

From the Framework of Constitution to Review the Public Servants' Administrative Neutrality Act

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Abstract

The constitutional principle of state neutrality asks the state to keep a distance from various groups and ideology. Because the public servants stand for state, the implementation of the principle in administrative law is administrative neutrality. Although administrative neutrality imposes obligations on the public servants, yet it achieves the fundamental right of public service in Constitution which is listed in Article 18. It can't be denied that the institution of administrative neutrality may limit the public servants' freedom of speech and academic freedom. So the article aims to form the institution of administrative neutrality, which is conforming to the purpose of the constitution. With respect to it, the article focuses on the contents, and objects of the institution of administrative neutrality to harmonize the conflict between the institution of administrative neutrality and freedom of speech or academic freedom. In addition, because The Public Servants Administrative Neutrality Act enacted on June 10 in 2009, the article will review relevant laws and regulations and make suggestions for The Public Servants Administrative Neutrality Act. To sum up, the institution of administrative neutrality can not only promote the purpose of civil service system, but also fulfill the public servants' fundamental rights as citizens.

Keywords: state neutrality, administrative neutrality, Public Servants' Administrative Neutrality Act, institutional guarantee, freedom of speech, academic freedom

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