



The Termination of the Professional Career of the Public Employee under Algerian Legislation

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Abstract

This study addresses one of the significant topics in the field of public employment, namely the regulation of cases leading to the termination of the functional relationship of the public employee under Algerian legislation. It seeks to elucidate the various administrative and legal grounds that result in such termination. This is achieved through an analysis of the rules and procedures established by Order No. 06/03, containing the General Basic Law on the Public Service, as amended by Order No. 22/22. The study also examines cases of referral to retirement, resignation, dismissal, death, and loss of nationality, in addition to clarifying the legal effects arising from the cessation of functional status.

Keywords: Employee; Administration; Functional Relationship; Public Service; Algerian Legislation.

العنوان: نهاية الحياة المهنية للموظف في التشريع الجزائري

ملخص:

تناولت هذه الدراسة أحد الموضوعات المهمة في مجال الوظيفة العامة، والمتمثل في تنظيم حالات انتهاء العلاقة الوظيفية للموظف العام في ظل التشريع الجزائري، حيث سعت إلى بيان مختلف الأسباب الإدارية والقانونية المؤدية إليها، وقد تم ذلك من خلال تحليل الضوابط والإجراءات التي أقرها الأمر رقم 03/06 المتضمن القانون الأساسي العام للوظيفة العمومية المتمم بالأمر رقم 22/22، مع التطرق إلى حالات الإحالة على التقاعد، الاستقالة، العزل، الوفاة، وفقدان الجنسية، إضافة إلى بيان الآثار القانونية المترتبة على زوال الصفة الوظيفية.

كلمات مفتاحية:

الموظف؛ الإدارة؛ العلاقة الوظيفية؛ الوظيفة العامة؛ التشريع الجزائري.

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1. Introduction:

The public service maintains its unique position between legal and administrative spheres because it serves as the State's essential tool for achieving economic and social and political growth. Public officials who represent the State and operate under its authority enable the State to achieve its goals and carry out its duties because they personify State authority through their work in public service management and service delivery maintenance.

The Algerian General Statute of the Public Service which Order No. 06/03 established through subsequent amendments defines public servants as agents who receive lifetime appointments to work within permanent public offices. The statute establishes basic legal rules which staff members must follow during their public service work from their first day until their last day at the agency according to established rules and procedures.

The study analyzes public servant service termination legal aspects through three main categories which include voluntary termination by resignation and administrative termination through dismissal and retirement or death or nationality loss as per legal provisions.

In light of the foregoing, the study raises the following principal research question:

What are the administrative and legal grounds established by public service law for the termination of a public servant's service?

To address this question, and relying on the descriptive and analytical approaches, the study is divided into two main sections: the first is devoted to examining cases of termination of the employment relationship by the will of the administration or the public servant, while the second focuses on cases of termination of the employment relationship by operation of law.

2. Termination of the Employment Relationship by the Will of the Administration or the Employee

The employment relationship between the employee and the administration may come to an end by the will of either party or by their mutual agreement, as a result of legal or administrative considerations dictated by the interests of the public service or by the employee's personal situation. Such termination may take several forms, including dismissal or discharge for disciplinary or organizational reasons, referral to retirement in its various forms, as well as resignation through which the employee expresses the desire to end his or her service. Addressing these situations constitutes a necessary preliminary step for understanding the rules governing the termination of service. This will be set out, in brief, as follows:

2.1 Dismissal

The Algerian legislator did not provide an explicit definition of dismissal in the early legislation governing the public service; however, it was considered one of the grounds for terminating the employment relationship. Under the former legal framework, dismissal was understood as a final and permanent separation from the public service due to unjustified absence for a specified period, effected by a decision issued by the authority vested with the power of appointment (Mqimi, 2021, p. 158).

Some jurists have defined dismissal as "the separation of an employee due to his abandonment of his position for a specified period." It has also been defined as "a disciplinary administrative measure or an exclusionary sanction imposed by the authority competent to appoint against an employee who commits the offence of neglecting his post, without granting him disciplinary safeguards, resulting in the termination of his employment relationship and the loss of the status of public employee, which he cannot subsequently recover due to the prohibition on reemployment in the public service." (Mqimi, 2021, p. 158).

By referring to Order No. 06/03 concerning the General Statute of the Public Service, as amended and supplemented (Order No. 06-03, 2006 (amended 2022)), it becomes apparent that the Algerian legislator did not define dismissal per se, but rather specified the grounds giving rise to it (Bouchiba, 2021, p. 443). The Order provides that: "If the employee is absent for at least fifteen (15) consecutive days without a valid justification, the authority vested with the power of appointment shall initiate dismissal procedures for neglect of duty, after formal notice, in accordance with modalities determined by regulation." (Article 184 of Order No. 06-03, 2006 (amended 2022)).

The content of Executive Decree No. 17/321 (Article 3 of Executive Decree No. 17-321, 2017) includes a definition of dismissal which states that authorities with appointment power must issue dismissal orders for neglect of duty without justification through reasoned decisions after giving formal notice to the employee. The administration has the authority

to make dismissal decisions through its own judgment or after it seeks advice from the Joint Administrative Committee. The Committee's opinion holds no legal authority in either situation. An employee may also be dismissed as a result of deprivation of Algerian nationality or loss of civil rights (Yammah & Yahyaoui, 2020, p. 96). The formal notice serves as an administrative process which lets employees choose to correct their behavior before they must return to their work duties while the administration determines their position before they make a dismissal decision. The authority which holds appointment power must issue the notice through written form while it needs to identify the specific violation and the possible penalties which will result from disobedience. The first notice must be sent after two days of unexcused absence and the second notice should follow five days after the first notice when the unexcused absence persists. The recipient needs to receive the notice through physical delivery or any method which the court recognizes as valid delivery even when the recipient refuses to accept the notice.

The formal notice creates different consequences which depend on how the employee chooses to respond. The employee will return to his position after receiving the notice because he provides a valid reason for his absence. The absence will result in salary deduction only for the actual days when the employee was not present at work. The system requires the employee to face disciplinary action which includes salary reduction when he returns without providing a proper reason for his absence. The violation receives classification as a second-degree professional offense. The employee needs to come back to work after two official notices but before the end of eleven days because missing this deadline will lead the administration to stop his salary payments. The administration will start necessary actions to protect public service interests and maintain its proper operation (Mqimi, 2021, pp. 158-160).

Dismissal constitutes a fourth-degree sanction (Article 163 of Order No. 06-03, 2006 (amended 2022)). The disciplinary measure creates an instant end to the employee's career development while it breaks his professional connection with the administration through its classification as a severe disciplinary penalty. The Joint Administrative Committee operating as a disciplinary council must give its approval before any dismissal can occur because their opinion holds binding power for the administration in this situation (Yammah & Yahyaoui, 2020, p. 96).

2.2 Dismissal

At the outset, it is necessary to distinguish between disciplinary dismissal and non-disciplinary dismissal. The latter may be imposed on a public employee in the absence of any professional misconduct attributable to him (Belarabi & Naimi, 2017, p. 202). In such cases, the administration retains the right to dismiss the employee even where no fault has been committed, on the grounds of a lack of the requisite suitability necessary to ensure the regular, continuous, efficient, and sound functioning of the public service (Aouabdi, 1998).

In view of the seriousness of its consequences, the legislature has restricted the administration, prior to taking such a measure, by requiring it to seek the opinion of the joint parity committees. It must also verify the possibility of referring the employee to retirement if the legal conditions are fulfilled, or of reducing his grade in a manner commensurate with his professional qualifications, before resorting to this procedure.

Although the administrative authority is vested with the power to assess an employee's lack of competence and the extent to which it affects the proper functioning of the administrative service, this power is circumscribed to the degree necessary to achieve that objective, without deviating in the use of this measure to pursue other unlawful purposes. To guard against such deviation, the administrative judge subjects the decision to judicial review, seeking in this regard to draw a distinction between non-disciplinary dismissal and the sanction of dismissal resulting from a disciplinary fault.

Non-disciplinary dismissal may also occur as an expression of the administration's concern to realize the public interest, insofar as it may abolish positions that no longer have any justification and, on that basis, dispense with certain employees. However, although this measure is granted to it by way of exception, the administration may not employ it as a means to rid itself of employees for personal reasons or objectives, such as when it dismisses a number of them on the pretext of abolishing their positions or reducing staff numbers, only to reappoint other employees in their place.

In these two cases, the decision to dismiss is tainted by abuse of power, as the administration, through its decision, seeks the interest of others rather than that of the public service. This exposes the decision to judicial annulment, with the possibility for the injured party to claim compensation for the harm suffered.

As for disciplinary dismissal, it constitutes a sanction imposed by the competent administrative authority against a public employee as a result of the commission of serious professional misconduct, leading to the definitive loss of the employee's functional status.

It should be noted that the Algerian legislator has confined itself to classifying disciplinary faults without providing a definition thereof, as set out in Article 160 of Order No. 06/03 supplementing the General Statute of the Public Service. This, however, has not prevented legal doctrine from proposing definitions, among which Professor Abdel Fattah Hassan defines a disciplinary fault as "any conduct issued by the employee during the performance of his duties or outside them that affects the performance of those duties in a manner that may hinder the public service from carrying out its activity in an optimal way, provided that such conduct is committed with culpable intent." (Sulayman, 1995, p. 42).

The Algerian legislator, in the currently applicable General Statute of the Civil Service, has classified certain disciplinary offenses that may be committed by a public employee. Article 177 of the aforementioned statute sets out a categorization of these offenses into four levels (Khelifi, 2015, p. 68): first-degree, second-degree, third-degree, and fourth-degree offenses (Article 178 of Order No. 06-03, 2006 (amended 2022); Article 179 of Order No. 06-03 Dated July 15, 2006, 2006 (amended 2022); Article 180 of Order No. 06-03, 2006 (amended 2022); Article 181 of Order No. 06-03, 2006 (amended 2022)). The legislator has stipulated that sanctions corresponding to first- and second-degree offenses are imposed by the hierarchical authority through a reasoned decision, whereas sanctions for third- and fourth-degree offenses are imposed by a joint committee composed of an equal number of members, constituted as a disciplinary council, whose opinion is binding on the hierarchical authority. As for offenses of a criminal nature, they are addressed through a distinct mechanism in light of their impact on the continuation of the employment relationship.

There is also another situation, known as discretionary dismissal, which pertains to the authority exercised, depending on the case, by the President of the Republic or the Prime Minister to terminate the duties of officials appointed to senior functions or higher positions (Article 10 of Order No. 06-03, 2006 (amended 2022); Article 11 of Order No. 06-03, 2006 (amended 2022); Article 12 of Order No. 06-03, 2006 (amended 2022); Article 13 of Order No. 06-03, 2006 (amended 2022); Article 14 of Order No. 06-03, 2006 (amended 2022); Article 15 of Order No. 06-03, 2006 (amended 2022); Article 16 of Order No. 06-03, 2006 (amended 2022); Article 17 of Order No. 06-03, 2006 (amended 2022); Article 18 of Order No. 06-03, 2006 (amended 2022)).

Accordingly, it becomes evident that both dismissal and release from service constitute means of terminating the employment relationship under the provisions of the General Statute of the Civil Service, while a fundamental distinction exists between them. Dismissal constitutes a severe disciplinary sanction that results in the termination of the employee's professional career and requires, for its application, compliance with legal procedures and, in certain cases, the approval of the joint administrative committee. By contrast, release from service encompasses two forms: a disciplinary form, arising from the commission of serious offenses, and a non-disciplinary form, based on the administration's assessment of the proper functioning of the public service in the absence of any fault on the part of the employee. In this regard, the Algerian legislator emphasizes the principle of gradation in sanctions and procedures, thereby achieving a balance between the protection of the public service and the safeguarding of the employee's legal rights.

2.3 Early Retirement

The administration works to stop the State from building an excessively large administrative system by assessing its organizational framework which should match the current service delivery levels. The legislature provides the administration with new tools to support its reform approach which includes early retirement that allows public officials to leave their jobs while ending their official employment status.

The administration uses this measure beyond its intended purpose because it functions to advance personal agendas and to fight back against others instead of working for the common good. The decision to send employees to early retirement becomes illegal because supervisors enforce their own authority while breaking the law. The administration applies this measure during specific situations to punish public servants who break disciplinary rules although it should follow the established disciplinary process (Al-Qabilat, 2003, p. 13).

The administration uses early retirement as an internal tool instead of following disciplinary procedures which operate differently and protect employees through their separate system of safeguards. The disciplinary system does not include early retirement as a penalty because Decree No. 85-5 and Order No. 06-03 lack this provision but Order No. 66-113 does through its Article (55) second-degree disciplinary penalty classification.

The annulment process of administrative decisions through power abuse does not adequately solve the resulting damage so public servants must pursue compensation through legal action after receiving their annulment judgment for material and moral damage.

The proper functioning of the administration requires that its activity be subject to the principle of legality, which mandates that all its actions conform to legal rules and procedures. Since the public servant constitutes the center of the administrative process, his or her conduct must be governed by clear and well-defined legal constraints, within which official duties are performed, in order to ensure the regular and continuous operation of public services and to achieve the public interest, which represents the fundamental objective of all administrative activity.

In order to ascertain the extent to which the activities of the public employee comply with the requirements of legality and the imperatives of the public interest, such activities must be subjected to strict oversight, whether internal or external, and whether exercised directly by the administration itself or entrusted to other competent bodies.

Since responsibility for monitoring the legality of the public employee's conduct in Algeria is, in principle, vested in the administration, it has been granted the authority to review his actions and to impose appropriate sanctions in the event of a breach of the rules of legality, in particular through specialized bodies known as Joint Administrative Committees.

In order to prevent the administration from abusing its disciplinary authority, it has become necessary to subject its decisions in this field to judicial review, which constitutes a fundamental guarantee for the protection of the rights of the public employee. This is especially true of the review exercised by the administrative judge over administrative decisions imposing disciplinary sanctions in cases of deviation in professional conduct or departure from the legitimate objective (Al-Qabilat, 2003, p. 13).

Finally, an employee may be referred to early retirement if he loses his employment involuntarily as a result of the readjustment of employment levels decided by the government, in accordance with the provisions of Articles 01, 02, 03, and 04 of Executive Decree No. 98-317 concerning the extension of early retirement to employees of public institutions and administrations. This measure was adopted by the government within the framework of restructuring certain economic institutions (Executive Decree No. 98-317, 1998).

However, early retirement is subject to conditions that must be met by the applicant, namely:

- Attainment of at least fifty (50) years of age for males or forty-five (45) years for females.
- Completion of a number of years of employment or equivalent periods creditable for retirement amounting to at least twenty (20) years.
- Payment of full social security contributions for a minimum period of ten (10) years, including the three (03) years preceding the termination of the employment relationship that establish or confer entitlement to early retirement.
- Inclusion on the nominal list of employees subject to referral to early retirement, which is legally approved by the authority vested with the power of appointment (Belarabi & Naimi, 2017, p. 201).

2.4 Proportional Retirement

Proportional retirement may be defined as a form of retirement whereby the worker requests to be referred to retirement prior to attaining the legal retirement age, which is set at sixty years, provided that his period of service is not less than twenty years. This scheme applies to all workers, whether in the public or private sector, and regardless of whether they are employed in economic institutions or public administrations.

The conditions for proportional retirement consist in the worker reaching the age of fifty if male and forty-five if female, having completed a period of effective service, and having paid social security contributions equivalent to at least twenty years, reduced to fifteen years in the case of women. Entitlement to this type of retirement is granted only upon the request of the salaried worker and does not take into account retirement decided by the employer on the basis of his unilateral will. As for the retirement pension, it is granted at a rate of fifty percent if the worker has completed a service period of at least twenty years, and the pension rate rises to 62.5 percent if the worker has completed twenty-five years of service (Ziane, 2020, p. 214).

However, despite the advantages that could result from the application of the two aforementioned retirement schemes, particularly in terms of creating employment opportunities and absorbing part of unemployment, the legislator abolished them pursuant to the new amendment to the Retirement Law No. 16/15 (Law No. 16/15, 2016), due to the high number

of retirees and considering them to be the principal cause of the deficit of the National Retirement Fund (Ziane, 2020, p. 208).

There is no doubt, in our view, that the abolition of the early retirement and proportional retirement schemes from the social security system, in the absence of any alternative solutions, will contribute to an increase in the unemployment rate, which will negatively affect processes of social and economic development.

Thus, it becomes clear that the early retirement and proportional retirement schemes provided legal mechanisms for terminating service prior to the legal retirement age, subject to specific conditions relating to age, length of service, and social security contributions. The principal difference between them lay in the will behind the referral to retirement: early retirement occurred at the initiative of the administration, whereas proportional retirement was granted at the request of the employee himself. Despite the social and economic benefits that these two schemes had provided, the legislator abolished them through the amendment of Retirement Law No. 16/15, thereby increasing unemployment rates and adversely affecting the renewal of human resources and socio-economic development.

Fifth: Legally Accepted Resignation Relating to the Public Employee

Resignation constitutes one of the fundamental administrative rights enjoyed by the public employee, and it has been expressly recognized by the Algerian legislator in successive civil service statutes. It is essentially based on two conditions: the first consists in the submission of an explicit request by the employee, while the second lies in the approval of the competent administration. Resignation produces its legal effects only upon the concurrence of these two conditions, in accordance with the provisions of the law.

The legislator enshrined this right as early as Ordinance No. 66-03, Article 63(1) of which provides that: “Resignation shall have effect only by means of a written request submitted by the person concerned, in which he clearly and unequivocally expresses his will to sever the relationship binding him to the administration.” Legal doctrine defines resignation as “a ground for ceasing to perform the duties of public office, initiated by the employee, and which must be requested in writing.” (Khater, 2008, p. 289).

In conformity with the general rules governing the validity of consent in the general theory of obligations, the Algerian legislator has required the employee to express his intention to resign through a written request, in order to ensure the seriousness of such intention and the stability of the legal position of both the employee and the administration. It follows from the content of the provisions regulating resignation in the General Statute of the Civil Service that this intention must be explicit, clear, and free from any ambiguity or equivocation. Accordingly, no effect is given to a request that merely constitutes a grievance, or that reflects hesitation or lack of decisiveness. Likewise, a resignation is deemed invalid if it is made under coercion or pressure, or if it is tainted by any defect of consent. In the event of alleging the existence of a defect affecting the will, the employee may establish such defect before the administrative judge by all legally admissible means of proof (Article 218 of Order No. 06-03, 2006 (amended 2022)).

The existence of an explicit intention is inferred from the written request submitted by the employee to the competent authority vested with appointment powers. The legislator has not required any particular form for this request beyond the requirement of writing, thereby excluding any oral or implicit expression of resignation. Only a written request personally signed by the employee is taken into consideration. Article 219, paragraph 1, of Ordinance No. 06-03 requires that this request be transmitted to the competent authority through the administrative hierarchy, and obliges the employee to continue performing his duties until a decision is issued regarding the request (Bekhadda, 2019, p. 48).

The second condition concerns the necessity of approval by the competent administration (Article 220/1 of Order No. 06-03, 2006 (amended 2022)), as resignation produces no legal effect until an explicit acceptance is issued by the authority holding the power of appointment. This authority is required to rule on the resignation request within a specified period, commencing from the date of its submission. Consequently, the effects of resignation do not take effect from the date of its submission, but rather from the date on which the administrative decision accepting it is issued.

In order to safeguard the proper functioning of the public service, the administration may not subject resignation solely to the unilateral will of the employee. However, its authority in this regard is not absolute, as its role remains confined to acceptance within the legally prescribed time limits. Moreover, where overriding requirements of the public interest so necessitate, the administration may postpone its decision on the resignation request for an additional period of two months following the expiry of the initial time limit, without such postponement amounting to a rejection of the request.

The acceptance of resignation produces a definitive effect in that it may not be withdrawn, as confirmed by Article 219, paragraph 2, of Ordinance No. 06-03. Furthermore, upon the lapse of a total period of four months without any response from the administration, the resignation is deemed effective by operation of law, reflecting the legislator's recognition of what is known as implied resignation.

From the totality of the provisions of Ordinance No. 06-03, it is evident that the Algerian legislator has conferred upon resignation the character of a right, in contrast to earlier legislation that regarded it merely as a possibility. The administration has thus not been granted the power to refuse resignation, but only the authority to defer its effects in cases of overriding necessity, thereby achieving a balance between respect for the employee's will and the guarantee of continuity in the public service (Bekhadda, 2019, p. 49).

3. Termination of the Employment Relationship by Operation of Law

The service of a public servant terminates by operation of law upon the occurrence of specific grounds stipulated in Order No. 06/03, as amended and supplemented. These grounds are considered objective situations that result in the extinction of the employment relationship without the need to take special disciplinary or administrative measures. They include the loss of nationality or deprivation thereof, the loss of civil rights, referral to retirement upon reaching the legal age, as well as death, which brings the employment relationship to a definitive end. The importance of these cases lies in the fact that they are based on legal and social considerations affecting the public servant's legal capacity or the continuity of his or her performance of official duties, which necessitates addressing them and clarifying their legal rules and effects as follows:

3.1 Loss or Deprivation of Nationality

All State systems require that those who occupy public office belong to its nationality, in order to ensure a degree of loyalty among employees working within its institutions. This renders nationality one of the fundamental conditions for holding public office, given the sovereign, political, and security considerations it entails (Kanaan, 2003, p. 98).

Nationality is defined as a legal and political bond linking the individual to the State. It is a political bond insofar as it attributes each individual to the State to which he or she belongs, thereby giving rise to a reciprocal relationship between the two parties, manifested in the fundamental rights and freedoms enjoyed by the individual within and outside the State, in return for the allegiance and obedience owed to it. This bond also entails a social and moral dimension, embodied in external legal rules governing the acquisition of nationality, its individual and collective effects, the cases of its loss and deprivation, as well as the administrative procedures applicable thereto (Belarabi & Naimi, 2017, p. 198).

The Algerian legislature has regulated the matter of nationality through Order No. 70/86 of 15 December 1970, containing the Algerian Nationality Code, as amended and supplemented by Order No. 01/05 of 27 January 2005, approved by Law No. 08/05 of 4 May 2008. Article 1 of this law provides that the enjoyment of Algerian nationality is determined by law and, where appropriate, by treaties and international agreements ratified and published by the Algerian State, thereby affirming the sovereign nature of nationality.

The Algerian Nationality Code distinguishes between two types of nationality: original nationality and acquired nationality. Articles 6 to 8 set out the cases of original nationality, while Articles 9 to 13 explain the methods of acquiring Algerian nationality and the exceptions applicable thereto.

However, practical importance—particularly in the field of public service—emerges when addressing the cases in which the legislature has provided for the loss of nationality or deprivation thereof. These cases are regulated by Articles 18 to 24 of Order No. 01/05. The loss by a public servant of Algerian nationality results, by operation of law, in the termination of the employment relationship binding him or her to the administration, given that nationality constitutes a fundamental condition for holding public office.

The employee loses Algerian nationality, and his employment relationship with the administration consequently comes to an end, in the following cases:

- Voluntary acquisition of a foreign nationality, where authorization to renounce Algerian nationality has been granted by decree.
- An Algerian national, even if a minor, who possesses an original foreign nationality and has been authorized by decree to renounce Algerian nationality.

- An Algerian woman married to a foreign national who, as a result of her marriage, acquires her husband's nationality and is authorized by decree to renounce Algerian nationality.
- An Algerian national who declares his renunciation of Algerian nationality when relinquishing it within two years from the date of attaining the age of majority ([Article 18 of Order No. 86-70, 2005](#); [Article 24/1 of Order No. 86-70, 2005](#); [Article 2 of Order No. 86-70, 2005](#)).

As for the deprivation of an employee's Algerian nationality, which likewise entails the termination of his employment relationship with the administration ([Article 22 of Order No. 86-70, 2005](#)), this occurs in the following cases:

- If a judgment is rendered against him for an act constituting a felony or a misdemeanor that affects the vital interests of Algeria.
- If a judgment is rendered against him in Algeria or abroad imposing a sentence of more than five (05) years' imprisonment for a felony.
- If he carries out, for the benefit of a foreign entity, acts that are incompatible with his status as an Algerian national or that are detrimental to the interests of the Algerian State.

Deprivation is effected by decree, provided that it occurs within a period of ten years from the date of acquisition of Algerian nationality, and within a period of five years from the date of commission of the act or acts justifying such deprivation. It is further subject to the requirement that the person concerned be afforded the opportunity to submit his observations within a period of two months. Since the penalty is personal in nature, deprivation does not extend to the spouse of the person concerned or to his minor children; however, it may be extended to the children if the deprivation applies to both parents ([Belarabi & Naimi, 2017, p. 199](#)).

3.2 Loss of Civil Rights

Civil rights constitute one of the essential conditions for access to, and continuity in, public employment, a principle enshrined by the Algerian legislator in the General Statute of the Public Service, which requires that the employee enjoy his civil rights as a prerequisite for recruitment ([Article 75/02 of Order No. 06-03, 2006 \(amended 2022\)](#); [Article 06/03 of Order No. 06-03, 2006 \(amended 2022\)](#)). The loss of these rights, when resulting from a judicial ruling, entails the termination of the employment relationship between the employee and the administration by operation of law, without the need to initiate disciplinary proceedings.

In this context, the criminal judgment leading to the severance of the employment relationship with the administration must satisfy specific conditions: it must be issued by a competent national judicial authority, be final and vested with the force of *res judicata*, and expressly include the penalty of deprivation of civil rights. This is grounded in the Code of Criminal Procedure, which regulates the jurisdiction of judicial bodies and the binding force of judicial decisions, as well as in the Algerian Penal Code, which determines the nature of principal and ancillary penalties, including deprivation of civil rights ([Ben Imran, 2007, pp. 252-262](#)).

With regard to the termination of an employee's service due to the loss of civil rights, this matter is expressly regulated by Order No. 06-03, which considers the loss of such rights to result in the definitive termination of service and the cessation of the status of public employee. However, the legislator has established an important safeguard, namely the possibility of the employee's reinstatement to his position in the event of a final judicial decision of acquittal, together with compensation for the period of provisional suspension, where appropriate. This reflects the principle of the presumption of innocence and the protection of the employee's legal status.

The sanction of dismissal entails serious legal consequences, including the prohibition on the employee's re-entry into or renewed candidacy for public employment. The law expressly precludes the re-employment of any employee who has been subject to the penalty of dismissal or removal, unless his legal rehabilitation has been granted in accordance with the law ([Article 185 of Order No. 06-03, 2006 \(amended 2022\)](#)).

Within the criminal framework, the Penal Code provides for the possibility of imposing deprivation of one or more national rights as an ancillary penalty in the event of conviction for a felony, for a specified period commencing from the date of completion of the principal sentence or the release of the convicted person. It also authorizes the court, in certain misdemeanors expressly defined by law, to impose the same penalty for a period not exceeding five years, which begins to run from the date of completion of the custodial sentence ([Article 9 bis 1 of Law No. 23-06, 2006](#); [Article 14 of Law No. 23-06, 2006](#)).

Based on the foregoing, the termination of an individual's status as a public employee due to the loss of civil rights as a result of a criminal sanction entails deprivation of all rights and guarantees accorded to him under Ordinance No. 06-03, in addition to prohibiting him from rejoining the public service, unless his rehabilitation is restored in accordance with the provisions of the Penal Code and the Code of Criminal Procedure. Accordingly, the procedures of prior administrative investigation and the request for a criminal record extract assume particular importance in verifying the fulfillment of this condition. Where a judicial ruling is issued depriving the employee of one of his civil rights, the administration issues a dismissal decision on the basis of the judicial judgment. This decision is then subjected to prior review by the financial controller, and subsequently notified to the territorially competent Public Service Inspectorate within the framework of subsequent oversight, in accordance with the applicable administrative regulations.

3.3 Referral to Retirement

Attainment of the statutory retirement age constitutes the natural cause for the termination of a public employee's service, provided that such service has not ended earlier for another reason. It is a right of the employee pursuant to Article 33 of Ordinance No. 06-03 relating to the General Statute of the Civil Service.

Referral to retirement is subject to the fulfillment of two basic conditions: attaining at least sixty years of age for men and fifty-five years of age for women, and having completed at least fifteen years of service. The age specified in the first condition is reduced in favor of several categories provided for under the retirement legislation ([Article 06 of Law No. 16-15, 2006](#); [Article 08 of Law No. 16-15, 2006](#); [Article 21 of Law No. 16-15, 2006](#)), namely:

- Women who have undertaken the upbringing of one or more children for a minimum period of nine years, whereby one year is deducted for each child, without the total reduction exceeding three years.
- Employees who perform their duties under conditions involving a particularly high degree of hardship or harm.
- Veterans of the national liberation struggle, who benefit from a reduction of five years, in addition to one year for each ten percent of disability assessed as resulting from the War of Liberation.
- Employees suffering from total and permanent incapacity for work are exempted from the age requirement, provided that they can establish at least twenty years of service.

It is worth noting that the employment relationship between the public servant and the administration does not terminate on this basis or for this reason except after the competent authority issues a decision referring the employee to retirement, followed by the settlement of his or her retirement pension by the National Retirement Fund in accordance with the rules set out in Law No. 83/12 relating to retirement, and the beneficiary's receipt of the first installment of the pension. Pursuant to Article 10 of the latter law, no public institution or administration may implement the referral of a public servant to retirement unless the first installment of the pension has been granted ([Boutba, 2018, p. 147](#)).

4. Death

Death that constitutes a cause for the termination of the employment relationship refers to natural or ordinary death, defined as "the cessation of the heart and the bodily systems dependent upon it from all activity or normal movement in the human body." ([Ben Imran, 2007, p. 389](#)).

As for presumed death, which is established by a judicial ruling concerning a missing or absent person whose whereabouts are unknown and whose life or death cannot be ascertained, it is not considered among the causes for the termination of the employment relationship. This is because Article 184 of Order No. 03/06 provides for the dismissal of a public servant who is absent from his or her post for fifteen consecutive days without an acceptable excuse; the competent authority proceeds with dismissal after taking the legally prescribed measures, without awaiting a judgment declaring the person missing or presumed dead.

Termination of the employment relationship due to death is effected by the issuance of a decision known as a removal decision due to death. The beneficiaries of the deceased are entitled to receive the death benefit ([Article 47 of Law No. 16-15, 2006](#); [Article 67 of Law No. 16-15, 2006](#)), one quarter of the work-accident compensation if the death resulted from an accident occurring in the course of service, as well as a transferable pension in accordance with the provisions of the retirement law.

It should be noted that termination of the employment relationship due to death carries a particular character in certain public service corps, whereby a public servant who dies while in service is promoted directly to the next higher rank, and the administration or institution to which he or she belonged bears the costs of the funeral ceremonies and the transfer of the body ([Boutba, 2018, p. 145](#)).

Thus, it is evident that natural death constitutes a direct legal ground for terminating the employment relationship of a public servant, resulting in the issuance of a removal decision and the entitlement of the beneficiaries to the legally prescribed financial rights, including the insurance capital, one quarter of the work-accident compensation, and the due pension. Presumed death, by contrast, does not constitute a ground for termination of service, as the law limits itself to dismissal in cases of continuous absence without an acceptable excuse, in accordance with the legal procedures established under Article 184 of Order No. 03/06 containing the amended General Statute of the Public Service.

5. Conclusion

The employment contract between workers and their administration exists as a non-permanent arrangement which operates under legal rules and official regulations and faces multiple termination reasons. The causes which result in termination either originate from administrative decisions made by the administration or by employees or their combination or they stem from legal requirements which force termination through judicial means. The legal position of public employees stands apart from private law contracts because it operates under its unique legal system which applies different rules.

The Algerian lawmaker used Order No. 06/03 to create the General Statute of the Public Service which underwent various updates to establish specific rules about when public employees can end their service. The law defines which circumstances allow for termination and establishes mandatory procedures for termination and it also defines the legal consequences which result from such actions. The regulatory system maintains equilibrium between public service delivery requirements which safeguard public service continuity and employee rights protection through legal frameworks that prevent management from making arbitrary decisions.

On the basis of this study, a set of conclusions has been reached, which may be summarized as follows:

- The employee relationship with the administration operates through organizational ties which function independently from their contractual employment relationship because functional legislation establishes mandatory rules which maintain this system. The law allows the administration to create regulations which protect their career path and simultaneously enables them to terminate their professional journey.
- The end of public employment for a public worker stands as a regular career phase which does not represent an exceptional case. The legislator has specified multiple grounds for such termination, which may be administrative, arising from the will of the administration or the employee, or legal, taking effect by operation of law, thereby ensuring legal stability in the employment relationship.
- The social security system removed its early and proportional retirement programs which created negative effects on the job market because these changes reduced employment opportunities for young workers and disrupted the process of workforce renewal in public administration.
- The law in Algeria sets specific limits which define resignation as a restricted right because employees must keep working at their job until the resignation gets official approval. The public service continues its operations without any disruption because this system maintains service delivery while protecting the rights of employees and fulfilling the needs of the administration.

Study Findings:

On the basis of the findings reached, the following recommendations are proposed:

- The public service needs a unified legal system because its existing rules remain scattered which creates difficulties for career path regulation and reduces legislative clarity.
- The government should review its decision to eliminate early retirement and proportional retirement programs because these schemes might return with specific rules which would help generate employment opportunities while reducing workforce market stress.
- The legal defenses which protect workers during their dismissal need protection through judicial and administrative control of official rulings. The system will protect defense rights and maintain public service operations while upholding employee rights through proper control of official authority and enforcement of legal standards.
- The system needs to maintain equal weight between administrative needs and staff rights when creating rules for employee termination because this approach guarantees operational stability of public services and safeguards employees' legal safeguards.

References

Al-Qabilat, H. S. (2003). *Termination of the Employment Relationship Outside Disciplinary Cases: A Comparative Study*. Amman: Dar Wael for Publishing and Distribution.

Aouabdi, A. (1998). *The Principle of the Hierarchical Structure of the Concept of Supervisory Authority*. Algiers: Houma Publishing House.

Article 06 of Law No. 16-15. (2006, 12 31). Amending and Supplementing Law No. 83-12 Relating to Retirement. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 06/03 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 08 of Law No. 16-15. (2006, 12 31). Amending and Supplementing Law No. 83-12 Relating to Retirement. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 10 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 11 of Order No. 06-03 . (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 12 of Order No. 06-03 . (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 13 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 14 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 15 of Order No. 06-03. (2006 (amended 2022), 7 16). *Official Gazette of the People's Democratic Republic of Algeria. Article 184 of Order No. 06-03 Dated July 15, 2006 Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022*. Algiers, Algeria: National Printing Office.

Article 16 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algiers: National Printing Office.

Article 163 of Order No. 06-03. (2006 (amended 2022), 12 18). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algeria: National Printing Office.

Article 17 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 178 of Order No. 06-03. (2006 (amended 2022), 12 18). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algeria: National Printing Office.

Article 179 of Order No. 06-03 Dated July 15, 2006. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 18 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 18 of Order No. 86-70. (2005, 2 27). Relating to the Nationality Code, as amended and supplemented by Order No. 05-01 dated January 27, 2005. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 180 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 181 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 184 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 185 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 2 of Order No. 86-70. (2005, 2 27). Relating to the Nationality Code, as Amended and Supplemented by Order No. 05-01 Dated January 27, 2005. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 21 of Law No. 16-15. (2006, 12 31). Amending and Supplementing Law No. 83-12 Relating to Retirement. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 218 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 22 of Order No. 86-70. (2005, 2 27). Relating to the Nationality Code, as Amended and Supplemented by Order No. 05-01 Dated January 27, 2005. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 220/1 of Order No. 06-03. (2006 (amended 2022), 7 16). Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 24/1 of Order No. 86-70. (2005, 2 27). Relating to the Nationality Code, as Amended and Supplemented by Order No. 05-01 Dated January 27, 2005. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 3 of Executive Decree No. 17-321. (2017, 11 2). Determining the Procedures for the Dismissal of a Public Employee Due to Neglect of Duty. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 47 of Law No. 16-15. (2006, 12 31). Amending and Supplementing Law No. 83-12 Relating to Retirement. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 67 of Law No. 16-15. (2006, 12 31). Amending and Supplementing Law No. 83-12 Relating to Retirement. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 75/02 of Order No. 06-03 . (2006 (amended 2022), 7 16). Article Concerning the General Basic Statute of the Public Service, as Amended by Law No. 22-22 Dated December 18, 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 9 bis 1 of Law No. 23-06. (2006, 12 24). Amending and Supplementing Order No. 156-66 Dated June 8, 1966 Containing the Penal Code. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Article 14 of Law No. 23-06. (2006, 12 24). Amending and Supplementing Order No. 156-66 Dated June 8, 1966 Containing the Penal Code. *Official Gazette of the People's Democratic Republic of Algeria*. Algiers, Algeria: National Printing Office.

Bekhadda, M. (2019). The Legal Regime of Resignation: A Study within Algerian Public Service Legislation. *Academy for Social and Human Studies*, 11(2).

Belarabi, A., & Naimi, T. (2017, 1). Legal Cases for the Termination of Public Employee Service in Algerian Law. *Notebooks of Politics and Law*(16).

Ben Imran, M. A.-A. (2007). The Legal Regime Governing the Extinction of Disciplinary Proceedings. *Doctoral Dissertation in Legal and Administrative Sciences*. Batna, Algeria: University of El Hadj Lakhdar.

Bouchiba, T. (2021). Dismissal from Public Office in Algerian Law. *Scientific Horizons Journal*, 13(01).

Boutba, M. (2018). *Lectures on the Public Service*. Boumerdes: Ahmed Bougara University.

Decree No. 17-321. (2017, 11 2). Determining the Procedures for Dismissing a Public Employee Due to Abandonment of Post. *Official Gazette of the People's Democratic Republic of Algeria*. Algeria: National Printing Office.

Executive Decree No. 98-317. (1998, 10 5). Providing for the Extension of Early Retirement to Employees of Public Institutions and Administrations. *Official Gazette of the People's Democratic Republic of Algeria*. Algeria: National Printing Office.

Kanaan, N. (2003). *Administrative Law* (1ST ed.). Algiers: International Scientific Publishing House; Dar Al-Thaqafa for Publishing and Distribution.

Khater, S. Y. (2008). *Public Service: A Comparative Study*. Cairo: Arab Renaissance Publishing House.

Khelifi, A. (2015). Applications of Article 174 of Order No. 06-03 Dated July 15, 2006 Concerning the General Statute of the Public Service. *Algerian Journal of Legal, Economic, and Political Sciences*, 52(3).

Law No. 16/15 . (2016, 12 31). Amending and Supplementing Law No. 83/12 Relating to Retirement. *Official Gazette of the People's Democratic Republic of Algeria*. Algeria: National Printing Office.

Mqimi, R. (2021). The Legal Regime Governing the Dismissal of a Public Employee Due to Neglect of Duty. *Notebooks of Politics and Law*, 13(1).

Order No. 06-03. (2006 (amended 2022), 12 19). Containing the General Basic Statute of the Public Service, as Supplemented by Law No. 22/22 of 18 December 2022. *Official Gazette of the People's Democratic Republic of Algeria*. Algeria: National Printing Office.

Sulayman, M. A.-T. (1995). *Disciplinary Judiciary*. Cairo: Arab Thought House.

Yammah, I., & Yahyaoui, K. (2020). Regulations Governing the Dismissal of Public Employees in Algerian Legislation. *Law and Development Journal*(3).

Ziane, M. (2020). The Pension System in Algeria According to the New Amendment under Law No. 15-16. *Journal of Studies on the Effectiveness of Legal Rules*, 4(1).