

# COMBINING BETWEEN PUBLIC POSTS, BUSINESS, POLITICS, AND OTHER PROFESSIONS BETWEEN PROHIBITION AND PERMISSIBILITY: A COMPARATIVE ANALYTICAL STUDY BETWEEN THE EGYPTIAN AND SAUDI SYSTEMS

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## ABSTRACT

*The Egyptian and Saudi Systems administer the concept of public posts. According to these systems, public employees are the privileged class in society because of the privileges they enjoy from the public authority. These are subjected to a general legal jurisprudential theory and bylaws that differentiate it from employment in the private sector and prohibits working with commerce, politics, and other professions. The Egyptian and Saudi Laws regulate these with bylaws and regulations, which include peremptory provisions and severe penalties for violating these laws. Among the manifestations of the law's enrolment in these two systems of the public post is the legal guarantee to maintain its consideration and respect is that the employee devotes himself to his work only. However, due to the recent developments that the two systems are going through, the importance of combining the public post with commerce, politics, and other professions has been realized. Therefore, the provisions governing prohibition have been amended. It has been permitted partially or entirely, by practicing other professions besides working in a public post, but within specific controls. Moreover, in Egypt and Saudi Arabia, some jobs are not considered as commerce work while combining with the public post. It is recommended to the Egyptian and Saudi legislators to expedite the issuing of rules that include more details of the jobs that a public employee can perform along with his public job. It must include strict control to ensure that there is no negative impact on public employee performance in his public job.*

**Keywords:** Public Posts, Comparative Analytical Study, Egyptian and Saudi Legal Systems.

## INTRODUCTION

The Egyptian and Saudi Systems, in their regulation of the functional systems, have fallen under the influence of the European idea, which governs the concept of the public posts. It is distinguished in its concept of the public post. According to this, the employee begins his professional life and continues until he reaches the age of retirement. It is concerned about the employee himself and his circumstances when deciding on the post benefits. Besides, it makes public employees a privileged class in society because of the privileges they enjoy from the public authority. Therefore, the public post is subjected to a general legal jurisprudential theory that distinguishes it from employment in the private sector. It is the opposite of what characterizes the American idea of civil service (Heikal, 2018). The developments have occurred

in recent years in the Egyptian and Saudi systems and the future development plans have included the legal field (Vision, 2030), especially the laws of the public post to make us confirm that the two systems are heading towards embracing and implementing the American idea and are out of the influence of the European idea (Vision, 2030).

Here is the reorganization of the laws in the two systems concerning some of the issues of the public post. It releases the public employee from the restrictions of working in the public post and its equality with the post in the private sector. It is very important to combine the public post with commerce, politics, and other professions. It allows the public employee, or more precisely, it starts permitting the public employee, until the system of related legislative amendments of combining the public post and other professions is completed. It would combine the public post and other professions, which were previously prohibited.

With regard to the previous studies of our research, we found that the majority of public and private legal books, masers and PhD theses and Islamic jurisprudence papers that explain issues of administrative law. The provisions of public office were also presented to the topic of our research in a very brief way and presented as one of the duties of the public servant represented in the duty of Prohibition of combining public employment with trade and any other profession (Heikal, 2018; Ramadan, 2011; Rahman, 2019; Ghloush, 2013). We have also reviewed a number of Arabic databases such as Dar-almandumah, Askzad, and Al-manhal, and we did not find books or refereed research articles that address the topic of our research. Hence, our research contributed well in the body of literature.

Due to the lack of related research and studies, this research has been attempted in this field. It investigates the current situation regarding combining a civil service with commerce, politics, or other professions in the Egyptian and Saudi systems. It explores the similarities and differences between the Egyptian and Saudi systems regarding this issue. It attempts to find related judicial provisions and fatwas issued to this subject in the Egyptian and Saudi systems. To achieve the purpose, the research has used the comparative analytical method. It presents the regulating bylaws (repealed-valid) regarding a public employee who is combined between public post and working in commerce, politics, or other professions in the Egyptian and Saudi systems. The research has been divided into two sections. These sections deal with the combining of the civil service with work in commerce, politics, and other professions in the Egyptian and Saudi systems.

### **Combining the Civil Service (Public Post) with Work in Commerce, Politics, and other Professions in the Egyptian System**

The public post and public employees are among the most important pillars of the administrative organization in the Egyptian system. Therefore, in striving for development and modernization, the Egyptian Civil Service Law was issued (Al-Sentrissi & Hasib, 2018) to replace the previous law (Law, 1978). Article (57/1) of the new law stipulates that a public employee must abide by its provisions, executive bylaws, and regulations, other related laws, regulations, decisions, and instructions. It must be implemented which is issued by the Central Authority for Organization and Administration of regulatory decisions, instructions, bulletins, or periodicals in this regard, and codes of conduct and civil service ethics issued by the competent minister. Besides, Article (57/2) prohibits the public employee from getting engaged in work that is inconsistent with neutrality and commitment during official working hours. It prohibits

practicing any partisan or political action inside his workplace. It prohibits collecting donations or contributions for political parties and spreading or promoting propaganda.

Article (149) came from the executive bylaws and regulations of the Civil Service Law (Law, 2017) emphasizes the public employee's commitment to the provisions of applicable laws, regulations, decisions, and systems, and to implement these. These duties include carrying out the work entrusted to him accurately and honestly. It must be completed on time following the standard performance rates. It comprises the commitment to official working hours and allocation of working hours to perform the post duties. It covers informing the administration in which employee works on his place of residence, marital status, and any change that occurs to him within a month at most from the date of the change. It comprises to implement the orders issued to him accurately and honestly within the limits of the applied bylaws and regulations and systems. It embraces the commitment to what is stated in the Civil Service Code and Conduct. Article (150) of the executive bylaws and regulations also affirms the obligations of the public employee not to violate the applied laws, regulations, and decisions. A set of prohibitions for the employee is enumerated here. It is not allowed to do works that are inconsistent with neutrality, full-time, and post commitment during official working hours. It is prohibited to combine his post with any other work himself or through an intermediary if it would harm the performance of the post's duties or is inconsistent with its requirements. It is forbidden to perform work for others for a wage or remuneration, even during non-official working hours, except with permission from the competent authority. However, it is permissible for the employee to be paid or remunerated for acts of guardianship, sponsorship, or authorization for absentees or legal assistance if the person is included in guardianship, sponsorship, absenteeism, or who is assigned to a judicial assistant with whom they are related to the kinship in up to fourth degree. It is prohibited to practice any partisan or political action, collecting donations or contributions for the benefit of parties or groups, and spreading or promoting propaganda, if it is inside the workplace or is the matter of his performance.

As for the Code of Conduct and Ethics for the Public Service in the Egyptian System (Law, 2019) in the introduction to the third section, it has obligated all employees in government authorities to abide by the provisions and principles of the constitution. It obliges to respect and apply the applicable law, legislation and bylaws, and regulations in the state. Clause (5) is the part concerning the commitment to the quality of service provision of the code. It states that the public employee must adhere to the official working hours and must follow the procedures specified by the internal regulations of the administrative unit. He must devote official working hours to carry out tasks and his post's duties. It is not allowed to perform any activity that is not related to his official duties. A special section of the Code of Conduct and Ethics for Employment has prohibited public employees to practice any political activity. It has strictly stated not to be engaged in any form of political activity. It is not permissible to represent or express political opinions inside or outside the workplace on his official behalf. It is not permissible to perform any political activity that may undermine the citizen's confidence in the public employee's ability to perform official duties appropriately. It is not permissible to perform any political activity inside the workplace. It is not permissible to mention or affirm membership in a political party directly or indirectly whether it is related to citizens, work colleagues, or legal entities. It is not allowed to collect donations or contributions for political parties and to advertise or promote them.

The code of conduct has been approved which is stated in the Conflict of Interest Law (Law, 2013). It is the most important provision that occurs in the Code of conduct. It prevents conflict of interest if a public employee combines his post with any other profession. The employee should refrain from working in commerce or carrying out any activity that would lead to the emergence of a real, apparent, or potential conflict between his interests on the one hand, and his post duties or everything related to his post, on the other hand. He should refrain from carrying out any activity that is inconsistent with his objective and neutral performance of his duties. He should refrain from an action that may lead to the privileged treatment of natural or legal persons in their dealings with the government or in a manner that harms the reputation of his administration or endangers its relationship with the public. He should inform his direct manager in writing immediately in the event of a conflict of interests with any person in his dealings with the employer. If a conflict arises between the personal interest and the public interest, or the employee is exposed to pressures that conflict with his official duties or it raises doubts about the objectivity, he must deal with clarification to the relationship and the manner of the conflict. It is necessary to obtain permission per the laws in the event of a desire to participate in the process of collecting donations, prizes, or in-kind contributions to charitable institutions. It is instructed to avoid establishing close relationships with individuals or institutions whose interests mainly depend on his or her management decisions. It is impermissible for the employee to perform work for others (paid or unpaid) during the period of his leave without permission from the department he works in.

The research reflects that prohibition of the Egyptian Lawson practice of some political actions on the public employee reflects the continuing desire of the law to exclude the public employee, as much as possible, from the influences that may negatively affect the duties of his official post. Through the texts that have been presented, it is concluded the Egyptian Law in the new civil service system, its executive bylaws and regulations, and the code of conduct and ethics for the public posts which have not prohibited the public employee from working in commerce or some other professions. Rather, it prohibits political work and sets general controls for the public employee. They have the right to work in other professions if it does not contradict with impartiality, neutrality, and post commitment during official working hours. It would not harm the performance of the duties of the post. It would not disagree with its requirements. They are not allowed to perform work for others for a wage or remuneration, even during non-official working hours, without permission from the competent authority. It is permissible for the employee to assume for a wage or remuneration for the work of guardianship, sponsorship, authorization for absenteeism, or legal assistance. It is allowed in the situation if the person is covered by guardianship, sponsorship, absenteeism, or what is assigned to him by a judicial assistant with whom they are related or a relative up to the fourth degree of kinship. They are prohibited to practice any partisan or political action, collecting donations or contributions for the interest of parties or groups, and spreading or promoting propaganda, if this is within the workplace or in connection with its performance. The public employee has to obtain the necessary permission following the laws if he wishes to participate in the process of collecting donations, prizes, or in-kind contributions to charitable institutions. It is impermissible for the public employee to perform works for others, either paid or unpaid, during his leave duration without permission from the work authority.

There is a recent fatwa by the General Fatwa and Legislation Assembly (Egyptian State Council, 2016) in confirmation of what the law has approved in allowing a public employee to

be engaged in commerce. It states that the previous law has been replaced by the law on the civil workers' system in the state (Law, 2016). It has occurred without an explicit statement, which stipulates absolute prohibiting for the public employee from engaging in commercial commerce, like the previous law. Rather, it promulgates the prohibition of being engaged in work that is inconsistent with neutrality, impartiality, and professional commitment during official working hours. It prohibits exercising any party or political work inside his workplace, or on the occasion of his performance of this work. He must not collect donations or contributions for the interest of political parties. He must not participate in advertising or promoting it. The facts that are the subjects of the fatwa are summarized in the fact that the Supreme Constitutional Court has judged that Articles (30 and 31) of the Law on Practicing the Profession of Pharmacy are unconstitutional. It is promulgated by Law (127) of 1955 amended by Law (253) of 1955, and Law (44) of 1982. It prohibits the public employee's ownership of a pharmacy. The heritors must dispose of or sell the pharmacy even if a pharmacist is working in it. A question arose about how to act to get the licenses to establish public pharmacies that some pharmacists work in the public post either obtained by mistake, fraud, or something else. These are the applications for licensing the establishment of pharmaceutical institutions that were rejected before the aforementioned judgment of the Supreme Constitutional Court based on the fact that their owners are public employees. For the permissibility of registering public pharmacists in the commercial registry, the rule was formulated in light of the text of Article (77) of the Law on Civilian Workers in the State, which was promulgated by Law (47) of 1978. According to this rule, a public employee is prohibited from being engaged in any commercial business. As the pharmacy is a profession and not commerce, so it was requested to seek the opinion of the competent Fatwa Department in this regard. Then it was presented to the second committee of the Fatwa Department, which decided to refer the matter to the General of the Fatwa and Legislation Assembly due to its importance and generality. After reviewing the provisions of the law on practicing the profession of pharmacy, the General Fatwa and Legislation Assembly have provided the provisions of the Commercial Registry Law and the New Civil Service Law. It concluded to perform polling about licenses to open pharmacies with continuing work. It is necessary to register and get licensed as an occupying pharmacist in a public post to open a pharmacy in the commercial registry. Certainly, it is hoped that there would be more related judgments and judicial fatwas in the Egyptian system to the subject of this research. But the modernity of the new system did not permit the issuance of judgments from the higher courts for inclusion in this research.

Although the Egyptian law in the new civil service law and its executive bylaws and regulations have abolished the prohibition of working in commerce and some other professions. It has ended it for all work in general and without a detailed definition of these professions. Its limitation to prohibit work is inconsistent with neutrality and impartiality. It is considered that their silence on defining these professions opens the door to diligence, especially before the courts. It determines the professions which are incompatible with neutrality and impartiality. This would appear in the future provisions issued by the Egyptian Judiciary System. We have also noticed that there is not a unified law or a regulation that specifies the penalties, which may be applied to the employee who may be found convicted by committing violations of the previously presented controls. But we believe that the violations are disciplinary offenses. So, these deserve disciplinary penalties stipulated in the applicable civil service laws and regulations (Saad, 2018). The penalties may be inflicted on the employee who would be

convicted and violates the previously presented controls if the public employee's violations constitute criminal offenses. They may be charged with criminal penalties stipulated following the provisions of the applicable criminal laws. The most important of which is the Egyptian Penal Code (58) of 1937. There are also several valid dispersed laws. These can be used to control the violations and to determine their penalties. The most important of which are Law (106) of 2013 regarding the prohibition of conflict of interests of state officials, the Illicit Gain Law promulgated in 1968 and its amendments, the National Anti-Corruption Strategy issued in 2014, the Law (117) (Law, 1958) of Reorganizing the Administrative Prosecution and Disciplinary Courts, and its amendments in the Law (54) of 1964 of Reorganization of the Administrative Control Authority and its amendments.

The situation in the State Civil Workers System Law (47) of 1976 is repealed by the issuance of the Civil Service Law of 2016. It was very different from the current situation. Clause (12/11) of Article (77) states that the worker is prohibited to combine his post with any other work performed by himself or through intermediation if that harms the performance of the duties of the post or is inconsistent with its requirements, without prejudice to the provisions of Law (125) of 1961 by restricting the nomination of any person to one post. It also prohibits performing work for others for a wage or remuneration, even during non-official working hours, without permission from the competent authority. Nevertheless, it is permissible for the worker to assume a wage or reward for work sponsorship or guardianship, authorization for absenteeism, or legal assistance if the person is included in authorization for absenteeism, or if the person included in guardianship, sponsorship, absenteeism, or who is assigned to judicial assistance with whom they are related or relative to the fourth degree of kinship. To undertake the guarding work over the funds, he is a partner and has an interest in it, owned by those with whom they are related to him, or relative to the fourth degree of kinship, he can charge the wages provided that he should notify the authority in which he works.

Clause (14) of Article (77) also has specified the prohibitions of a working public employee. It states that it is forbidden for an intermediary worker to be engaged in any commercial business, have any interest in commerce, contracting, or tendering related to his post. It is not allowed to participate in establishing companies, to accept membership in their boards of directors, to establish companies in the private sector, or any work in them unless he is a representative of the government, public entities, or local government units. It is forbidden to lease lands or real estate with the intent to exploit them in the department in which he performs the work of his post if such exploitation is related to his work. It is illegal to speculate on the stock exchanges.

It is noticed from the texts of the repealed law that it differs from the current legal law in many different situations. These differences include the prohibition of being engaged in commerce. It also includes the prohibition of combining his post with any other work performed by him or through an intermediary if that harms the performance of the duties of the post or is inconsistent with its requirements. It incorporates the prohibition of participating in establishing companies, accepting membership in their boards of directors to establish companies in the private sector, or any work in them unless he is a representative of the government, public entities, or local government units. To clarify the difference between the repealed law and the valid law regarding the prohibition of the public employee working in commerce, there are presented some fatwas of the Egyptian administrative judiciary. A Judicial Fatwa (Egyptian State Council, 2000) states that it is permissible following the law (Law, 1978)

after reiterating the accepted principle that public posts are assigned to those who are in charge of them aiming at serving the citizens to achieve the public interest following the applicable bylaws, regulations, and systems. It determines the duties of workers. It prohibits the works which are not allowed from including the absolute prohibition of practicing commercial commerce so that the employee devotes all of his time to the performance of his post duties and the requirements in the public post. It keeps the public post away from the mistakes and ward of suspicions that occupying these posts. It accompanies the facilities and powers for-profit and personal interest of the public employee. The legislator has adopted this approach in the law on the civil worker's system in the state by prohibiting the conduction of commercial businesses or those which are subjected to its provisions. It follows the same approach under the Universities Regulation Law by stipulating those faculty members who are not permitted to work in commerce.

It is widely recognized that public entities and government authorities exercise their powers and the secretariats entrusted to them in managing public interests, organizing public entities, and running them within the framework of adherence to the provisions of all applicable legislation for the state, with all its systems and interests. It is addressed by all the bylaws and regulations that the legislator issues to control the movement of society and to achieve its supreme interests. According to the Civil Workers Law in the state and the organization of the universities, the legislator has prohibited the university staff from working in commercial commerce and civil workers in the state. This prohibition imposed by the legislator must be adhered to by all state entities as the commercial registration authority does not justify the orders prohibited by the legislator and the commercial registration department must adhere to it.

The facts of the subject matter of this fatwa are resulted by the fact that the Commercial Registration Authority has requested the competent Fatwa Department to express an opinion on the extent to which an employee of the General Administration of Irrigation may be registered in the commercial registry as a joint partner under the contract of the Solidarity Company attesting its signatures in the real estate office between him and his minor daughter who is included in his guardianship based on a judgment by Bandar Court. Regarding several letters ended with Letter No. 787 dated on 19/5/1995, the Authority has presented other related cases to the extent of the permissibility of registering the public employee or university professor in the commercial registry. The Fatwa Department has prepared a legal opinion report that was presented to the third committee of the Fatwa Department of the State Council, which has decided in its session held on 10/13/1999 to refer the topic, due to the importance of it, to the General Assembly, and the opinion presented in the previous lines were issued. A new judicial fatwa (General Fatwa and Legislation Assembly, 2018) has stated that Law (81) of 2016 AD regarding the civil service has become devoid of an explicit text that prohibits the public employee from working in commerce. Like the state's (repealed) civil workers law which prohibits the public employee from working in commerce. Consequently, the employee devotes all his time to the performance of the duties and requirements of his post. It is intended that the public post is to be purified from the mistakes and suspicions. In the conclusion of the fatwa, it was stated that which is also based on the aforementioned. Since the stipulation for the prohibition of an employee working in commerce was decided under the provisions of the State Civil Workers System Law (Law, 1978), and it has been repealed starting from the date of the entry into force of the Civil Service Law (Law, 2016). The prohibition imposed under the provisions of this law has become limited to be engaged in work that is inconsistent with

neutrality, impartiality, and post commitment during official working hours. It does not extend to the absolute prohibition of doing business. This contrast was the case in the civil workers' system law in the country. It becomes a duty to register a pharmacist among government employees in the commercial registry. It is considered as one of the obligations stipulated for everyone who carries out a business, including the purchasing of medicine to sell it through pharmacies unless the laws and special employment regulations stipulate otherwise, or the conduct of commercial work which is inconsistent with the requirements of occupying some posts. It should be noticed that this fatwa was issued in the application submitted by the head of the Central Administration of Pharmacies Affairs at the Ministry of Health to the General Assembly of the Fatwa and Legislation Departments. To find solutions to some of the questions imposed by a court judgment issued by the Supreme Constitutional Court, the unconstitutionality is stated in the law on practicing the profession of pharmacy which prohibits the government employee's pharmacist ownership of a pharmacy. Based on that judgment, the Ministry has sent a request to seek the opinion of the General Assembly on how to dispose of licenses to establish pharmacies obtained by some pharmacists working in the public posts by mistake, deception or otherwise, and to dispose of requests for licenses to establish pharmacies which were rejected before the issuance of that judgment as well as the extent of the permissibility of registration pharmacists who work in the public post in the commercial registry. The assembly has concluded with the continuation of the work with licenses to open pharmacies would require the polling. As a result, the requirement to register a pharmacist, who is employed in a public post, is permitted to open a pharmacy in the commercial registry authority.

### **Combining the Civil Service (Public Post) with Work in Commerce, Politics, and Other Professions in the Saudi System**

The public officials and public employees are among the most important pillars of the administrative organization in the Saudi system, just like the Egyptian system. The Saudi regulator has issued many bylaws, regulations, and decisions to organize them and their careers (Heikal, 2018). Due to the importance of the issue of combining the public post with commerce and other professions, the Saudi regulator has prohibited or set some controls to the public employee who works in commerce or combines his post with some other professions. These were stated by the Saudi Civil Service Law (Law, 1976) that the employee must refrain from working in commerce either directly or indirectly. He must refrain to participate in establishing companies, accepting membership in their boards of directors, or any work in these or a commercial institution unless it is assigned by the government and it is according to a regulation issued by the Council of Ministers. Employees may be permitted to work in the private sector outside the official working hours.

Article (14) states that it is not permissible for the public employee to combine the public post and other professions. However, the Saudi regulator in the same article has acknowledged according to the bylaws and regulations issued by the Council of Ministers. It is permissible to work in liberal professions for those, in the public interest and to allow them to do so due to the need for their professions. Article (209/a) of the new executive bylaws regulations for human resources has emphasized that it is prohibited for the employee to work in commerce (Law, 2018). They are forbidden to participate in establishing companies, accepting membership in

their boards of directors, or working in them unless assigned by the government. It is not allowed to combine his public post by practicing another profession without obtaining permission to do so according to the system. Article (209/b) also enumerates the works for which working in these in addition to the public position is not considered as working in commerce. These are the selling of property by the owner, leasing his property, purchasing the property for selling, owning the farm, or selling the yield of farms. He can also own shares in joint-stock companies with limited liabilities and partial partnerships. He can carry out acts of guardianship, sponsorship, and authorization, even if he is paid, if the person included in the guardianship, sponsorship, or the authorized is someone with a lineage relationship or kinship up to the fourth degree. It is required that he must perform it following the Sharia procedures. He can sell or exploit his artistic or intellectual production. Providing opinion, consulting engineering, and legal accounting are considered intellectual productions. These do not affect or interfere with the performance of the work and tasks of the post he occupies. He can issue cheques, bonds, and bills of exchange. He can practice the occupants of assisting technical and professional positions for his private professions outside the official working time.

The code of occupational conduct and public posts ethics was also approved in Article (12). It includes the general prohibitions contained in the law and regulation to which a public employee must adhere. As for the prohibitions those fall on the public employee, he needs to prevent conflict of interest if the public employee combines his job with any other profession. The Saudi regulator has restricted them to some of the cases that Article (19) of the code has come to define. It is mentioned that the employee must disclose in writing to the department he works in, about any case of conflict of current or potential interests before taking the decision or expressing his opinion about the incident subject of the conflict. It is instructed to inform about the existence of interest between the employee and the contracting party which has started in the steps of contracting with his job side whenever the public employee has an actual or potential role in that contract. As for the rest of the conflict of interest cases that come in Article (19), these relate to decisions and contracts related to the employee's relatives.

From previously presented in the civil service system, the executive regulations, and the code of occupational conduct, we have concluded the most important provisions approved by the Saudi regulator to regulate the prohibition of combining a public job with work in commerce or any other profession. These are the prohibition of a public employee working in the trade. It is not permissible for an employee to combine his job with practicing another profession. It is not permissible for the employee to participate in establishing companies, accepting membership in their boards of directors, or any work in them or a commercial place unless the government assigns him. It counts several works that are not considered in commerce works. According to bylaws and regulations issued by the Council of Ministers, employees are permitted to work in the private sector during non-official working hours. Following a regulation issued by the Council of Ministers, he is authorized to allow those who are in the public interest to be permitted to work in their free professions, for the need for their professions.

Besides, there are some organizing provisions, which were issued years ago. These are still in force to control violations of the prohibition of working outside of a public post and are the staff discipline system (Law, 1971). These are separated into several bylaws, regulations, and decisions. The rules and provisions for discipline are specified and defined in the third section. There is another decision which is made by the Council of Ministers. It is based on the recommendation of the Human Resources Council and the Civil Service Council to exclude the

occupants of certain categories of specialized jobs specified that their work does not conflict with their original work, and it does not affect the interest of the state. It stipulates that employees in the public sector are not permitted to practice free professions (Law, 1983). It is notified by Civil Service Council that private colleges and private educational centers may seek the assistance of the expertise of state employees with appropriate higher academic qualifications and specializations to the nature of the performance of these colleges and institutes after the approval of the employer of the employee whose expertise is requested to be sought. Provided, this does not conflict with the performance of his original work and that he does not bear any financial obligations (Law, 2006). Concerning the criminal penalty inflicted on the public employee who proves the combination of his job and any other profession, it is stipulated that he should be punished with a fine of not less than one thousand riyals or more than ten thousand riyals. It is for those who work in commerce, as well as those who work in liberal professions without legal permission (Law, 1957). The same penalty applies to those who are complicit with the aforementioned employees and intermediaries in committing this prohibited matter, whether they are employees or not in addition to the disciplinary penalties that the competent authorities may deem to impose on the violating employee. From the collection of the previous texts, it is noticed that the position of the Saudi regulator has appeared more specific than the Egyptian legislator. As it specifies the criminal and disciplinary penalties for the public employee who violates the controls prohibiting work other than the public position.

As for the executive bylaws and regulations (repealed) of the Saudi Civil Service Law (Law, 1976), the situation therein is not different from the situation in the previous new regulation. Its provisions are presented in terms of prohibiting work in commerce or other professions. This comes in the first paragraph of Article (13). Article (2/13) also clarifies the deeds that cannot be considered working in commerce which is the same as what has come in the new list. Article (13/3) also prohibits the employee from performing the work that has stipulated in Article (2/13), if the ministry or department to which he is affiliated is a party to it. In Article (14) of the same regulation, the Saudi regulator has emphasized that the employee may not combine his job with the practice of another profession. It is permissible to permit to work in liberal professions for those requiring the public interest to permit them in that due to the country's need for their professions. The permission should be granted by the competent minister. The regulation determines the conditions for granting this permission. As for the difference from the valid texts currently, it is in terms of the number of prohibited businesses. The repealed regulation has specified the businesses in detail that are prohibited for the public employee. For example, Article (1/13) states that it is prohibited for any employee to get engaged in an activity that leads to acquiring the capacity of a merchant, such as undertaking buying to sell professionally, being a contractor who is undertaking the supply, a broker, a cashier, or a commission agent (Law, 1976). It is considered to get engaged in commerce according to the provisions of the law. For example, the employee registers a commercial place in the name of the minor of his sponsorship and guardianship. It includes continuing to buy the transferred or real estate to sell it or after changing it. It includes all works related to the proxy commission or auction sale. It also includes all works related to banking and brokerage. It comprises the contracts and undertakings in which the employee is a contractor or a supplier.

After reviewing the rules in the Saudi system, it is not found that the legislator has provided, like his Egyptian counterpart, the prohibition of practicing some political activities on public employees. For example, it is impermissible to express political opinions inside or outside the

workplace in his official status. It is impermissible to carry out political activities. It is impermissible to carry out any partisan or political action inside the workplace. It is impermissible to promote or advertise political parties. The research did not find the validation of the fact that the public employee is not prohibited from practicing political activities. It is due to the nature and privacy of political life in the Saudi system, especially in terms of the absence of political parties (Al-Qahtani, 2017). It remains to be noted that to contribute to the realization of the Kingdom's vision 2030, the National Transformation Plan 2020, and the accompanying programs and initiatives, the Saudi Shura Council has approved the amendment of Article (13) of the Civil Service System for the year 1379 AH. This came during the ninth regular session of the fourth year of the seventh session, which was held on Wednesday 4/14/1441 AH. It motivates employees to increase participation in economic development and to get engaged in a free profession which alleviates the application to join the public post. According to the amended Article (13) of the Civil Service System, the government sector employee is allowed to work in a trade. He is also allowed to work in the private sector outside the official working hours according to a regulation issued by the Council of Ministers for specific groups.

However, it is presented to the Administration and Human Resources Committee which is an internal committee in the Shura Council. In the new amendment referred by the government and the Council of Experts in the Council of Ministers, the matter is bound by bylaws and regulations which would be issued by regulations approved by the Cabinet. Besides, flexibility in the procedures is envisaged in issuing the controls in the form of regulations. It includes a guarantee to avoid any negative activity or prohibitions that a public employee may fall into some conflict of interests during his practice of business including any activity that harms the employee's performance of his public job duties which may violate the principle of merit in assuming a public office. It is stipulated in the first article of the Civil Service System and the Administration and Human Resources Committee which confirms the proposed amendment which is also restricted in the controls and which would be issued to the employee's practice of this activity outside the official working hours. This guarantees that he would not be distracted from serving the auditors, performing the duties of the job, and his daily work for a special reason which is to be busy with some commercial activities (Al-Balawi, 2019). However, until the completion of this research, this amendment has not been adopted in a form. Even, it is not adopted in controls to regulate the work of the public employee in commerce or other work.

Finally, we presented the most promulgated judgments issued by the Saudi Administrative Judiciary in various cases regarding the prohibition of a public employee working in commerce or any other profession. The ruling of the Administrative Appeals Court at the Board of Grievances (Cases, 2009) is based on a lawsuit filed by the Public Prosecution against the accused. If he is an important employee (teacher) who works in commerce managing his brother's office and following up on the work of shops, a fuel station, and others. The accused acknowledge has legitimate authorization from his brother, including his supervision and follow-up of his brother's shops. It justifies that he is the sole breadwinner for his family. His brother is young and does not do a good job in commerce. The system permits the employee to work for one of his relatives by proxy as stated in Article (13/2/c) of the Civil Service Regulations. It is an exception that may not be expanded so that the employee does not become a merchant under the guise of agency or guardianship. Otherwise, the exception becomes the rule. The Court has decided that the text of the aforementioned article is an exception that is necessitated by necessity. It is not permissible to expand the effect of it for the accused being convicted of what

was attributed to him. Another judgment of the Administrative Court of Appeal at the Board of Grievances (Cases, 2013) is based on a lawsuit filed by the Public Prosecution against the accused if he is a public employee (teacher) who worked in commerce through the management of a restaurant. A citizen under a legitimate authorization, it is proven that the accused has worked in trade through the legal agency that authorizes him to manage his client's business. He has acknowledged the validity of the agency in addition to the report submitted by the owner of the building in which the restaurant is located and his statement that the accused has managed him. As the accused is convicted of what was attributed to him. He was charged with a fine of 3,000 riyals. One more judgment of the Administrative Court of Appeal at the Board of Grievances (Cases, 2013) is based on a lawsuit filed by the Public Prosecution against the accused. As a public employee, he got engaged in commerce by extracting two commercial registers and practicing commercial business. It is not proven that the accused has been engaged in a commercial activity. It is not referred to the Ministry of Commerce to cancel the commercial registry. It does not indicate his continuation in the practice of commerce as it is evidenced by the cancellation of his license by the municipality. It does not earn him the description of a merchant. As it is a condition that to consider acquiring the status of a merchant as a disgrace and continuing to practice commerce, the accused is not convicted of what was attributed to him. Besides, the judgment of the Administrative Court of Appeal at the Board of Grievances (Cases, 2014) is based on a lawsuit that the Public Prosecution has filed against the accused if he was a public employee engaged in trade by opening a recruitment office under the name of his son. The accused has denied the accusation attributed to him. He has defended ownership of the institution for his son. The accused has acknowledged to the investigation committee that the foundation belongs to him. He has registered the office under the name of his son because of his work as a government employee with evidence that the defendant's son has confirmed the contents of the affidavit. As a consequence, the accused was convicted of what attributed to him, and punished for that by a fine of 5,000 riyals. Besides, the judgment by the Administrative Appeals Court at the Board of Grievances (Cases, 2014) is based on a lawsuit that was filed by the General Prosecution against the accused if he is a public employee. He has been engaged in commerce by opening a commercial establishment. The accused has pleaded that his judgment is of civil employees for its inclusion in the social insurance system. The suspect is not included in the civil service systems and regulations that prohibit the public employee from working in commercial business. As a final decision, the accused was not convicted of what was attributed to him.

In the end, it is noticed that the prohibition has been changed to permit the public employee to work in other professions. This change has pros and cons. It increases the employee's income. It gives a chance to benefit from qualified human cadres in jobs that do not require full-time work. On the other side, it increases the burdens on the public employee that may lead to the emergence of serious mistakes. It may create a conflict of interest between the work of the official employee and work in other professions. However, the interest of legislators in the Egyptian and Saudi systems to establish strict and precise regulation of the issue would close the door to the faults and would make full use of the good points of combining the public post with commerce.

## CONCLUSIONS AND RECOMMENDATIONS

After reviewing the rules governing the prohibition of combining public employment with trade, politics, and other professions in the Egyptian and Saudi systems, it is concluded that the Egyptian legislator in the new civil service system has not prohibited combining a public post with work in commerce and some other professions. However, it has maintained the prohibition of being engaged in political works. Moreover, the Egyptian legislature has not specified the disciplinary and criminal penalties which may be applied to employees who violate the prohibited work to join the public post in one law or regulation, as it came in several separate laws. However, the Saudi regulator prohibits the work of a public employee in trade, professions, and other works. Their system is awaiting the approval of amendments to the system and the relevant regulations. Besides, in Egypt and Saudi Arabia, the legislator has defined some jobs which are not considered with commerce work in addition to a public office.

After concluding the prohibition and permissibility of combining public employment with trade, politics, and other professions in the Egyptian and Saudi systems, it is recommended to the Egyptian legislator to expedite the issuance of rules that include more details of the jobs that a public employee is permitted to exercise alongside his job, to ensure that there is no negative impact on the public employee and the performance of his duties. It is suggested to the Egyptian legislature to expedite the issuance and specification of disciplinary and criminal penalties for violating employees of the restrictions specified for work which is prohibited to work with a public office in a unified bylaw and regulation. It is believed that the Egyptian legislator must set strict controls in place to ensure that there is no negative impact on the public employee in exercising his basic job. It is recommended to the Saudi regulator to expedite the issuance of the necessary amendments to allow the public employee to work in commerce and other professions. It includes strict controls to ensure that there is no negative impact on the public employee and the performance of his duties.

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