

The **Political** Rights Of Public Servants In Algerian Legislation

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Abstract:

The aim of this study is to show that public servant, like any ordinary citizen, has the right to exercise the political rights guaranteed by the Algerian constitutions and laws such as the right to stand for election and to express political opinions. However, as a public functionary who belongs to and represents the State at the same time, the legislator imposed on him some special restrictions which he must observe and abide by in the exercise of his political rights, in addition to the general restrictions to which all citizens of the State are subject to in order to ensure the continuity of the public service and not to prejudice its function.

Key words: Public Servant - Political Rights - Right to Candidacy - Reservation Duty.

Introduction

The justice of democracy is reflected in the fact of political participation and the extent to which it is available to the largest possible social group, so the democracies have been keen to establish the meaning of political intellectual freedom through the smooth legislation regulating this freedom.

In view of the effective component and legal and intellectual value represented by the public servant in the social fabric, by virtue of his belonging to the public administration of the state, his representation at the expense of his belonging to the individuals, and his representation and the pursuit of consolidating their aspirations, a range of doctrinal and legislative differences emerged regarding the right of the public official to exercise political freedom. This has led some constitutional systems in the past to remove the public functionary completely from politics and not to involve him in it so as not to affect the performance of his functions. However, the position of the civil servant has changed recently, and it has moved toward the recognition of political rights. Yet, the Algerian legislator has worked to allow the public servant to enter political life in the Constitution and in the basic laws of the public service. Like the ordinary citizen, the public servant has the right to vote, stand for election and party membership, but within the framework of the public servant protection when exercised, and the controls must be exercised through them.

From the aforementioned thesis, we have raised the following problem:

To what extent has the Algerian legislator succeeded in achieving a balance between the servant's political rights and the requirements of the public service?

In order to answer this problem, we divided the topic into two sections, the first section deals with aspects of the political rights of the public servant. The first subsection within it is the concept of political rights whereas the second subsection concerns the types of political rights. The second section tackles the restrictions on the exercise of political rights by the functionary; its first subsection covers the commitment to the duty of reservation, and the second one is concerned with the commitment to professional secrecy; the third subsection is concerned with the commitment to neutrality.

Part One: The Political Rights of Public Servant

The Algerian legislator has granted the public servant many rights that enable him to participate in political life and to express his opinion on the management of his state¹, and in this axis we will address the definition of political rights and then address the definition of the most important types of political rights enjoyed by the public servant.

The First is The Concept of Political Rights

The concept of political rights varies between different legislations; it is affected by the difference in time and place, making it difficult to agree on a comprehensive definition of this term.

Section I: Jurisprudential Definition of Political Rights

The jurists did not agree on a unified definition of political rights because their meaning varies according to time, place and nature of the prevailing social and political conditions in countries, so we find that there are many trends in the definition of political rights.

First: The most important legal definitions: there are those who define it as:

These rights, which deal with the relationship between the ruler and the governed, the right of the subjects to govern themselves, as well as the rights established for the person as a member of a particular political group, enable him to contribute to its operation², and also enable citizens to participate in the exercise of some power in the state³.

¹The Civil Service Law in Algeria has gone through several stages, starting from the colonial era, that is, the stage that preceded the emergence of the first Algerian legislation regulating the civil service in Algeria, in addition to the second stage under Order 66-133, which includes the General Basic Law of the Civil Service, and then we turn to the law issued in 1978 That is, the stage of unifying the general legal framework for labor (1978-1990) and the stage of reorganizing the civil service (1990-2006). We conclude with the stage in which the civil service law was stabilized and the attempt at administrative reform in 2006 in accordance with Order 06/03.

² Nasser Hamad Al-Jubouri, Political Human Rights in Islam and World Systems, Dar Al-Kutub Al-Ilmiyyah, 1st ed., Beirut 2005, p. 175.

³ Zuhair Shukr, The Mediator in Constitutional Law, Vol. 1, 3rd ed., 1st University Foundation for Studies, Publishing and Distribution, 1994, p. 145.

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They are also the rights that a person legally acquires, by which he or she contributes to the administration or governance of his¹ or her State as one of its citizens.

Political rights are established for the individual as a member of the state, and they aim to enable him to participate in the political affairs of this state. Without political rights the rest of the other rights become a mere grant that the authority can recover if it wants. The exercise of political rights requires the realization of public freedoms. democracy recognizes no means to achieve the sovereignty of the people except whether the citizen is master of himself or not.

Second: Distinguishing fundamental rights from civil rights

The recognition of the political rights of citizens in order to achieve their participation in the management of the state makes them have advantages that make them different from civil rights in several aspects as follows:

- These rights are enjoyed by citizens and not foreigners.
- The benefit of citizens is not general but is limited by certain legal conditions.
- Since political rights are conditional, their scope is narrower than those of civil rights, which are established by the mere fact of being human, such as the right to life, equality, education, security, etc.
- In terms of the movement, political rights show their movement collectively when it comes to the issue of

political participation, and civil rights are the opposite of political rights as its movement is limited to the individual's personality only.

- On the one hand, from individuals' look and sensitivity to these rights, the claim of the general public to civil rights when compared to the demand for political rights is very broad, because of their indifference to the public cause as opposed to their civil rights if they feel threatened.
- On the one hand, political rights are directly related to the exercise of power in society, that is to say, they relate to who has power, as opposed to civil rights, which relate to the

¹Hani Suleiman Al-Taimaat, Human Rights and Fundamental Freedoms, Dar Al-Shorouk for Publishing and Distribution, 2003, p. 206

position of the individual in power and the extent to which he enjoys his rights in confronting it, that is, they relate to the rights of the governed.¹

Section II: Legislative Definition of Political Rights:

The approach adopted by the legislation is not to define political rights and to mention only the types of political rights guaranteed constitutionally. For example, we find that the French Constitution issued in 1958 mentioned the right to participate in political life through the statement of the philosophical basis of the right to participate, stating that national sovereignty belongs to the people. it shall be exercised by its representatives and by referendum, and no class of the people or any individual may justify to himself the right to exercise national sovereignty; it may be direct or indirect in accordance with the conditions laid down in the Constitution and must always be public and secret in accordance with the principle of equality; all French citizens of² the age of majority of both sexes enjoying their civil and political rights are eligible to vote under the conditions established by law.

In Egypt, the Constitution of 2013 refers to the right to participate in political life by stipulating the participation of citizens in public life as a national duty, and every citizen has the right to vote, stand for election and express opinion in a referendum, and the law directly regulates these rights³.

The Algerian legislator, through the constitutional amendment of 2020, expressed the right to participate in the government by means of elections, candidacy and popular referendum, article 56 of which states that every citizen who meets the legal requirements has the right to vote and be elected⁴.

It is clear to us from the position of the Algerian legislator ,that he did not assign a special organization to the employee to exercise political

¹Ahmed Ghafram Al-Shahari and others, "The Political Rights of the Public Employee in Administrative Law: A Comparative Study", Journal of Islam in Asia, Issue 22, Volume 1, June 2025, p. 12.

² Hosni Qamar, , Criminal Protection of Political Rights (A Comparative Study between French and Egyptian Legislation), Dar Al-Kutub Al-Qanuniya, Egypt 2006, p. 15.

³Ahmed Ghafram Al-Shahari and others, previous reference, p. 13.

⁷ Presidential Decree No. 20-442, promulgating the constitutional, Official journal No. 82, dated December 30, 2020.

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rights, just like all citizens, because when he exercises his political duties, he becomes a representative of the citizens who elected him, and his representation is not limited to the category of employees.

The second subsection is the types of political rights of public servants

The political rights of the functionary are divided into the exercise of the right to run and vote, then we know the right to express political opinions, and then we deal with the exercise of the right of trade union.

Section I: The right to vote and to stand for election

The experiences of different political systems throughout the world have shown that changing the political situation is by adopting new positions and working to stabilize them in society, and this is achieved only by popular coalition around these situations, through election, to choose personal and intellectual alternatives that progress the candidacy.

First, The right to vote

Election is defined as one of the methods of participation in political life in which citizens express their will by democratically assigning power to the governing bodies of the state, whether these bodies are the head of state, members of parliament or members of local councils. It is the right of a person to vote to choose his or her representative to assume power in the country.

The term election is derived from the Latin name *electio*¹, and with regard to the public servant, he enjoys the right to vote like other citizens who meet the required conditions, and most states have approved this² right for their employees as it does not conflict with the

¹Jabbar M'hamed, Bouzidi Khaled, "Legislative Oversight of the Political Life of Public Employees (A Comparative Study Algeria –Egypt –France), Afaq Journal of Research and Studies, Volume 07, Issue 02, 2024, p. 438".

² In France, which is considered one of the leading countries in adopting democratic principles, those who enjoyed exercising the right to vote were civilian employees, not the military, until 1945, when the August 1945 order was issued granting the military the right to vote. This order represented the beginning of the establishment of

The principle of equality in elections between civilian and military state employees. Then the 1958 Constitution affirmed the equality of citizens in elections. For more details, see the French legislative rule published on the website

www.legifrance.gouv.fr

requirements of performing the public office. the Algerian legislator has established the right to vote in article 56 of the 2020 Constitution, which states that " **every citizen who meets the legal requirements shall have the right to vote and to be elected**"¹ and that a public servant, like other citizens, must meet the following legal requirements to avoid the deprivation related to legal personality in order to be able to exercise the right to vote.

The most important conditions for exercising the right of the functionary to vote are:

A. The citizenship requirement, since all the constitutions of the Republic of Algeria have established, within the chapter on rights and freedoms, the right to vote to every citizen provided that he meets the citizenship requirement in accordance with the provisions of article 13 of the 1963 Constitution, article 47 of the 1989 Constitution, article 62 of the 2016 Constitutional Amendment and finally article 56 of the 2020 Constitutional Amendment. It should be noted that citizenship here includes nationals by birth or naturalized persons, which was confirmed by the legislator under article 50 of the Organic Law on elections², where he considered it a prerequisite for the enjoyment of the right to vote.

Age requirement: The legislator intervenes through the constitutions and electoral laws in all countries and determines a certain age for the right to vote. whereas the Algerian legislator has also set the age at which an individual can exercise the right to vote at 18 years on the day of the ballot, in accordance with article 50 of the Membership Law on elections, with the exception of article 13 of the 1963 Constitution, which is set at 19 years, subsequent constitutions merely left the regulation of the voting age within the electoral laws, all of which set it as 18 years on the election day.

We see that the determining the election age; issue in setting the voting age at 18 years is the intention of the legislator to involve the youth in the process of political and social change in the country. In addition, the age of the majority is among the reasons that play a role

¹ See the text of Article 56 of the Constitutional Amendment of 2020, Official journal, previously mentioned.

² See Article 50 of Law 21/01, containing the Organic Law on Elections of 10 March 2021, Official journal No. 17.

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in distinguishing one stage from another: Mental development, personal abilities and individual differences.

Second: The right to candidacy: The freedom to candidacy is considered one of the most important political freedoms, because it is linked to one of the forms of citizens' participation, to reach the system of government, through which the citizen in general and the functionary in particular in an official capacity in front of the competent authority express his intention to apply for a specific vote¹. The Algerian legislator, in the various electoral laws up to 21/02, regulated the exercise of the right to stand for election, by stating its conditions, how to file applications, organizing dates, the competent authorities to consider such applications, and the methods of judicial appeal. Despite the different laws regulating the right to candidacy, they retained the original, which is the right of the citizen to put himself in the choice of others to take over positions that contribute to the management of the affairs of the country. Despite the importance of the right to candidacy for election, it is not an absolute right for all citizens, but it is restricted by the law by the methods of administrative control to organize the freedom to candidacy for elections, this is particularly severe for presidential elections, given the importance of the post of President of the Republic, and somewhat softened relatively to legislative elections, given the role of parliament in the development of laws, and much less for local elections².

We conclude from the above that the right to vote does not pose a major problem for the public employee, as he exercises through it his right like other different classes of people to choose their representatives in power. However, his right to run for political positions poses legal and practical challenges related to exploiting the public office to achieve political gains.

Section III: Rights of Political Affiliation

A public servant may wish to join political entities active in political life by joining political parties or associations.

First: The Public Servant's Right to Party Belief

The Algerian legislator defined the political party as a means of exercising the powers and leadership responsibility in the state,

¹. Asour Farahi, 'Constitutional Controls on Freedom of Nomination', Journal of Law and Political Science, Faculty of Law and Political Science, Abu Bakr Belkaid University, Tlemcen, Volume 06, Issue 01, Year 2020, p. 70

². Same reference, p. 71

through the gathering of citizens who share the same ideas and political project. The political party is established for an indefinite period, enjoys the moral personality, legal capacity and independence of management.¹

The essence of every public servant is that he is free to join the party he wishes, and at the same time absolutely free not to join any party if he sees it so; No one is forced to join or not to join a particular party, and this is subject to the penalty of affecting his career. Thus, the second paragraph of article 28 of the General Organization Act on the Public Service states:" subject to the prohibitions provided for in the legislation in force, the membership or non-membership of a political party cannot in any way affect the functionary's professional life².

On the one hand, to protect the freedom and impartiality of the public servant and to ensure the impartiality of the administration

Independence on the other hand. The Algerian legislator, on the other hand, provides for prohibitions under which the political life of certain categories of civil servants, as well as certain activities and situations, cannot be exercised. The prohibition provided for by law can be traced back to two types of prevention:

- ✓ The prohibitions that affect a certain category of employees and are embodied in the prohibition of certain personnel wires by virtue of the nature of the functions they exercise and the public works of vital benefit they provide to society from the right to political practice and to belong to any political party.
- ✓ Prohibitions which affect certain activities by their very nature are incompatible with practice.³

The public function of these cases or activities that make the servant in a position that does not allow him to carry out his legal duties with full independence, these cases are mainly:

- Undertaking the presidency of a political party, the functionary cannot exercise the function of public official and at the same time assume the presidency of a political party, and the full and full-time

¹ See Article 30 and Article 04 of Law 12/04, containing the Political Parties Law, dated January 15, 2012, Official journal No. 02.

²Article 28 of the Article 28 of the previously mentioned Law 06/03.

16 Ammar Boudiaf, The Public function in Algerian Legislation, a Study in Light of Order 03/06 and Special Basic Laws, jossour for Publishing and Distribution, 2015, p. 130.

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nature of this presidency political practice and the resulting lack of impartiality and independence. Therefore, the employee cannot undertake the presidency of any political party and the ban here is final and it cannot be embodied by any way.

The Algerian legislator, based on the principle of the independence and impartiality of the administration, has not been included within the provisions of its provisions any legal status through which the servant retains his salary¹.

It appears to us from what has been discussed that the Algerian legislator is striving to achieve a balance between the employee's right to belong to political parties, and protecting citizens and public facilities from the exploitation of this right for partisan purposes.

Second: The Right of The Functionary to Belong to Associations

The Algerian legislature regulates collective work under Act number. 12/06, which defines it as a group of natural or legal persons on a contractual basis for a fixed or indefinite period². Article IV and VII of the Act define the conditions for its establishment.

The functionary may participate in the association activity through the provision of Article 28 of Law 06/03, with no impact on the functionary's professional life.

Executive Decree No. 20-373 of December 12, 2020, on the basic legal status of a functionary, provided that a public servant may be placed at the disposal of certain bodies or institutions, including national societies recognized as having the character of the public interest or public benefit only. This is in accordance with the provisions of Article 08 thereof, where the functionary shall have qualifications compatible with the competence of the national societies, and the servant shall be placed in the same rank as he was in his original occupation, and shall be subject to disposal under an agreement between the institution that has the power of appointment and the National Association³.

¹Dhawadi Adel,' Guarantees for the Enjoyment of Political Rights and Freedoms by Public Employees in Algerian Legislation', Journal of Constitutional Law and Political Institutions, Volume II, Issue 4, Faculty of Law and Political Science, Mohamed Lamine Debaghine University, Setif, 2018,p40.

² See Law 12/06, containing the Associations Law, dated January 15, 2012, Official Gazette No. 02.

³.Executive Decree 20-373, relating to the basic legal status of employees, dated 12/12/2020, Official Gazette No. 77.

Through the relevant legal frameworks, it is clear that the necessary protection is provided to the servants active in associations and that any arbitrary action against them is prevented, as long as their activity is carried out outside working hours and without the use of administrative means, stressing the need to accompany and support associations and promote the association movement, as well as the mechanisms for monitoring them.

Section IV: Exercise of Trade Union Rights

The exercise of trade union activity is a manifestation of the exercise of democracy in the field of work and public service, as well as a form of collective expression, and the right to trade union enjoys international, regional and national sponsorship because of its importance. The trade union organization may reach a degree of negotiation with central bodies, and may respond to its requests¹.

This right is constitutionally enshrined under the article and is a collective right, the purpose of which is to defend the professional interests of public officials. Under this right, servants are required to improve their working conditions, or to demand an increase in salaries, or to demand certain compensation.²

The right to trade union is enshrined in Article 5 of the Constitutional Amendment of 2020, as well as in Article 35 of Ordinance No. 03/06. It is also governed by special legislation, Law No. 02-23 of April 25, 2023, on the exercise of the amended and supplemented trade union right³. Article 2 of the Act recognizes the right of workers to establish trade union organizations and article 3 establishes the principle of freedom of association. article 4 sets out the conditions for the establishment of a trade union organization, with a view to restoring a measure of freedom of association. in the field of public service, ordinance No. 03/06 requires, under article 93, that no observation concerning trade union opinions shall be recorded in the administrative file of the functionary.

¹ Ammar Boudiaf, op cit, p. 127

² Burnan Omar, The Practice of Political Rights and Freedoms by Public Employees (A Comparative Study with a Focus on the Case of Algeria - 1962-2014 - PhD Thesis, in Political Science and International Relations, University of Algiers 03, 2014/2015, p. 209.

³ Law 02-23, including the exercise of the union right, dated April 25, 2023, Official journal No. 29.

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In response to the above, we see that the union right is one of the most important rights enjoyed by a public servants, given that this right represents an enhancement of professional freedoms within public administration, but the effectiveness of this right is linked to the extent of employees' ability to achieve a balance between their job requirements and rights and the requirements of the operation of public facilities. Excessive restriction of the union right may empty it of its content, and its widespread use may affect the public interest of individuals.

Also, these restrictions cannot be at the same level of restriction in all sectors equally, given the nature of the tasks performed by employees and the sensitivity of services, as the health sector, for example, differs from the education sector, and both differ from the security sector. The law faces a major challenge in achieving a balance between preserving union rights and ensuring the continuity of public facilities, while taking into account the sensitivity of each sector.

Second topic: Restrictions on the Exercise of Political Rights by The Employee

During the exercise of his political rights, the employee is subject to a set of restrictions, through which the legislator ensures that this practice is put in its proper framework compatible with the duties of the job.

The first subsection is the Obligation of Reservation

The duty of reservation is one of the most ambiguous functional duties, as it is often subject to the discretion of the administrative body, which assesses whether or not there is a breach of the duty of reservation, and it is difficult to establish an overarching and precluding definition, because it is not regulated by general functional legislation. the content of this duty varies according to the political and social system adopted by the state. In dictatorial regimes, the functionary's commitment to the reservation reaches its highest levels, but may force the employee to match his political ideas with the ideas of the government, and thus the employee becomes a tool of expression of the government's political approach. " unlike democratic systems in which the employee enjoys significant levels of freedom to exercise his or her political rights¹.

¹ Ahmed Ghafram Al-Shahari and others, previous Reference, p. 36.

First, The concept of The duty of Reservation

Since legislation does not define the duty of confidentiality, due to the difficulty of defining it, administrative jurisprudence has tried to establish some definitions. Some have said that it is a type of correcting behavior or refining conduct, as the servant is supposed to be polite in his words, good faith in his actions, and moderate in his behavior in general. Some have also defined it as a set of restrictions and controls that the employee is obligated to observe and respect when expressing his political opinions in order to make the exercise of his job duties possible and sound¹.

The duty of discretion refers to restrictions on the freedom of expression enjoyed by a public functionary in disclosing all matters within the position he holds. It also refers to his duty to respect his job and refrain from engaging in any behavior that is inconsistent with his job².

Second: The foundations of the duty of reservation in Algerian Law

Law 06/03, which includes the Basic Law of the Public Service, stipulates that the employee must adhere to the duty of confidentiality in Article 26 thereof, "Freedom of opinion is guaranteed to the employee within the limits of respecting the duty of confidentiality imposed on him." Meaning that the duty of reservation is an exception to freedom of expression and opinion."

In the same context and in confirmation of this principle, it should be noted that Order No. 66-133 containing the Public Service Law, which explicitly referred to the duty of reservation in its behavioral aspect without the aspect related to restricting freedom of expression, is self-evident by referring to the strict restriction of public rights and freedoms and directing them in one direction, during that period in which the public employee was only a means to achieve the state's program and ideological orientation³.

Thus, the second paragraph of Article 20 stipulated: "The employee must respect the authority of the state and work to respect it. He is obligated to make a reservation, and in particular he must refrain from

¹ Ammar Boudiaf, previous reference, p. 134

² Ranay Farid, "The Duty of Public Agents to Have Reservations in Algerian Law," Journal of Law, Society and Authority, Volume 7, Issue 2, University of Tizi Ouzou, p. 174.

³ Same reference, p. 176.

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any work, even if it is outside his service, that is contrary to the dignity of the public service or to the importance of the responsibilities assigned to him."¹

The application of the concept of the duty of confidentiality to public sector employees is subject to two basic criteria: the rank held by the public servant, as well as the nature of the jobs assigned to him.

Senior state employees constitute a limited and important category of public servants who are directly involved in setting or implementing government policies. Given the high and sensitive ranks they hold in the state, the obligations contained in public law apply to them. The duty of confidentiality is imposed on senior state employees with particular strictness in a manner that demonstrates their loyalty to the government due to their sensitive position in the state. However, The Algerian law does not apply the duty of confidentiality to senior state servants except in its behavioral aspect, pursuant to Article 13 of Executive Decree 90-226, which states: **"A worker who exercises a senior position must, even outside of exercising his duties, exhibit behavior that suits the importance of those duties"**².

The Algerian legislator seeks, through the duty of discretion, to preserve the integrity of public administration, by restricting the employee's right to express his personal opinions on matters that fall within the core of their duties, taking into account the nature of the responsibilities that fall upon them, as well as the degree or rank that the public servant occupies in the career ladder.

The Algerian administrative judiciary recognized the duty of confidentiality for public servant through the rulings of the Council of State, including Resolution No. 001192 issued on 9 April, 2001, which stated the following:

"....Indeed, Executive Decree No. 93-45, which refers to Legislative Decree No. 93-02 extending the state of emergency, imposes on the employee obligations to refrain from political or ideological controversy. This obligation outside of work prevents him from engaging in any behavior or conduct that is not befitting of his job, as

¹Order No. 66-133 containing the Public Service Law, dated June 6, 1966.Official journal, issue 49.

²Executive Decree No. 90-226, containing the rights and duties of workers exercising senior positions in the state, dated July 25, 1990, Official journal No. 13.

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failure to respect this obligation constitutes a serious professional error that leads to dismissal"¹

This decision shows us that the criteria for the duty of confidentiality vary according to the situation. This decision was linked to a difficult period that Algeria is going through, which obligated the legislator to impose restrictions on political work in general, and the employee must also remain discreet and not engage in any political conflict. Through this The decision is an example of the duty to make reservations during a sensitive period of time. It appears to us that the employee can take actions or make statements that affect the subject of the reservation without knowing it. The legislator must clarify this aspect further, and the employee must also be aware of all the laws that regulate his rights and duties in order to be free from any problems.

The French administrative judiciary has ruled that an employee must adhere to the duty of confidentiality even when he is out of service. An example of this is the decision of the Council of State issued on July 11, 1939², when an employee in the municipality of **ville d Armentieres** attacked the mayor in a newspaper article. The Council of State's opinion was that the employee, even in his private life, must refrain from using bad language against public authorities or administrative officials.

It appears to us through this decision that the violation of the duty of confidentiality was not through the press statements themselves, but rather through the words used in that. The administrative judge's decision in this matter is due to several considerations, including the method of expression and the circumstances surrounding it, the peaceful level of the employee, and the nature of the position he holds. In the same context, the French Council of State, in its decision issued on March 8, 1968, considered the statements of an academic inspector seconded to the National Educational Institute in Algeria to be a violation of the duty of reservation, given that his statements were considered hostile to the policy of the French government.³

¹ https://conseildetat.dz/sites/default/files/jurisp_file/arretn001192.pdf

² Sakina Zahra, "Moral Duties of Public Employees and Their Impact on the Exercise of Their Public Freedoms and Collective Rights (the Right to Strike and the Right to Trade Unions)," Journal, Faculty of Law and Political Science, University of Oran, 2013, Volume 3, Issue 1, p. 9.

³ Sakina Zahra ,Previous reference p. 11,

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Conversely, the French Council of State did not consider that a customs inspector signing with French citizens a proposal for a request addressed to the French President of the Republic, in order to open negotiations to end the war in Algeria, was a breach of the duty of reservation, given that he did not convey this proposal and its evil in the press.

From the above, we have noticed that the French administrative judge plays an important role in determining the content of the duty of reservation, by extending his discretionary authority in assessing that. Therefore, we see that the Algerian administrative judge must also perform his role by carefully crystallizing the concepts of these duties and their limits, by publishing modern judicial rulings to make it easier for servants to view them and take into account their content, as basic and regulatory laws alone are not sufficient.

The Second Subsection: Maintaining Professional Confidentiality

The effect of a functionary's commitment to maintaining the job secrets he learns in exercising his political rights appears in the form of his commitment not to disclose these secrets to demonstrate a specific political position, to support a political party, or to spread a specific topic, using the information that came to his knowledge through his job. If constitutions or functional legislation have guaranteed the public employee the right to practice his political rights, he is not permitted under any circumstances to exploit the confidential information he accesses by virtue of his job to achieve political purposes, whether this is done by defaming the government or by plotting against an individual dealing with the administration, because, by doing so, he has breached the duty of preserving job secrets.

Article 48 of Law 06/03 states that "the employee must adhere to professional confidentiality¹ ."...

The same article also stipulates that the functionary is prohibited from revealing the content of any official document in his possession or any event or news that was reviewed on the occasion of his job. Which means that the subject of commitment to professional confidentiality is a broad term that comes in different forms, including words, actions, and filing files.....

¹ See Article 48 of Law 06/03, which includes the previous Basic Law for Public Service.

This article demonstrates that Algerian law has adopted a broad concept of professional confidentiality, not limited to official documents only, but also encompasses any news, fact, or information that an employee experiences while performing their duties. This legislative approach appears to aim to enhance confidence in management and protect the public interest from any illegal exploitation of job information. Therefore, disclosing these secrets under any political justification constitutes a breach of public office duties and an infringement on the principle of integrity and impartiality to which a public servant must adhere.

The Third Subsection: Commitment to Neutrality

Giving a definition of the duty of neutrality is not an easy matter due to the absence of objective texts, which shows the dimensions of this duty on the one hand, and the change in its concept according to the circumstances of the state on the other hand. The differences of the public servant are controlled by political officials, and his activity is controlled by governments in order to achieve their policies, goals and orientations. However, despite these difficulties facing defining the concept of job neutrality, jurisprudence has not refrained from doing so. There are those who define it as: "the employee's interruption of his job work in the service of the state and other public legal persons, far from political, religious or sectarian considerations, in a way that ensures the protection and stability of the public service"¹

It is also known as "non-alignment in dealing within the job by taking a position based on political beliefs or opinions."² In the view of some, it is the practice of the job impartially, away from personal whims and without the slightest political, philosophical or religious discrimination, and refraining from announcing or promoting one's own opinions or profiting from public office. It is also known as: "the employee's commitment to stay away from political and partisan considerations while performing his job duties."³

We believe that a servant's commitment to neutrality is not merely an individual behavioral obligation, but rather a legal and administrative principle aimed at protecting the public interest and the continuity of

¹Magdy Medhat Al-Nahri: Restrictions on the exercise of political rights and freedoms by a public employee, without the name of a printing press, Al-Jalaa Library Modern Mansoura, Egypt, 2001, p. 17

²Ahmed Ghafram Al-Shahari, previous reference, p. 34.

³Magdy Medhat Al-Nahri, previous reference, p. 20

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public facilities on a regular and consistent basis. A public employee does not represent himself or his personal convictions, but rather represents the state in the performance of his duties, which requires him to refrain from anything that might demonstrate bias or preference for one group over another.

The duty of neutrality is embodied in several aspects, including refraining from discriminating between users on the basis of political or religious affiliation, not exploiting one's position to express or promote personal opinions, and avoiding any behavior that might affect the independence of administrative decisions. This duty also extends to include the employee's outward appearance and general behavior while performing his job, reflecting the image of neutral management.

Conclusion

At the conclusion of our research on the topic of the political rights of the public servant contained in the political rights of the public employee, we reached a set of results and recommendations that represent the fruit of this study, and we will present the most important results and proposals to complete the scientific and practical benefit; these are:

Results:

- ✓ Political rights are of great importance as they are the foundation on which the state is built.
- ✓ Democracy, in this regard, represents the ideal guarantee for individuals to enjoy their other rights.
- ✓ Since independence, Algerian legislators have worked in constitutions and laws regulating public service to involve public employees in political life.
- ✓ The public servant is an integral part of Algerian society, and his entry into political life is a constitutional right.
- ✓ The Algerian legislator has approved a set of guarantees, which are considered to some extent sufficient to enable every public servant to exercise the political rights and freedoms granted to him without fearing that his professional life will be affected by this exercise.
- ✓ The Algerian legislator has set a set of restrictions to control the process of a public servant entering political life to ensure

that the integrity of the public service is not disturbed, namely the obligation of confidentiality, adherence to job secrets, and neutrality.

Recommendations:

- ✓ Providing more guarantees for employees to enter political life, especially university professors, to benefit from their experience in achieving democracy.
- ✓ Reformulating job laws as appropriate to allow employees to express their political views.
- ✓ respecting the principle of regular operation of public facilities, and not violating the rights of beneficiaries and citizens.
- ✓ Publishing the decisions of the Modern State Council related to issues of political rights of public employees to enable employees to review them

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