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Abstract

Throughout Europe, all activities of public authorities are subject to the rule of law. Despite different traditions of the legal and the educational systems in European countries, this principle bears tangible consequences as regards the legal framework of studies and examinations in higher education institutions. In particular, the rule of law requires regulations which safeguard transparent and fair assessment processes and an effective system of remedies to test their implementation. The following article explains the theoretical legal background of these principles and their practical implications. In doing so, the article will not only outline the obligatory elements of examination regulations but will also indicate how some problematic and arguable issues could be solved. The article is written on the backdrop of the German legal system, but it may be assumed that a major part of the issues raised will be similar de facto in other systems and may need to be addressed de jure in a comparable way. The article is not intended to address educational aspects of the subject matter per se, notwithstanding the fact that these will be considered in so far as these influence legal aspects of examination content and process. (HRK / Abstract übernommen)