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The State and its Workers

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Abstract: ***This article was not accepted with the argument that, although it is true that in many cases state workers were placed in the same conditions as workers in general, granting the mall the rights established in article 123 of the Constitution could bring the stoppage of activities of the State. The bureaucrats of the States and the Municipalities were not regulated, since article 2 of the Federal Labor Law of 1931 established: "The relations between the State and its servants will be governed by the laws of the Civil Service that are dictated." This precept did not determine which legislative body would be in charge of formulating the regulations. Since then, the criterion prevailed that State workers were objects of regularization by administrative law, since an Entrepreneur-State was not conceived for profit, but rather as a public service, thus confusing the purposes of the State. With the intrinsic subordinate personal character. It is of the utmost importance to promote research regarding the rights of workers since today we see that they have fewer and fewer rights and they are losing all the battles they have won regarding respect for their work.***

Keywords: workers, Law, State, Constitution

1. The State

In the development of the life of the human being, there is in parallel the emergence of the State as a legal, political and social organ, which allows order, peace and as well as the development of each and every one of the members that make up the company that represents said constituted State. In this way, the State has its reason for being in the desire of men to achieve coexistence among their own fellows, forcing them to detach themselves and grant those who are in charge of this body, a legal power so that on their behalf it is carried out and the norms that will allow social cohesion are issued.

The aforementioned is plain and simple within the legal sphere a social pact between the rulers and the ruled that allows respect for life and liberty in all areas of action, as well as the constant and permanent public and state security that it requires. The development of any nation.

In this way, said legal figure develops and is responsible for public order based on the need for society to live in harmony and in constant protection of the assets of each of its members. This responsibility is only part of one of the multiple functions entrusted to this body of power that is held from its conformation as such, and that makes it possible to understand its origin, development and influence in all areas of the social life of the man.

It is because of the aforementioned that the existence of said legal - political - social organization called the State is manifested through a large number of activities of different content, form and purpose. Therefore, when dealing with the theme of the State, it is necessary to refer to society, since it constitutes a product of man's creation, where in order to survive, the human being associates with his peers.

Because of the above, it is that Aristotle commented that man is neither born nor can he live in isolation, but only in society, thus "social existence presupposes individual existence. Society is formed through a plurality of intelligent and free men, united around the consequence of the common good. Society is the whole made up of the parts: it is completed by being integrated into the social whole. Plurality is the complement of that individuality "[1]. In this way, the human being as they associate to satisfy their needs, they create different civil or commercial societies, etc., and therefore the State comes to constitute a species of the social genre that represents the maximum grouping of institutions.

Under such premises, the State is a human work, and therefore it is a social product that has been developed throughout a historical process, where social struggles for power stand out, in particular, and that in all At the moment it has outlined its origin, organization and direction from a set of norms that are expressed in the current legal framework, which ultimately defines and determines the aspirations and social development.

The foregoing allows us to resort to what Hans Kelsen [2], points out in his work General Theory of the State, that the concept of State designates: Both the legal order and the personified unit of this order (that is, a logical principle); but it is also possible that that expression is reserved to characterize the positive foundation of the Law, that is, the Constitution.

This conceptualization allows to appreciate the submission of the State to a normative framework, which is specified in a legal regime that allows the development of society and the State itself, where the formation of a higher body and power is recognized in the latter that allows cohesion and social development.

Due to the above, it is necessary to delve into the respective topic of study, in order to know other concepts and positions in this regard. Thus, the State can be conceptualized from a social and a legal perspective. In the case of the first, it must be: "The sum of social relations that are translated into activity between men, or more exactly, that the concept of sum means a subjective form of synthesis, a juxtaposition and determined succession in the relations of outer man-to-

[1]DROMI José Roberto (2002). Administrative Law Manual, Volume. I. Mexico: Porrúa. 6th edition. Page, 2.
[2]KELSEN, Hans (2004). General theory of the State. 10th edition. Mexico: National Editor. P. 55
Hans Kelsen (2010: 55)

man activities "[3]. On the other hand, from a legal point of view it is necessary to: "since the possibility of legal self-limitation of the State exists, it becomes a subject of rights and duties"[4].

The above criteria allow identifying the creation of an activity of human beings for their own development and which requires a particular legal field for its direction. In this way, the State is a collective and artificial work, created to order and serve society, its existence is justified by the purposes that have historically been assigned to it, so the State exists to achieve those ends and will remain in both are entrusted with those goals; For this reason, the State must not be a fraction that governs exclusively, nor an organization at the service of privileged groups, it must maintain the balance and just harmony of social life.

The previous conceptualizations lead to the idea of the public interest that prevails and justifies its existence; An interest that must be decisive in the political, economic, legal and social institutions that emanate from it, given that favoring one group to the detriment of another is creating deep social inequalities, which over time emerge vigorously and culminate in social movements that they endanger its existence, hence the need to make them disappear or at least attenuate them.

Another conceptualization regarding the State is the one given by the teacher Andrés Serra Rojas [5], when it indicates that it is understood as such the set of norms that create bodies, fix their operation and the ends they must achieve. Said definition reflects the logical requirement of the State based on the ends or purposes that an organized society has been pointing out in accordance with its own nature, so that the State should not have other objectives than those of society, although these form tasks or technical operations of its activity to facilitate or prepare the fulfillment of the purposes that are carried out exclusively or of concurrent powers with individuals.

Under these conditions, society preserves an extensive field of activities under the supervision and encouragement of the State, where the individual, within the prevailing legal order, can do everything, except what the law prohibits. His general capacity is the rule, the prohibition, the limit of his action. It is, for this reason, that the men who are in charge of the State are limited in their activities, and cannot do anything other than what the law allows them. Their capacity to act is strict and subordinate to the general interest.

This is also why the State, the teacher Andrés Serra Rojas himself[6], conceptualizes it as an institution creating institutions. The foregoing means that it would be useless to create a legal order, if at the same time the suitable means are not created to make the realization of the right possible.

The organs of the State are limited spheres of competence, legal units of action, centers of competence delimited by the legal system.

Hence the idea of the proper end of the State is the one found in the action of each of the State organs; synthesis in similar purposes leads to the general ends that form public activity. Reduced to a smaller field in its origins, today this action is considerably expanded by a unique process aimed at satisfying social needs, in which the State has tried to take charge of the tasks that are incumbent on a society and a limit to state capacity or determination.

A more important concept to mention due to its own content, is that which refers to the fact that the State is: "A community organized in a defined territory, through a legal order served by a body of officials defined and guaranteed by an autonomous legal power and centralized that tends to achieve the common good, within the scope of that community"[7]. From this conceptualization it can be extracted that the State represents the following:

a) A social community stably settled within a determined territory;
b) A unitary legal order and
c) An autonomous and centralized legal power, which manifests itself as sovereign towards the outside and independent towards the inside.

The aforementioned aspects configure the organic structure of the State, which makes it possible to determine certain ends or, in other words, has a final cause.

All of the above allows us to establish from a personal perspective that the State is an organization or instrument, made by men and for men, in which to ensure its ends, society creates or recognizes the power of the State and subjects it to the right to make it rational and logical. The State is not an organism endowed with a soul, because there is no other spirit than that of human beings themselves, nor is there any other will than their will.

Labor relations between the Government and its workers have been by far a point of lacerating legal order of work in our country; On the one hand, in the labor-management universe among individuals, advanced legislation prevails that, beyond the tactical order, protects the union organization and collective bargaining (section "A" of article 123 of the Constitution) and, on the other, the sad helplessness of thousands (or even millions) of workers who lack an adequate framework for the certainty of their rights and the possibility of making them effective.

Historically in the "Draft Federal Labor Code" that Emilio U. Gil sent to the Congress of the Union highlights its importance to Article 3 that established: "All workers and employers, including the State, shall be subject to the provisions of this Code (the Nation, the States and the Municipalities), when they have the character of Employer. It is considered that the State assumes that character when it

[3]JELLINEK, George (2001).General Theory of the State. Mexico: National. P. 138.
[4]Ibid. P. 141.
[5]SERRA ROJAS Andrés (2003). Administrative law. Volume 1. Mexico: Porrúa. Pag., 19.
[6]Ibid. P. 21.
[7]DROMI José Roberto (2002). Op., Cit. P. 4.

is in charge of companies or services that can be performed by individuals ".

This article was not accepted with the argument that, although it is true that in many cases state workers were placed in the same conditions as workers in general, granting them all the rights established in article 123 of the Constitution could bring the paralysis of the activities of the State.

The bureaucrats of the States and the Municipalities were not regulated, since Article 2 of the Federal Labor Law of 1931 established: "The relations between the State and its servants will be governed by the Civil Service laws that are issued" . This precept failed to determine which legislative body would be in charge of formulating the regulations. Since then the criterion prevailed that State workers were objects of regularization by administrative law, since a State-Entrepreneur was not conceived with a profit motive, but rather a public service, thus coming to confuse the aims of the State with the intrinsic nature subordinate personal work.

On this occasion, it refers to the historical emergence of the bureaucratic labor order that would culminate in the Constitutional Reform that created section "B" of article 123 and the Federal Law of Workers at the Service of the State, regulating that law, for which reason no will return to this topic. What is really interesting in this section is to investigate whether the labor relations between the various governments (Federation, States and Municipalities) were included in article 123 of the Federal Constitution.

In this vein, it is in a position to conclude that such provisions did not include the Federal Entities and Municipalities with their employees, and therefore this sector of workers would be regulated by the Local legislation issued for that purpose (when it was issued) by the Local Congresses, which with full power could grant the legal framework to the bureaucracy of the Federal Entities with no limit other than their conscience.

Thus, the laws of the States of the Union lacked a centripetal criterion in matters of labor - employer relations that, the minor, would give consistency to the rights and obligations between the same job performed in different geographies. In the case of the State of Veracruz, this situation gave rise to the promulgation of the Legal Statute of Workers in the Service of the State, when C. Miguel Alemán Valdez was acting as Constitutional Governor and is known as Law 51. The aforementioned body legal declares that it is of observance for the authorities and civil servants that are members of the Legislative, Executive and Judicial powers, as well as of the Municipalities and for the workers at their service. Education workers are governed by a special statute.

Now, in order to clarify the subject matter of this section, it is first necessary to determine the conceptualization of Worker at the service of the State, and its special characteristics that define it with private sector workers.

Thus, it is understood as such "the person who provides a physical, intellectual or both genders service, by virtue of an appointment issued or by appearing on the line lists of temporary workers" (Article 3 of the Federal Law of the Workers in the Service of the State). However, legal labor relations are understood to be established with the heads of the aforementioned dependency and institutions and the base workers at their service. In the legislative branch, the directives of the Great Commission of each Chamber will assume said relationship (Article 2 of the Bureaucratic Law cited above).

Once the foregoing has been defined, the differences between ordinary worker and worker at the service of the State show some substantive differences between the content of the provisions of the Federal Labor Law and the Workers at the Service of the State. The concept of subordination has disappeared here, despite the fact that the powers granted to the public power for the exercise of its functions, the regulations and laws of the Secretariat and State Departments and the instructions and agreements issued for each agency, are strictly set in each In this case, the dimension and quality of the public function and, in this sense, the degree of subordination of the employee to his bosses as immediate expressions of the will of the State is greater and more effective. In the same way, the vehicle of the contractual expression is the appointment;

The sovereignty of the public power and of the Mexican exponents of it, in the Government lies in the origin of their designation of the President and of the Deputies and Senators by popular vote; of the Undersecretaries and higher-ranking officials by an immediate appointment of whoever has received in the political act par excellence, the original creator of power, as is the case of the vote. Thus, then, the expressions of sovereignty of which the powers of the State are holders par excellence, in the bureaucratic hierarchy by the specific Labor Law.

Although the characteristics of the worker at the service of the State and also in previous lines, the characteristics of the private worker have been commented in an elementary way, it is convenient to clarify them and point them out.

As has been mentioned at the time, the public worker does not contribute through his work to the production of economic goods. It does not generate these, to which the work incorporates an economic value or an exchange value. Public activity does not directly increase the State's heritage, nor is it its purpose to produce values, but rather to fulfil functions that translate into services to the community. Maintain the legal order; create fiduciary securities and regulate their circulation; defend public institutions; impart justice; represent the Nation and keep the most valuable and valid aspects of international coexistence in force; organize and promote agricultural activities; impart and promote elementary, scientific, cultural and technical education; regulate industrial production and commercial activities,

However, public activity translates into economic resources; But these resources are only the indispensable means to provide the services provided by the State, which does not seek a national treasure as the last integral purpose, nor its own patrimony, but as means or factors of change to pay for the provision of services.

The worker contributes with capital, through his employment contract, to produce economic goods; capital and labor are factors of production, in the second, the salary represents the value of personal effort incorporated into things; in the first, the activity represents the increase in capital that is represented by the difference between the sale price and the cost of production.

Neither capital nor labor is interested in whether the goods produced are useful to the community or not, but whether they satisfy the demand required by it; that is, if at a given moment they are the satisfiers that are requested. The value of a product is not necessarily that of the real good, but that of the simple satisfaction that a demand imposes and up to the limit of it. Capital does not care, but only factors such as investment and wages, cost and price, demand and supply. Here are the mechanics and aims of economic production in countries with a capitalist structure; there it is.

If a product that is necessary for the community does not generate profit, it is not produced. This is something that must be evaluated in the characterization of the two types of work and worker.

Regarding the difference, it is found that this does not lie in the formal aspects of the hiring, but in the purpose of the legal relationship that does not affect the personality of the worker, to which it is alien, but rather at the end of the job. It is, then, the end sought that determines the different category of the private worker and the public servant. In the first case, it seeks to produce economic goods; in the second, services necessary for the community, the maintenance of public order, or the activities of the State; as are the aspects of sovereignty in the legal, political and material.

The worker does not acquire a hierarchy through his work but a technical hierarchy; In his role, assume certain obligations that do not transcend the scope of the factory or work The public worker usually participates to a greater or lesser degree in the sovereignty of the power he serves, that is, to a certain degree he is an organ of authority and Therefore, its activity affects third parties, over whom it exercises the compulsive attributes inherent in the exercise of government functions. Here are the most characteristic and the differential between the two types of workers, pointing out at the level of this preparatory approach to other approaches.

On the other hand, it should be specified that the nature of the public function, translated into labor relations, is its objective, which means that the Law that regulates it establishes a different classification of public servants. The public end is translated in turn, to fulfill its mission, in various types of government objective and, therefore, of worker.

Article 4 of the Federal Bureaucratic Labor Legislation specifically divides them into two large groups: trust and base.

In the case of the first one, This classification is contained in article 5 of said Law, and lists those who are trusted workers:

Article 5.- The following are trusted workers:

1) Those who make up the floor of the Presidency of the Republic and those whose appointment or exercise requires the express approval of the President of the Republic.
2) In the Executive Power, those of the agencies and those of the entities included within the regime of Section "B" of Constitutional Article 123, which perform functions that according to the Catalogs referred to in Article 20 of this Law are:
   a) Management, as a consequence of the exercise of its legal attributions, which permanently and generally confer it representativeness and imply power of decision in the exercise of command at the level of General Directors, Area Directors, Deputy Directors, Deputy Directors and Heads of Department.
   b) Inspection, surveillance and oversight exclusively at the level of heads and sub-heads, when they are considered in the budget of the department or entity in question, as well as the technical personnel who are exclusively and permanently performing such functions occupying positions that to date are trusted.
   c) Management of funds or securities, when the legal power to dispose of them is implied, determining their application or destination. Support personnel are excluded.
   d) Audit; at the level of general auditors and subauditors, as well as the technical staff who exclusively and permanently perform such functions, provided that they depend on the budgetary level of the comptrollers' offices or the auditareas.
   e) Direct control of acquisitions; when it has representation of the agency or entity in question, with powers to make decisions on acquisitions and purchases, as well as the personnel in charge of supporting these decisions with technical elements and occupying budgetary positions considered in these areas of the agency and entities with such characteristics.
   f) In warehouses and inventories, the person responsible for authorizing the entry or exit of goods or values and their destination or the removal and registration of inventories.
   g) Scientific research, provided that it implies powers to determine the meaning and form of the research carried out.
   h) Advice or consulting, only when provided to the following senior public servants. Secretary, Undersecretary, Senior Officer, General Coordinator and General Director in the dependencies of the Federal Government and their equivalents in the entities.
   i) The personnel assigned in the budget to the Private Secretaries or Assistantships.
   j) The Private Secretaries: Secretary, Undersecretary, Senior Officer and General Director of the Federal Executive Dependencies or their equivalents in the entities, as well as those assigned in the budget to the

service of the officials referred to in section I of this article.

k) Agents of the Federal Public Ministry and the Federal District
l) The agents of the Judicial Police and the members of the Preventive Police. All categories included in the Federation's Job Catalog for teaching staff of the Ministry of Public Education must be considered as a base.

The classification of the positions of trust in each of the Dependencies or Entities will form part of their catalog of positions.

3) In the Legislative Power, in the Chamber of Deputies, the Senior Official, the General Director of Departments and Offices, the General Treasurer, the Treasury Cashiers, the General Director of Administration, the Senior Official of the Great Commission, the Industrial Director of the Printing and Binding and the Director of the Library of Congress.

In the Treasury Accounting Office: The Accountant and the Senior Sub-Accountant; the Directors and Assistant Directors; The Heads of Departments, the Auditors; the Private Secretaries of the afore mentioned officials.

In the Chamber of Senators: The Senior Official; the Treasurer and Assistant Treasurer.

4) In the Judicial Power: The Secretaries of the Ministers of the Supreme Court of Justice of the Nation and in the Superior Court of Justice of the Federal District, the Secretaries of the Plenary Court and Chambers[8].

In a general way and within the context of Labor Law (lato), it is understood as a trusted employee: “those people through whom the employer manages the company or work center delegating authority, assigning them management positions, vigilance and audit in the Administration and both internal and external relations of this work center " [9].

They will then be those who by reason of their officials, are in charge of the progress and destiny of the company as well as those who due to their functions are aware of their confidential and reserved matters.

In the Public Administration and for the purposes of the same will be: "the officials and employees who perform the functions mentioned in previous paragraphs, provided for in article 5 of the LFTSE, as well as those who have access to confidential information and / or the positions of the Federal Government ”.

With regard to base workers, after this long list of characteristics and positions, Article 6 follows which very briefly says that those not included in the previous list will be base workers.

This article 6 continues to point out that all the basic employees will be immovable and that to achieve this immobility it is required to provide services for more than six months without having an unfavorable note in their file.

From this provision, it could be understood that in the simple course of the six-month period, the basis would automatically be obtained, that is, immobility; however it is not so. In fact, there are many workers rendering services to the State who have done so for long years and who have not obtained the basis; This is due to the fact that their emoluments are covered with global items, such as a line or provisional list, without being specifically included in the budget. As a consequence, it cannot obtain a basis that does not legally exist and it has become necessary that on several occasions, due to the efforts of the unions, the President of the Republic dictates an agreement declaring the basification of groups of workers.

The wording of this precept is incomplete because it is confusing, since although it is true that the base workers are immovable, it is also true that this immobility will be relative or subject to the type of appointment or designation that is given to the worker, for example: A worker with an appointment for a specific work will be immovable for the duration of the specific work indicated by his appointment.

Article 12 of the Bureaucratic Law states that workers will provide their services by virtue of the appointment that has been issued to them by the official authorized to do so or by being included in the line lists of temporary workers, for a specific work or for a fixed time, While section III of article 15 of the same Legal Order refers to the fact that the nature of said appointment may be definitive, interim, provisional, for a fixed time or for a specific work.

Considering the grammatical meaning of the terms of temporary worker, fixed, provisional and even temporary worker, they can be synonymous in the job they occupy, that is, none of them is definitive. Therefore, it is considered that this classification may obey in a certain way to needs and budgetary reasons for the payment of salaries to these personnel.

All workers at the service of the State not included in the limiting enumeration of article 5 of the Law on bureaucratic matters, are basic. Here are the forms of legislation that favor them:

1) The effects of the appointment give the base worker a definitive security in his position. The Law declares the employees of this category immovable (Article 6).
2) The employee has protected himself with respect to hours longer than those allowed by law, against inhuman, excessive or dangerous work, against wages lower than the minimum established for workers in general (Article 14); against improper or unjust transfer from the usual place of work or from where he was appointed (Article 16); against unjustified termination (Article 46)
3) The ladder and swap system, organizing one in each Unit favors the benefits and promotions of promotions of the base workers, in which the knowledge, aptitude, seniority and discipline are factors of favorable changes to them,

[8]www. infojuridicas.unam. Retrieved April 10, 2018.
[9]MORA ROCHA José Manuel (2007). Op., Cit. P. 19.

which, according to scores established by mutual agreement by the union and the head of each Secretariat or Unit set (Articles 47, 50 and 57. The base workers have the right to contests in promotions that are periodically bulletin for promotion, by virtue of the existence of a vacancy, employment of a new creation or exchange that may favor them.

Regardless of the effects of an appointment, all workers in the service of the state enjoy the rights that the applicable legislation establishes for their other servants. Notwithstanding all of the above, the Professional Association of State workers is also identified as State workers, and from which it should be specified that very little State workers have done to associate, based on their capabilities. professionals While the Federal Labor Law in article 356 states that: "union is the association of Workers or Employers, constituted for the study, improvement and defense of their respective interests"[10]

The Federal Law of Workers at the Service of the State, reserves this right to base workers at the service of the State, prescribing in its article 67, "Unions are Associations of Workers who work in the same Unit, constituted for the study, improvement and defense of their common interests " [11]The Law continues to indicate that in each Dependency there will only be one union and that in cases where the right of ownership of it is disputed, by different staff of workers the Federal Court of Conciliation and Arbitration will grant recognition to the one with most of the workers.

The unions are born in Mexico, as in other countries by the very action of the existence of the proletariat; It is the appearance of article 123 in the Constitution of 1917 that legally gives birth to the unions in our country.

As for state workers, the story is even shorter; As many laws of the States expressly excluded them from their application and there was no union spirit, since they did not have any job stability, the workers did not organize; in 1938, they were legalized based on the Legal Statute that began to take effect in that year.

The unions of workers at the service of the State have characteristics that differentiate them from the unions formed by workers of the private initiative. One of these essential characteristics is the prohibition of the reelection of its leaders. The result of the prohibition is that each time the statutory term, which is generally three years, for the action of the board, a renewal occurs that is democratically convenient, due to the skill and relationships obtained by the outgoing members. . In reality, immediate reelection is prohibited, since there have been cases, accepted by the registration authority, in which whoever has been a leader resumes the position but in a later period, not immediately.

Article 75 of the Federal Law on Workers in the Service of the State categorically prohibits re-election within the unions. The Trade Unions of Workers at the Service of the State are currently Confederated into two Federations, the first one usually calling itself: "Federation of Trade Unions of Workers at the Service of the State" (FSTSE) and the second as the Democratic Federation of Trade Unions of Public Servants (Fedessp).

Those that are governed by their own statutes attached to these at all times, in accordance with the provisions of Chapter I of Title IV of the Federal Law of Workers at the Service of the State, where specifically in its article 84, it states: "The Federation of Trade Unions of Workers at the Service of the State, shall be governed by its Statutes and, where applicable, by the provisions relating to trade unions indicated in this law. In no case may the expulsion of a union from the bosom of the Federation be decreed " [12].The various unions that serve government agencies constitute unique associations, made up of workers of diverse abilities and skills.

In very numerous unions such as Education, it is divided into sections that respond to the large teaching branches of the various types and degrees of education, geographical location and finally, to administrative employees. They create a very basic type of professional association.

In some other Federal dependencies, due to occupation, certain technical employees have been grouped together for the purpose of defending their specific interests. This is the case with tax employees, particularly those who perform customs functions. The Law of Workers in the Service of the State establishes the heads of official dependencies, among other obligations, to establish and maintain schools of Public Administration, in which the necessary courses are taught for workers and thus they can acquire the essential knowledge to maintain or acquire professional aptitude.

This facilitates, as in the case of customs or police employees, a spontaneous association and therefore, a better defense of their specific interests, which we know only happens in very few Dependencies; that is, almost only in those in which the statute or government regulation establishes certain technical characteristics for the performance of the function.

So important is the discussion and setting of working conditions (which as a general rule) are translated into budgetary affectations, that the Law establishes the requirement of authorization of the same by the Ministry of Finance and Public Credit before being enforceable compliance with the State (Article 91 of the Federal Law of Workers at the Service of the State).

This is so because neither the State can commit itself beyond its economic capacity, nor neglect its public function due to the fulfillment of demanded labor expenses and above all, due to its purposes, modify the non-profit nature of its activity.

It is the only pattern that is not doctrinally so from the point of view that although it generates goods and services, they do not enter into commerce, nor do they constitute a true

[10]www. infojuridicas.unam. Retrieved April 15, 2018.
[11]www. infojuridicas.unam. Retrieved April 15, 2018.
[12]www. infojuridicas.unam. Retrieved April 15, 2018.

patrimonial wealth, the product of one more exploitation of the worker and that enriches those who own the goods adequate means for the activity.

2. Conclusions

Based on the foregoing, it can be concluded that only in a general way (so much so that it is only so, due to the legal relationship with the same employer), the employees and public servants who have been professionally associated and all perform to a lesser or greater degree a public function. This is in a single Federation.

The foregoing is based on article 108 of the Political Constitution of the United Mexican States, which literally says: For the purposes of the responsibilities referred to in this Title, the representatives of popular election, the members of the Judicial Power of the Federation, the officials and employees and, in general, any person who performs a job, will be considered as public servants, position or commission of any nature in the Congress of the Union or in the Federal Public Administration, as well as to the public servants of the organizations to which this Constitution grants autonomy, who will be responsible for the acts or omissions in which they incur in the performance of their respective functions. The President of the Republic, during the time of his mandate, may only be accused of treason and serious crimes of the common order. The executives of the federative entities, the deputies to the Local Legislatures, the Magistrates of the Local Superior Courts of Justice, where appropriate, the members of the Local Judicial Councils, the members of the Town Halls and Mayors, the members of the bodies to which the Local Constitutions grant autonomy, as well as the Other local public servants will be responsible for violations of this Constitution and federal laws, as well as for the improper management and application of federal funds and resources. The Constitutions of the federative entities will specify, in the same terms of the first paragraph of this article and for the purposes of their responsibilities, the nature of public servants of those who perform employment, position or commission in the federative entities, the Municipalities and the territorial demarcations From Mexico City. Said public servants will be responsible for the improper handling of public resources and public debt. The public servants referred to in this article shall be obliged to present, under protest of telling the truth, their declaration of assets and interests before the competent authorities and in the terms determined by law.

And now also Article 113 of the Federal Constitution, which establishes the issues of corruption and the foundations of public policies that base the prevention, surveillance, sanction and execution of sentences to public servants who act outside the law. An issue that deserves to be addressed individually at another time.

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