

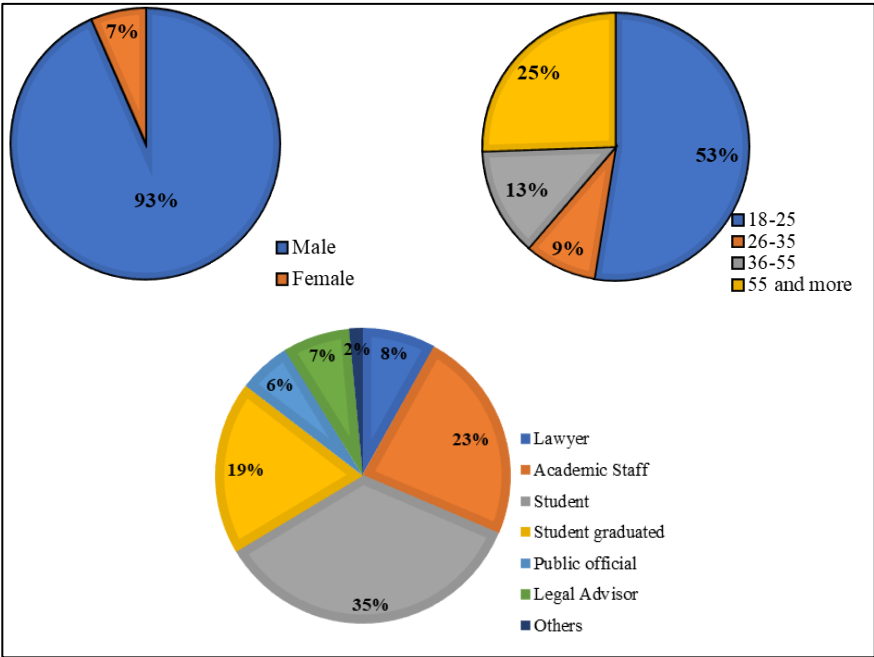


Figure 1: Distributions of the sample by gender, age, and position

When examining the professional roles of the respondents, the largest group consists of graduates, making up 35% of the sample. This is followed by academic staff at 23% and public officials at 19%, indicating that the survey attracted a significant number of participants from the academic and public service sectors. Lawyers account for a smaller portion of the sample at 8%, while legal advisors represent 6%. Students make up 7% and a small proportion of others at 2%, further highlighting that most respondents have a solid professional or academic background, particularly in legal or public administrative fields.

Table 2: Distribution of the respondents by gender, age, and position

	Number	Percentage
<i>Gender</i>		
Male	128	93.43%
Female	9	6.57%
<i>Age</i>		
18-25	72	52.55%
26-35	12	8.76%

36-55	18	13.14%
55 and more	35	25.55%
<i>Position</i>		
Lawyer	11	8.03%
Academic Staff	32	23.36%
Student	48	35.04%
Student graduated	26	18.98%
Public official	8	5.84%
Legal Advisor	10	7.30%
Others	2	1.46%

The demographic data reveal a predominantly male, older, and professional sample with strong representation from the academic and public service sectors. These characteristics suggest that the study's results may reflect the views of established professionals, possibly offering deeper insights based on years of experience.

Based on a descriptive-analytic technique, the study's methodology aims to thoroughly investigate and analyze respondents' perspectives on the criminalization and punishment policy in disciplinary Law.

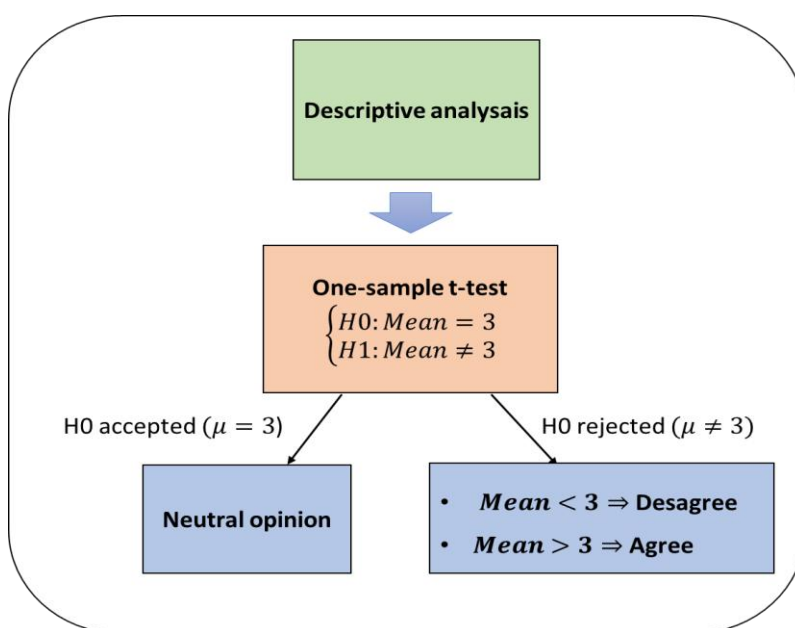


Figure 2: Model of the study

The analysis uses tables and graphical representations to portray the distribution of responses and facilitate the identification of trends and patterns in the data.

Additionally, a statistical method was used to evaluate the general trends in the respondents' opinions. The study compares explicitly the average reaction on the Likert scale for each statement to a neutral baseline of 3. Responses with a mean below 3 indicate a predisposition toward disagreement, and responses with a mean above 3 suggest a tendency toward agreement.

The adopted testing procedure is twofold. Firstly, we apply the one-sample t-test against the mean value of 3, which tests the null hypothesis H_0 versus the hypothesis H_1 as follows:

$$\begin{cases} H_0: \text{Mean} = 3 \\ H_1: \text{Mean} \neq 3 \end{cases} \quad (1)$$

Where *Mean* is the average value of the different respondents by applying the values 1, 2, 3, 4, and 5 if the respondent strongly disagrees, degrees, neutral, agrees, and strongly disagrees, respectively.

Secondly, if hypothesis H_0 is accepted, we retain that the respondents are globally neutral about the statement. However, if the null hypothesis is rejected, the respondents are not neutral. In this case, we see the calculated mean value of the responses. If this value is below (upper than) 3, we conclude that the respondents globally disagree (agree) about the statement. For a clearer picture of the adopted methodology, see Figure (2).

Result and Discussion

A. Results

Table 3 reports the number and percentage of the respondents who strongly disagree, disagree, neutral, agree, and strongly agree. The responses concerning the clarity of disciplinary laws indicate a high level of agreement. A total of 48% of respondents agree that the laws need to be more specific, and 33% strongly agree, making it the most highly endorsed opinion at a combined 81%. Only a small fraction, 3% strongly disagree, and 4% disagree, indicating that the vast majority believe that the definition of misconduct under disciplinary law should be improved to align more closely with criminal law.

Table 3: Distribution of the opinion of the respondents for different statements:

Item	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
<i>Numbers</i>					
Clarity of Laws	4	6	16	66	45
Fairness of Sanctions	4	20	28	53	32
Effectiveness of DL	9	21	31	43	33
Public Trust	8	23	24	42	40
Comparative Efficiency	3	18	23	52	41
Procedural Fairness	5	15	31	57	29
Need for Reform	3	14	31	49	40
Balance Between Law and Rights	4	14	28	56	35
<i>Percentage</i>					
Clarity of Laws	3%	4%	12%	48%	33%
Fairness of Sanctions	3%	15%	20%	39%	23%
Effectiveness of DL	7%	15%	23%	31%	24%
Public Trust	6%	17%	18%	31%	29%
Comparative Efficiency	2%	13%	17%	38%	30%
Procedural Fairness	4%	11%	23%	42%	21%
Need for Reform	2%	10%	23%	36%	29%
Balance Between Law and Rights	3%	10%	20%	41%	26%

The opinions are more divided regarding the fairness of sanctions under disciplinary law. While 39% agree and 23% strongly agree that the sanctions are proportional to the offenses committed by public officials, a notable 15% disagree, and 20% remain neutral. The relatively high proportion of neutral responses suggests that some respondents may feel uncertain or perceive the fairness of penalties as case-specific. This division implies room for further examination of how sanctions are perceived in various contexts.

When asked about the effectiveness of disciplinary law, 31% agreed that active disciplinary law is effective in deterring offenses, and 24% strongly agreed, amounting to a combined 55% endorsement of its deterrent effect. However, 23% of respondents remain neutral, and 15% disagree. These results suggest that while most respondents find DL somewhat effective, a significant portion question its effectiveness or require clarification.

The public's trust in disciplinary law's ability to hold officials accountable appears relatively high. A total of 31% of respondents agree, and 29% strongly agree, reflecting a 60% overall positive response. However, 18% of respondents are neutral, while 23% either disagree or strongly disagree. This suggests that while most respondents express trust in the system, a notable minority hold reservations about its capacity to earn public trust.

Regarding the comparative efficiency between disciplinary law and criminal law, 38% agree, and 30% strongly agree that administrative law is less efficient, reflecting a 68% opinion that criminal law is superior in deterring and punishing unlawful actions. However, 17% remain neutral, and 15% disagree, indicating that while there is a strong perception of the greater effectiveness of criminal law, some respondents still view disciplinary law as relatively efficient or at least on par with criminal law.

Opinions about procedural fairness are more balanced, with 42% agreeing and 21% strongly agreeing that the procedures under disciplinary law are fair and protect the rights of the accused. However, 23% are neutral, and 15% disagree or strongly disagree, suggesting that while many believe in the fairness of the process, a sizable group remains uncertain or critical of the procedures used in administrative disciplinary cases.

Another topic on which opinions lean toward agreement is the need for reform in disciplinary law. A total of 36% agree, and 29% strongly agree that reform is necessary, representing 65% of the respondents. Meanwhile, 23% are neutral, and 12% disagree, indicating that while a majority see reform as necessary, a considerable group either does not perceive an immediate need for change or remains indifferent to it.

Lastly, regarding the balance between enforcing legal standards and protecting the rights of public officials, 41% of respondents agree, and 26% strongly agree that disciplinary law strikes a good balance. With 20% remaining neutral and 13% disagreeing or strongly disagreeing, the results indicate a general sense of satisfaction with how the law balances these concerns. However, a portion of respondents remain unconvinced or believe the balance could be improved.

The findings from this study section demonstrate general satisfaction with the clarity, effectiveness, and fairness of disciplinary law. However, some areas, particularly the fairness of sanctions and procedural fairness, require improvements. A strong call for reform and more specificity in laws highlights the perceived need for evolution within the administrative disciplinary system, aiming to make it more comparable to the criminal justice system in terms of clarity and efficiency.

Table 4 presents summary statistics, including the mean and standard deviations of various items, to provide further insight into the respondents' opinions regarding different statements. This table also contains the results of the T-test (indicated above) to see if the mean of responses is equal to or different from 3 (neutral opinion).

Table 4: Summary statistics and T-test results

Item	Descriptive statistics		T-test (mean = 3)		
	Mean	St.Dev	T-stat	p-value	Results
Clarity of Laws:	4.04	0.94	12.872	2.20e-16	Mean > 3
Fairness of Sanctions:	3.65	1.08	7.0283	9.18e-11	Mean > 3
Effectiveness of DL:	3.51	1.20	4.9788	1.91e-06	Mean > 3
Public Trust	3.61	1.23	5.7518	5.58e-08	Mean > 3
Comparative Efficiency:	3.80	1.08	8.728	8.25e-15	Mean > 3
Procedural Fairness:	3.66	1.05	7.3492	1.67e-11	Mean > 3
Need for Reform:	3.80	1.04	8.9186	2.79e-15	Mean > 3
Balance Between Law and Rights:	3.76	1.04	8.5449	2.32e-14	Mean > 3

The descriptive statistics in Table 4 provide average values for respondents' views on various aspects of disciplinary law. The mean values across all items are higher than the neutral value of 3, suggesting that respondents generally hold favorable opinions. The "Clarity of laws" item has the highest mean at 4.04, indicating that respondents believe the laws are clear. "Comparative efficiency," "Need for Reform," and "Balance Between Law and Rights" also have a mean of 3.80, reflecting strong agreement with these statements. The "Fairness of sanctions" and "Procedural Fairness" items show slightly more mixed perceptions, with means of 3.65 and 3.66. The standard deviations range from 0.94 to 1.23, suggesting some variability in respondents' opinions, particularly on Public Trust and the Effectiveness of DL, where the higher standard deviations indicate more diverse views.

The results of the t-tests indicate that the mean values are statistically significantly greater than 3 (neutral) for all items, with p-values below 0.05 in every case. This implies that respondents, on average, agree with the statements rather than being neutral. The t-statistics are particularly large for the Clarity of laws (12.872) and the Need for reform (8.9186), demonstrating strong agreement that the rules of law are clear and that reform is necessary. Even for items with slightly lower means, such as the Effectiveness of DL and Fairness of Penalties, the t-test results indicate significant agreement beyond a neutral stance, rejecting the null hypothesis that the mean is equal to 3. These findings confirm that respondents generally perceive disciplinary law positively across all areas, as indicated by mean values of more than 3.

B. Discussion

The results of the descriptive statistics and t-tests offer valuable insights into how respondents perceive various aspects of disciplinary law in comparison to criminal law. The consistently high mean values across all items suggest that respondents generally view the existing legal framework positively. For instance, the results indicate strong agreement on the clarity of disciplinary laws, although some respondents acknowledge room for improvement. Notably, there have been ongoing discussions about codifying administrative violations as criminal offenses under the law. Jurists remain divided on this issue, with some advocating

for codification and others opposing it.¹⁹ The conclusion reached by the respondents aligns with the viewpoint that supports codification. Similarly, findings on comparative efficiency and the need for reform reflect a recognition that, while the current system is functional, significant reforms are needed to align disciplinary policies more closely with criminal law. This underscores a broader call for modernization in administrative laws to improve efficiency and effectiveness in practice. Conversely, Rathee argued that administrative sanctions are not criminal; instead, they are generally considered civil, with the primary purpose being behavior correction rather than punishment.²⁰ In the same vein, Bhavani emphasized that discipline should not be considered as a punitive measure but as a means to enforce standards within organizations.²¹ However, Kidron asserted that administrative sanctioning evolved as an independent legal framework alongside criminal and civil law.²²

On the other hand, the moderate agreement on the fairness of sanctions and procedural fairness suggests that respondents acknowledge efforts to ensure proportional sanctions and fair processes. As Hirsch stated, the fairness of sanctions is a requirement of justice.²³ Additionally, procedural fairness encompasses the values protected by the legal guarantees provided in various procedures, including administrative ones.²⁴ However, some respondents may still feel that certain areas

¹⁹ Al-Tamawi, S. M. *Administrative Judiciary, Book 3, Disciplinary Judiciary*, 3rd ed., Dar Al-Fikr Al-Arabi, (1987): 91-99.

²⁰ Rathee, A. "Understanding Administrative Sanctions: A Comprehensive Guide to Types and Consequences." (2020): <https://www.sanctionfy.com/blog/understanding-administrative-sanctions-a-comprehensive-guide-to-types-and-consequences>

²¹ Bhavani, P., A "Study on Employee's Discipline and Its Effect on Organizational Performances." *International Journal of Business and Management Invention (IJBMI)*, 9, no. 6, (2020): 1-4. DOI: 10.35629/8028-0906040104

²² Kidron, E. Y. "Understanding Administrative Sanctioning as Corrective Justice," *U. MICH. J. L. REFORM*, 51, (2018): 313–355.

²³ Hirsch, A. v. Censure and Proportionality, (1996): <https://academic.oup.com/book/11029> 6-19
<https://doi.org/10.1093/acprof:oso/9780198262411.003.0011>

²⁴ Bernatt, M. "The Principle of Procedural Fairness and its Implementation in the Administrative Proceedings- perspective of the Country in the democratic transition." Paper for the workshop on Constitutional Principles and democratic

require further attention to balance punitive measures and procedural fairness more evenly. This result aligns with a study by Kargaudiene, which emphasized, regarding the principle of proportionality, that there should be a coherence between the aim and the administrative means used to achieve such aim.²⁵ The significant t-test results (p-values < 0.05) indicate that respondents' opinions are decisively positive rather than neutral across all items. The exceptionally high t-values for clarity of laws and the need for reform imply that these areas evoke the most potent convictions, suggesting these may be priorities for future legislative revisions. Notably, the significant agreement on public trust (mean 3.61) and effectiveness of DL (mean 3.51) highlights that while the public is relatively confident in the ability of DL to hold officials accountable, there is still room to enhance its deterrent effect and reliability. Contrary to the perspectives suggesting that the criminalization policy in disciplinary law effectively deters public officials from committing administrative offenses, Faure and Svatikova noted that administrative measures tend to be less strict and more informal than criminal ones.²⁶ Regarding public trust, Simpson highlighted that the rule of law and trust have an alternate relationship. The rule of law fosters a culture of trust, and a culture of trust, in turn, advances the rule of law.²⁷ On the other hand, Le Roux emphasized that employers should apply discipline consistently, in line with how it has been enforced against former

Transition, (2010):
https://www.researchgate.net/publication/228159776_The_Principle_of_Procedural_Fairness_and_its_Implementation_in_the_Administrative_Proceedings_-_Perspective_of_the_Country_in_the_Democratic_Transition#fullTextFileContent

²⁵ Kargaudiene, A. "The Principle of Proportionality and its Implementation in Lithuanian Administrative Law," *Baltic Journal of Law & Politics*, 1, (2008): 41-53. DOI: <https://doi.org/10.2478/v10076-008-0003-3>

²⁶ Faure, M. G. & Svatikova, K. Criminal or administrative law to protect the environment? Evidence from Western Europe. *Journal of Environmental Law*, 24, no. 2, (2012): 253-286. <https://doi.org/10.1093/jel/eqs005>

²⁷ Simpson, Th., W. "Trust and the Rule of Law", in Ruth Chang, and Amia Srinivasan (eds), *Conversations in Philosophy, Law, and Politics* (2024): 99-118 <https://doi.org/10.1093/oso/9780198864523.003.0005>,

employees.²⁸ Concerning the balance between law and rights, Stelkens confirmed that the requirement for achieving legality and non-arbitrariness necessitates a fair balance between the public interest and society's needs and on the one hand, and the protection of fundamental rights of individuals, on the other.²⁹

The different findings of this study align with administrative justice, the rule of law, and principles of legal reform, providing some theoretical foundation for the results. Notably, the definition of misconduct aligns with the principles of administrative justice theory, which advocates for transparency and consistency in administrative decision-making. Similarly, the positive perceptions of public trust and the effectiveness of administrative disciplinary law also reflect key elements of the rule of law, emphasizing the importance of a fair and impartial system that holds public officials accountable while safeguarding their rights. Furthermore, the strong agreement on the need for reform underscores the relevance of legal reform theories, highlighting the necessity of evolving laws to address modern governance challenges, enhance efficiency, and better align with societal expectations. These theoretical frameworks collectively reinforce the study's findings, demonstrating that clarity, fairness, and reform are practical concerns and essential components of an equitable and effective legal system.

The findings of this study carry significant implications for policy and legislative development. The strong consensus for reform highlights a clear mandate for policymakers to reconsider and potentially revise DL's criminalization and punishment policies to increase transparency, consistency, and effectiveness. This could involve integrating elements from criminal law, such as more specific definitions of misconduct and corresponding sanctions, ensuring fair and proportional sanctions, and streamlining procedural fairness to enhance public trust and the system's

²⁸ Application Le Roux, P., A. K. "Consistency in discipline: A new trend from the Courts?" *Contemporary Labour Law*, 14, no. 4, (2014): 31-40. <https://www.workplace.co.za/issues/cll2404.pdf>

²⁹ Stelkens, U., "General Principles of Administrative Law: Legality of Administration," https://www.unispeyer.de/fileadmin/Lehrstuehle/Stelkens/Lehrveranstaltungen/General_Principles_of_Administrative_Law/4_AdministrativeLaw_legality.pdf

credibility. Addressing these aspects could lead to greater public trust and compliance within the public sector, ultimately fostering a more accountable and efficient system. Moreover, the demand for reform implies that stakeholders—legal professionals, public officials, and academic staff—may advocate for a more standardized and cohesive approach between administrative and criminal law to strengthen the rule of law and governance. Aligning these legal frameworks could improve the effectiveness of administrative disciplinary measures while provide better safeguards for the rights of public officials. Overall, the results suggest that while the current DL framework is viewed favorably, there is an apparent demand for targeted improvements to enhance efficiency, fairness, and alignment with broader legal standards.

Conclusion

This study examined the perceptions of various legal professionals, public officials, and academics regarding the criminalization and punishment policies in disciplinary law and as well as comparison to criminal law in the Saudi Arabian context. The findings indicate that respondents generally hold favorable views on the DL's clarity, fairness, and effectiveness, with a notable majority agreeing that the laws are sufficiently clear and the sanctions are fair. However, the result also highlights areas needing reform, particularly in aligning DL with criminal law, ensuring procedural fairness, and strengthening public trust. The strong agreement on the need for reform, supported by statistically significant t-tests result, underscores a growing recognition that while DL is adequate, modernization is necessary. Addressing evolving governance and public accountability challenges through enforceable laws and regulations could enhance the efficiency of administrative disciplinary procedures.

The study's results have several policy implications. First, there is a clear call for reforming the definition of misconduct in DL to improve its specificity and ensure proportionality in sanctions, aligning it more closely with the structured framework of criminal law. Policymakers should also consider revising the laws to enhance clarity and procedural fairness, ensuring that sanctions are not only appropriate but also consistent across various public institutions. Additionally, key priorities

should include strengthening the deterrent effect of DL and improving public trust through transparency and efficiency. Incorporating feedback mechanisms from legal professionals and academic experts could help design policies that had better reflect the complexities of modern administrative governance.

Like any research study, this investigation has certain limitations. Primarily, the sample is characterized by a gender imbalance, with a male-dominated participant base, which may limit the generalizability of the results to female perspectives. This highlights the need to explore multiple avenues for future research, utilizing more balanced samples that better represent gender diversity. Moreover, expanding the sample size and including more diverse respondents from various sectors would provide richer insights into the effectiveness of DL reforms. Overall, there is significant scope for further exploration of the intersection between administrative law, public accountability, and governance reform in across various legal contexts.

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