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The rights of Public Employee in the context of digital administration

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Abstract :

Digital administration is a highly advanced model, a product of the digital revolution that has transformed all aspects of the lives of individuals and institutions. This phenomenon is due to the development of computer science and digital devices. It is also characterized by the delivery of public services heavily influenced by information technologies. In this system, the public employee remains an essential cog and a key factor in its effectiveness.

The rights of public employees in the area of digital administration occupy a prominent place in public service law, whether concerning the management of their professional lives or the guarantee of the delivery of administrative services.

Keywords : Public Employee; digital administration; automation; right to promotion; right to strike.

Introduction

Many countries and governments have strived to keep pace with the rapid technological advancements that have transformed public services and directly impacted public administration and its operations. This evolution, observed in numerous public services, has accelerated the digital transformation of various public administrations and institutions.

This phenomenon is not limited to public institutions and administrations alone; it also extends to users, significantly raising their expectations. Citizens, for their part, are no longer satisfied with the standard services offered by these institutions and are increasingly seeking improved service delivery methods. Consequently, meeting individual needs is no longer a matter of traditional practices, which has contributed to a shift in administrative approaches toward seeking service innovations at all levels. This has led to the inevitable emergence of digital administration at all levels.

The development of public services is linked to information technologies, which have undergone a true digital revolution impacting all aspects of the lives of individuals and institutions. This revolution is the result of the development of computers and various digital devices. Consequently, many governments have sought to integrate these modern technologies into all their services, thus generating a veritable revolution in the management and operation of their infrastructure, known as smart or e-government.

Algeria, like many countries, has undergone a profound transformation in the management of its public services and has sought to integrate information

technologies, which has influenced their performance and the development of their services.

At the same time, the public servant, a key player in traditional administrative management, torn between the imperative of the transition to a digital administrative environment and their attachment to the established practices of their profession, particularly regarding the preservation of traditional rights related to managing their professional life and guaranteeing the delivery of administrative services.

Therefore, we pose the following problem:

How did the digital administration address the issue of Public Employee rights?

This problem raises several related questions:

- To what extent has the evolution of the concept of a public employee been reflected in their image, in accordance with the digital administration model?
- How has Algerian law addressed the legal rights of public employee related to their professional career within the framework of digital administration?
- What about the rights related to the provision of various administrative services, in accordance with this same digital administration model?

The methodology adopted in this study is a descriptive and analytical approach. This approach will allow us to clarify the foundations upon which the Algerian legislature adopted the concept of a public employee within the framework of traditional administration, and, consequently, the implications of these concepts in the digital model. This approach is also essential for analyzing the main trends adopted by legislators on various points related to this subject.

To address this issue within the framework of this study, we have chosen to structure it around three sections. The first section focuses on the concept of the public employee and their image within digital administration. The second section highlights certain rights enjoyed by public servants throughout their careers. We have specifically considered the procedures for accessing the digital service and the right to promotion. Finally, the third section is devoted to the rights of public servants regarding the guarantee of digital administrative services.

Section I: The Concept and Image of the Public employee in Digital Administration

In this section, we will examine the concept of the employee in jurisprudence (A), then its concept within the framework of Algerian legislation (B), and finally the public employee in the context of digital administration (C).

A) The Concept of the Employee in Jurisprudence

We will address the broad definition of the public employee (**first**) and then the narrow definition (**second**).

First: The Broad Definition of the Public Employee

The jurist Suleiman al-Tamawi defined the public employee as "a person entrusted with permanent work in the service of a public facility managed by the state."¹ Dr. Muhammad Muhanna defined it as "a person entrusted with permanent work in the service of facilities managed directly by central, local, or service-related administrative authorities, and who occupies a position within the administrative system of the facility in which they work."² Therefore, this jurisprudential approach does not differentiate between types of facilities, and thus includes every employee belonging to public and economic facilities, whose position is permanent.

Second: The Narrow Definition of a Public Employee

While the opposing view differs from the first, Dr. Mohamed El-Gamal defined a public employee as "any individual attached to a legal instrument on a permanent basis in the service of a public facility managed directly by a national legal entity."³

B) The Concept of an Employee in Algerian Legislation

We will examine the definition of an employee within the framework of the Basic Law of the Civil Service (**first**), the concept of a public employee in labor legislation (**second**), and Algerian criminal legislation (**third**).

First: The Concept of a Public Employee in the Basic Law of the Civil Service

Article 4 of Ordinance No. 06-03 concerning the general statute of the civil service, stipulates that "any agent appointed to a permanent public position and officially assigned a rank in the administrative hierarchy is considered an employee."⁴ Thus, the Algerian legislator adopted a narrow definition of an

employee, influenced by its French counterpart, which adopted the same approach.

Second: The Concept of an Employee within the Framework of Labor Law

Article 2 of Law 90-11 on Labor Relations stipulates that "for the purposes of this law, employees are defined as all persons who perform manual or intellectual work in exchange for a salary, within the framework of the organization, and on behalf of another person, whether natural or legal, public or private, referred to as the employer."⁵

Article 3 of the same law excludes certain employees from the application of this law, as they are subject to special legislative and regulatory provisions. These include civilian and military employees of the National Defense, judges, employees and contracted agents in public bodies and administrations at the state, provincial, and municipal levels, and employees of public institutions of an administrative nature.

Third: The Concept of a Public Employee in Criminal Legislation

Article 2 of the Anti-Corruption Law No. 06-01 defines an employee as any person holding a legislative, executive, administrative, or judicial position, or a position in one of the elected popular assemblies, whether appointed or elected, permanent or temporary, paid or unpaid, regardless of rank or seniority.

- Anyone who, even temporarily, assumes a position or agency, whether paid or unpaid, and in this capacity contributes to the service of a public body, public institution, or any other institution in which the state owns all or part of the capital, or any other institution that provides a public service;
- Any other person defined as a public employee or someone considered as such according to the applicable legislation and regulations.⁶

Therefore, the Algerian legislator adopted the same definition as that adopted by the United Nations Convention against Corruption. As is evident from the above, the definition of a public employee in Anti-Corruption Law 06-01 was broader than in the Civil Service Law, with the aim of protecting public interests from all corruption crimes, and in light of the pivotal role played by public employees in committing corruption crimes, as they represent the presumed element in such crimes.

C) The Public Employee in the Context of Digital Administration

This will be addressed by discussing the concept of automation as an alternative to the public employee in digital administration (**first**), then identifying the categories of the electronic public employee (**second**), and finally moving on to the forms of this employee according to the Algerian model (**third**).

First: Automation as an Alternative to the Public Employee in Digital Administration

Automation is defined as the automatic operation of a device, process, or system that is controlled automatically by other automated devices, replacing humans in monitoring, effort, and programmed decision-making.⁷

Therefore, automation reflects unprecedented progress in performing work electronically. It can be used to perform simple tasks that might occupy an employee or consume their time, tasks that a machine can perform independently.⁸

The UAE legislator used this concept in the law dated 12/02/2002, which includes electronic transactions and commerce. Article 2 of this law defines an automated electronic intermediary as a computer system or program that can act or respond to actions independently, wholly or partially, without the supervision of any natural person at the time of the action or response⁹. It was also used to define automated electronic transactions within the same article and law as transactions concluded or executed wholly or partially by electronic means or records, where these actions or records are not subject to any monitoring or review by a natural person, as in the normal context of creating and executing contracts and transactions.¹⁰

Second: Categories of Electronic Public Employees

Electronic public employees can be divided into four categories:

1- Programmers: This category is responsible for developing all information programs related to the activities of the electronic administration, regardless of their type (administrative, accounting, legal, etc.), which are related to its activities and the complete execution of its projects.¹¹

2- Computer Operators: Their roles include entering data related to clients, storing documents and records, and archiving them electronically to facilitate their transfer between different electronic departments and streamline transactions.¹²

3- Network Maintenance Specialists: Their role is to maintain and repair electronic networks when any malfunctions are detected.

4- Information Security Specialists: This category is responsible for monitoring the security status of the information network and protecting it from any potential attacks by cybercriminals. Therefore, this category of personnel requires continuous training and periodic development to counter the evolving nature of hacking.

Third: Categories of Electronic Public Employees in the Algerian Model

The basic laws of various sectors included a category called the Information Technology Division, which is responsible for monitoring the electronic field within these administrations. An example of this is Executive Decree 08-04 dated 19/01/2008¹³, which contains the basic law for employees belonging to the common corps in public institutions and administrations, as amended and supplemented. This division consists of two categories:

1- State Engineers in Information Technology: They are responsible for participating in the implementation of all IT software design projects, their analysis, and development. In addition, they are responsible for managing... Information systems and their maintenance, as well as the development of databases and their management systems.

2- Technicians and Senior Technicians: Computer technicians are responsible for recording data intended for processing within an information system and preparing its output reports. They may also be tasked with developing centralized operating systems and corresponding software, as well as preparing and processing other related equipment and data storage devices. Senior technicians are responsible for organic analysis and encoding data intended for information applications into a suitable programming language.

Section II: How to exercise the rights of public employees related to their professional status in digital administration

In this axis, we will address aspects of the rights enjoyed by public employees that are of paramount importance in their professional career paths, namely, equality in access to public service positions within the digital administration (A), and then the right to promotion within the same administration (B).

A) Equality in access to public service positions within the digital administration

This principle is considered one of the most important principles upon which digital administration is based, due to considerations related to the requirements

for applying the principle of equality (**first**), the implications of applying the principle of equality of beneficiaries of digital administration services on the public employee (**second**), and the consideration of electronic recruitment platforms as a mechanism for achieving the principle of equality (**third**).

First: Requirements for applying the principle of equality

The general principle of equality before the law entails the right of individuals to access public service positions. It is not permissible, in principle, to impose conditions related to gender, race, or creed for benefiting from a particular position. Access to public service positions has become a constitutional right enjoyed by individuals. The Algerian Constitution, in Article 37, affirms the application of this principle: all citizens are equal before the law and have the right to equal protection. No discrimination based on birth, race, sex, opinion, or any other personal or social condition or circumstance is permissible.

This is further emphasized in Article 67 of the Constitution, which stipulates that all citizens are equal in assuming positions and duties within the state, with the exception of those related to national sovereignty and security.

Similarly, the Constitution does not differentiate between men and women in assuming public office, as confirmed by Article 68, which affirms that the state works to promote gender parity in the labor market.

However, the enjoyment of this right does not preclude the legislature from regulating access to public service positions through specific conditions related to political status, such as nationality, age, and good conduct, as well as through specific procedures, such as competitive examinations.

Second: The implications of applying the principle of equality of beneficiaries of digital administration services on public employees

This principle requires that the service treat all beneficiaries equally, without favoring some over others for reasons related to gender, race, religion, financial status, or other factors. This principle is not limited to the right of individuals to benefit from services; rather, equality must also be achieved in bearing the burdens or costs associated with those services.¹⁴

This is confirmed by Article 27 of Ordinance 06-03, which stipulates non-discrimination among employees based on their opinions, gender, origin, or any other personal or social circumstances¹⁵.

This principle does not conflict with the authority of the digital administration to impose certain conditions required by laws and regulations, such as those related to paying fees, following certain procedures, or submitting certain documents. Therefore, the principle of equality is clearly manifested in the electronic application of such transactions, and no beneficiary is discriminated against. In reality, the administration strives to improve its services and achieve the required quality. However, it is not clear whether digital administration meets all these standards. This applies in particular to the quality of relationships, as some scholars believe, with the internet sometimes accused of “dehumanizing relationships.”

Because public services under digital administration often lack a voice and physical presence in this relationship, some believe that this technologically advanced administrative model will, in turn, exacerbate social inequalities in terms of service access and equal treatment. Furthermore, internet access is expensive and requires minimal computer skills.¹⁶

At the same time, the assumption of mandatory digital interaction in the future raises the question of whether some individuals will not respond to the information technology revolution and will not adapt to or accept this type of interaction in the first place. Is it inevitable that digital administration will deal with a digital user who is also digital?..

Therefore, it has become essential to offer individuals the choice between traditional methods or adopting electronic transactions to access the desired service.

In this context, most domestic legislation does not encourage mandatory electronic transactions, except in certain cases, such as informing citizens of the issuance of specific laws and regulations, and providing models for online transactions, especially given the varying nature of electronic transactions.

These services differ depending on whether we are providing information electronically or a service. The former generally requires only accessing the service's website, while the latter requires submitting a paper file (often for supporting documents). Thus, the level of interaction varies according to the type of electronic transaction, as the latter requires computer literacy.

With the exception of some transactions, optional rather than mandatory methods remains the most suitable option for beneficiaries. This is the approach adopted by the public service ministries in European Union countries and by most domestic legislation, including Algerian legislation. This will undoubtedly have a

direct impact on public sector employees, as they are the primary stakeholders in digital administration applications. Many employees, unfamiliar with modern technologies due to a lack of up-to-date knowledge or specialized training, find themselves compelled to handle various digital files electronically.

Third: Electronic Recruitment Platforms as a Mechanism for Achieving Equality

The recently introduced mechanism across many ministerial sectors in Algeria, and in many other countries, namely online recruitment platforms, represents one of the most significant developments in e-recruitment. This is because it achieves the principle of equal opportunities for candidates, thus ensuring fairness among them. This is evident in the following points:

1- Establishing the same requirements for all candidates for a given position:

Positions are advertised through these electronic platforms, and information is disseminated to all those involved in the recruitment process.

2- Implementing an electronic file submission mechanism: This process allows all candidates to submit their files in designated sections. It also ensures the completeness of the file, as it is programmed according to the number of required documents. Any missing documents will result in the incomplete submission process and the failure of the candidate's registration.

3- Electronic receipt notification: After the candidate completes the electronic registration process by submitting all required documents, the electronic submission is considered accepted. This constitutes an acknowledgment of receipt, which is previously stamped by the administration on paper files.. However, this acknowledgment does not constitute acceptance, as the review of files is handled by specialized administrative committees.

4- Tracking the status of applications submitted through recruitment platforms: Among the advantages offered by these platforms is the ability to track the status of applications electronically. Candidates can monitor the progress of their applications closely. However, this mechanism is not universally implemented across all platforms. Some platforms only notify candidates of acceptance and then send a summons in case of acceptance or rejection. Other platforms, striving for greater procedural transparency, clarify all stages of the application process, including the administrative and technical review phases. This eliminates any doubts surrounding the recruitment process, which has unfortunately become plagued by corruption.

B) The right to professional advancement within the digital administration.

In this section, we will address the concept of promotion for public employees (**first**), the types of promotions for public employees (**second**), and the digitization of annual human resource management plans as a mechanism to guarantee professional advancement for employees (**third**).

First: The Concept of Public Employee Promotion

Some define it as "the advancement of a public employee on the hierarchical ladder, increasing their authority and responsibilities, and consequently, their salary and benefits." Others define it as "the employee assuming a higher-ranking position than the one they held before their promotion."¹⁷ Therefore, promotion is a change in the legal status of a public employee to a higher rank than they previously held, which will undoubtedly have other consequences, reflected in an increase in the tasks assigned to them and an increase in their incentives, most importantly, their salary before the promotion.

Second: Types of Public Employee Promotions

We will discuss promotion in grade and then promotion in rank.

1- Grade Promotion: Grade promotion involves moving from one grade to the next higher grade and is carried out continuously according to the rates and procedures determined by regulations¹⁸.

This promotion is considered a professional promotion linked to the employee's years of professional experience. It is structured according to three periods: short (two years and six months), medium (three years), and maximum (three years and six months), according to the grade scale defined by regulatory texts. Each grade is assigned an index number corresponding to the employee's professional experience.¹⁹

Digital administration ensures the smoothness of this promotion model, making it easy to calculate promotion periods. This is because it is equipped with applications that store all data related to the date of joining the job, the date of the last grade promotion, and any subsequent changes to the employee's grade on the grade scale.

2- Promotion in Rank: Promotion in rank represents an employee's advancement in their career path by moving from one rank to the next higher rank within the same department or to the next higher department, according to the following methods:

- Based on qualifications, from among employees who have obtained the required certificates and qualifications during their career.
- After specialized training.
- Through a professional examination or assessment.
- By selection through registration on the eligibility list, after consulting the Joint Committee, from among employees who demonstrate the required seniority.

An employee cannot benefit from promotion through registration on the eligibility list twice consecutively²⁰. Similarly, the ease of employee promotion in rank within the digital administration, especially regarding registration on eligibility lists for optional promotion, will ensure complete transparency.

Third: Digitizing annual human resources management plans as a promotion tool.

Employee career paths are managed within the framework of a discretionary human resources management policy, implemented through annual human resources management plans and annual or multi-year training and development plans²¹. Therefore, digitizing these plans and directly integrating them into the civil service will undoubtedly facilitate the promotion process and enable immediate digital follow-up after promotion, thus avoiding lengthy and complex procedures.

Section III: Rights Related to Work Stoppages in Digital Administration

The principle of ensuring administrative service necessitates a set of guarantees that all contribute to its practical implementation. These guarantees include those imposed by technological realities, those established by the constitution and legislation, and those enshrined in judicial or administrative jurisprudence. Digital administrative services are no exception to this framework; In fact, they impose a certain degree of specificity.

Therefore, an employee may experience a cessation of their administrative activity during their career. This cessation may be temporary, manifesting as a strike (A), or it may take the form of a permanent cessation of all administrative activities, represented by resignation (B).

A) Regulating the Exercise of the Right to Strike in Digital Administration

A strike can be defined as a voluntary, collective work stoppage for a specified or indefinite period to achieve specific professional or social demands.

Consequently, exercising the right to strike conflicts with the principle of continuity, as employees recognize the value and importance of the work performed by the public service, its benefits, and the individual's need for it. They then rush to exert pressure on the facility's management to achieve their demands, regardless of whether they are legitimate or not.

First: The Right to Strike in Algerian Law

The right to strike is a constitutional right and a gain secured by workers since the 1989 Constitution and maintained in subsequent constitutions. Article 70 of the 2020 Constitutional Amendment, which is currently in effect, recognizes the right to strike as a legally valid right.

However, the same constitutional article, in its second paragraph, excludes certain categories, or rather, limits their scope, to the point of prohibition. These categories include those related to national security or defense, or public activities of vital interest to the nation.

On the legislative level, the right to strike was initially stipulated in Law No. 90-02 of February 6, 1990, concerning the prevention and settlement of collective labor disputes and the exercise of the right to strike²², amended and supplemented by Law No. 91-27 of December 21, 1991²³. This law included its rules, procedures, and effects, outlining the methods and consequences for exercising the right to strike.

This law was recently repelled by Law No. 23-08 of June 21, 2023, concerning the prevention and settlement of collective labor disputes and the exercise of the right to strike.²⁴

Article 42 of Law No. 23-08 defined a strike as "a collective and agreed-upon work stoppage aimed at fulfilling purely social and professional demands, decided upon by salaried workers or public employees in accordance with the provisions and procedures stipulated in this law and in compliance with the requirements of the establishment's activity and the continuity of public service, after exhausting the mandatory procedures for amicable settlement of the dispute and other possible methods of settlement stipulated in collective labor agreements or settlement agreements." Therefore, while the legislator did not deprive workers of their right to strike, they linked this right to maintaining the operational requirements of the institution and ensuring the continuity of public service provision.

This is also stipulated in Ordinance 06-03 of July 15, 2006, which contains the General Basic Law for the Civil Service. Article 36 of this law grants employees the right to strike within the framework of applicable legislation and regulation.

Second: Types of Strikes in Algerian Legislation

Article 4 of Law 23-08 stipulates five types of strikes:

- **Strikes for Political Demands:** These are strikes aimed at achieving non-professional political demands.
- **Sudden Strikes:** These are strikes that occur without prior notice and without adhering to the procedures for resolving collective labor disputes.
- **Intermittent Strikes:** Strikes that take place at different times.
- **Solidarity Strikes:** These are strikes undertaken by workers of other establishments to support the demands of their employees in a spirit of solidarity.
- **Open-Ended Strikes:** These are continuous strikes with no set duration.

All these forms of strikes are considered illegal. While they could potentially constitute a strike within the context of digital administration, the Algerian legislator has not addressed this model of administration in this regard.

Third: Restrictions on the Right to Strike

Given the severe consequences of strikes, which primarily harm those directly affected, the Algerian legislator sought to regulate the exercise of the right to strike through procedural restrictions. These restrictions aim to prevent abuse of the right by those striking. Furthermore, for objective reasons, the legislator has prohibited the exercise of this right in certain sectors.

1- Procedural Restrictions: Law 23-08 includes a set of restrictions that precede the commencement of a strike. These restrictions involve a settlement process, primarily mediation, followed by conciliation, and then arbitration.

These procedures also include several procedural conditions, the most important of which are prior notification and the convening of a general assembly requiring unanimous approval.

2- Objective constraints: These are as follows:

2.1- Guaranteeing a minimum level of service: If a strike affects essential public services, workers, while respecting the rights of those benefiting from the continuity of public services, must guarantee a minimum level of service. This applies when a strike affects activities whose complete disruption could harm the continuity of essential public services, as stipulated in Article 62 of Law 23-08. All necessary measures must be taken to ensure the continuation of these essential public services or vital economic activities, particularly the supply of food, health, and energy products to citizens throughout the country, or the maintenance of existing facilities and property.

The list of sectors of activity and job positions requiring a minimum level of service is determined, by regulation, without prejudice to the provisions of Article 62 above, the minimum level of service in the economic sector, which cannot be less than 30% of the total number of workers involved in the strike, is determined by a collective bargaining agreement.

In the absence of a collective bargaining agreement, the Minister of the sector, the Governor, or the President of the relevant Municipal People's Assembly, each within their respective jurisdiction, determines the list of sectors of activity and job positions requiring a minimum level of service, after consulting with the most representative trade union organizations or elected workers' representatives, as the case may be.

Any dispute concerning the determination of the minimum level of service mentioned in the first paragraph above may be brought before the competent judicial authority.

2.2- Requisitioning: Striking workers in public bodies, administrations, or institutions may be requisitioned to perform essential tasks to ensure the continuity of certain vital services. Failure to comply with a requisition order constitutes a serious offense that will result in disciplinary action against the worker concerned, as stipulated in Article 66 of Law 23-08.²⁵

In accordance with the provisions of Article 65 of the same law and applicable legislation, the Minister of the sector, the Governor, or the President of the relevant Municipal People's Assembly may order the requisitioning of striking workers belonging to public bodies, administrations, or institutions who hold essential positions:

- For the security of persons, facilities, and property;
- For the continuity of essential public services;

- To provide the country's vital needs;
- To supply the population or to address any exceptional health or emergency situation. The employer or their legal representative shall notify each worker concerned of the requisition order through all legal means. Therefore, a criticism leveled against the Algerian legislator is that it did not explicitly address strikes in the digital service sector in the cases where they are prohibited, as stipulated in Article 45 of Law 23-08.

Furthermore, it failed to rectify this by not including them among the cases where they are required to be carried out within the minimum service requirements, despite the importance of the services provided by the digital administration.

B) Regulating the Right to Resign within the Digital Administration

Resignation is considered a declaration by a public employee of their desire to sever their legal relationship with the administration and to cease working for reasons unrelated to the administration. This is stipulated in Ordinance 06-03 concerning the Civil Service, where Article 217 explicitly states that resignation is a right of the employee to be exercised within the framework of the law. This will inevitably affect the continuity and regularity of administrative work. Therefore, in order to maintain the overall smooth functioning of the administration and the continuity of its activities, the Basic Law of the Civil Service established specific rules for resignation and its regulation. Articles 218 and 219 stipulate that an employee must submit a written request expressing their desire to terminate their employment. This request must be sent through the administrative hierarchy to the appointing authority. The employee is obligated to continue performing their duties until a decision is issued. Once the resignation is accepted, it cannot be retracted. Therefore, under digital administration, this process will be electronic, a point overlooked by Ordinance 06-03.

Article 220 of the same law obligates the appointing authority to make its decision within two months from the date of submission of the request. In cases of extreme necessity for the public interest, the authority may postpone approval for an additional two months after the initial deadline. Upon the expiry of this two-month period, the resignation becomes legally effective.

Conclusion

Various legislations, including Algerian legislation, have sought to keep pace with the development of digital administration in all its aspects, particularly

concerning the employee as a contributing element in the development of this system. The employee is also considered one of the most important mechanisms upon which digital administration is based.

Despite the varying definitions, especially within this evolving administrative model, as observed in the legislative definitions in Algeria, we have reached several important conclusions, which we summarize in the following points:

- Public employees have continued to enjoy their most important rights under digital administration. On the contrary, with regard to managing their professional lives, digital administration has provided greater guarantees for the effectiveness of these rights through the application of digital technology in multiple areas, which is a significant gain for public employees. This guarantee is embodied in providing one of the most important constitutional principles, namely equality of opportunity in employment, through an electronic recruitment mechanism that ensures clear procedural transparency. Regarding the monitoring of an employee's career path through the promotion mechanism, the digitization of the annual human resources management plan provides an additional guarantee for tracking the various situations an employee encounters throughout their career, particularly concerning promotions, whether at the grade or rank level.

However, the situation is quite different regarding rights related to ensuring the provision of administrative services. The right to strike is only conceivable in a digital administration under exceptional circumstances, and the same applies to resignation, even though these are rights ultimately enshrined in Algerian law.

Finally, to safeguard the employee's position within the digital administration, particularly concerning their rights, we propose the following:

- 1- Expediting the digitization of annual human resources management plans as a mechanism to ensure the monitoring of an employee's professional status.
- 2- The need to standardize the digitization of annual human resources management plans and annual or multi-year plans for monitoring the various situations encountered by employees during their careers, and to accelerate the process of directly linking these plans to civil service departments as part of the necessary remote digital monitoring
- 3- Addressing the issue by explicitly prohibiting strikes in digital public services in cases where warranted, as stipulated in Article 45 of Law 23-08.

4- The necessity of legislative intervention to include resignation within the digital services framework in cases where minimum service requirements necessitate it, given the importance of the services provided by the digital administration.

5- Amending Articles 218 and 219 of Ordinance 06-03 to include the possibility of submitting a resignation request, in which the employee expresses their desire to terminate their employment relationship, electronically through the administrative hierarchy.

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- ¹⁵ Ordinance n°06-03 concerning the general statute of the civil service , op. cit, p. 05.
- ¹⁶ Laëtitia Roux, E-government: a vector of quality service for users?, Social Information (no. 158), National Family Allowance Fund Publishing, France, 2010, p. 25.
- ¹⁷ Walid Saud Al-Qadi, op. cit, p. 83.
- ¹⁸ Article 107 Ordinance n° 06-03, op. cit., p-p. 10-11.

¹⁹ Article 114/2/3 Ordinance n° 06-03, same reference, p. 11.

²⁰ Article 107 of Ordinance n° 06-03, same reference, same page.

²¹Article 111 of Ordinance n° 06-03, same reference, same page.

²² Law n°90-02 of 06/02/1990 relating to the prevention and settlement of collective labor disputes and the exercise of the right to strike, amended and supplemented, Official Journal of the Algerian Republic No. 06 of 07/02/1990, p. 231. (Repealed).

²³ Official Journal of the Algerian Republic No. 06 of 07/02/1990, p. 231.

²⁴ Law n°23-08 of 06/21/2023 relating to the prevention and settlement of collective labor disputes and the exercise of the right to strike, Official Journal of the Algerian Republic, No. 42 of 06/25/2023, p. 13.

²⁵ Official Journal of the Algerian Republic No. 42 of 2023, op.cit, p. 21.