



**Institute of public service in
Russia and foreign countries:
history of establishment and
its modern characteristics**



INSTITUTE OF PUBLIC SERVICE IN RUSSIA AND FOREIGN COUNTRIES: HISTORY OF ESTABLISHMENT AND ITS MODERN CHARACTERISTICS

INSTITUTO DE SERVICIO PÚBLICO EN RUSIA Y PAÍSES EXTRANJEROS: HISTORIA DEL ESTABLECIMIENTO Y SUS CARACTERÍSTICAS MODERNAS

Galina S. Belyaeva¹, Svetlana S. Baeva², Svetlana E. Bajkeeva³, Sergey P. Matveev⁴, Evgenij E. Prozenko⁵

¹ *Belgorod State University, Russia, 85 Pobeda Street, Belgorod, 308015, Russia*

² *Russian state University of justice North Caucasus branch, 187/1 Levanevskogo st., Krasnodar, 350002, Russia*

³ *St. Petersburg University of the Ministry of internal Affairs of the Russian Federation, 1 leichika Pilyutova st., Saint-Petersburg, 198206, Russia*

⁴ *Voronezh State University, Russia, 1 University sc., Voronezh, 394018, Russia*

⁵ *The Herzen State Pedagogical University of Russia, 48, Moika Emb., St. Petersburg, Russia, 191186*

E-mail: belyaeva_g@bsu.edu.ru

ARTÍCULO RECIBIDO: 17 de marzo de 2019

ARTÍCULO ACEPTADO PARA PUBLICACIÓN: 20 de marzo de 2019

ARTÍCULO PUBLICADO: 30 de abril de 2019

abstract

This paper analyzed the history of establishment, the features of the current institute of public service in Russia and foreign countries. The way that public services are defined in Russia and foreign countries, and models of public service organization in the United States and Germany are considered as examples. Problems of organizing the civil service in Russia are systematized, and taking into account the international experiences in this field, some ways are proposed to solve them.

Keywords: public service, civil service, open system of public service, closed system of public service.

Este documento analizó la historia del establecimiento y las características del actual instituto de servicio público en Rusia y países extranjeros. La forma en que se definen los servicios públicos en Rusia y los países extranjeros, y los modelos de organización de servicios públicos en los Estados Unidos y Alemania fueron tomados como ejemplos. Los problemas de organización del servicio civil en Rusia se sistematizan y, teniendo en cuenta las experiencias internacionales en este campo, se proponen algunas formas de resolverlos.

Palabras clave: servicio público, servicio civil, sistema abierto de servicio público, sistema cerrado de servicio público.



Introduction

Permanent reforming of the civil service, not only occurs in the Russia but also is a global characteristic of many economically developed and developing states worldwide.

It is enough to recall the draft of European constitution proposed by the countries of the European Union in 2005, which establishes the right of man and citizen have a "good governance", implying that authorities are impartial and fair. They have to consider appeals of citizens essentially and without delay, and the elected representatives and administrations should act according to the interests of population (EU constitution: Where member states stand, 2019).

In this case, the principle of interrelation and consistency of reforming civil service system in Russia and other countries worldwide is a fundamental issue, however, the historically established traditions (foundations) of public administration in each individual state, characteristics of their historical development and determination of their public administration system (in particular), regarding their geopolitical as well as cultural status, and other factors, should be taken into consideration.

In the present study, we will attempt to consider the historical patterns of civil service evaluation in Russia and foreign countries, as well as to identify trends in its modern function and reform, which is certainly necessary for determining the main directions of future development in this political and legal institution.

Research Method

The methodological basis of this research is the usage of the basic general scientific methods, scientific knowledge methods (analysis, synthesis, deduction, induction, system-structural, formal-logical approaches), as well as particular scientific methods, and historical, legal, and formal interpretative.

Results and Discussion

We begin with a remark that, In contract to the Russian Federation, the concept of "public service" is not used in a number of foreign countries; instead, the term "civil service" is introduced.

Thus, in countries of the continental legal family (France, Germany, Italy, etc.), the term "civil service" includes the concept of "public service" (fonction de l'etat) as an integral part.

In turn, in the countries of the Anglo-Saxon legal family (the Great Britain, the United States of America, Canada, New Zealand, etc.), the

concept of "government services" is used, which includes "serving in public institutions or military organizations as a military personnel and other staffs" (Pronkin & Petrunina, 2001).

It should be noted that basically, there are two systems of public service organization worldwide: "open" and "closed".

The "open" system of Public service (the typical system in Anglo-Saxon states), is characterized by the absence of a clearly organized system for normative-legal regulation of official relations, an open competitive system of personnel selection for the state civil service, dependence of wages and job growth on the results of the work performed by a public servant, simplified procedure for dismissal.

A striking illustration of this model is the US civil service, which is not historically developed based on the legal basis, but is formed based on the political experience.

An approve for this is the fact that up to the middle of 19th century, no single normative act was performed in the United States, which enshrines procedure for the formation of personnel of federal institutions.

Beginning of the modern US civil service organization at the federal level was established by the Civil Service Act of 1883 ("Pendleton Act"), which abolished existing system of appointments of employees, based on a system in which, the elected President had the right and power to appoint his representative Parties to all governmental positions (victor's spoils system, "mining - the winner"). The Act introduced the qualification examinations for civil servants, a unified system of public positions and salaries, a principle of non-partisanship of the civil service, a created Civil Service Commission, and a special, independent executive body on civil service issues (Clarke, 1877).

In 1939, the US Congress passed a law prohibiting government officials from participating in election campaigns and using their official position in the interests of any political party (Brown & Maskell, 2016).

Currently, legislative basis of the civil service in the United States is consisted of a significant number of acts adopted by Congress as the Law of July 6, 1966 and included in Section V "Governmental Organizations and Employees" of the US Code of Law, as well as the Civil Service Reform Act of 1978 (The United States Statutes at Large is the collection of laws passed by the United States Congress, 2019; Coleman, 1980). In this section, general and permanent laws about governmental organizations and their officials and employees are codified. A public servant, according to US law, is any person whose work is paid from a federal, state, or local government budget. The terms "civil service", "public



service", "government service" are often used as synonyms in US law, and are translated into Russian law as "public service". According to this criteria, all civil servants can be divided into those in the federal government service, state service, and service in the office of local government.

Thus, US civil service, as the most vivid illustration of the "open" model of civil service, is characterized by a high role of political appointments in the civil service system, dependence of remuneration and promotion on work results, simplified procedure for dismissal, and high decentralization of the civil service system.

In contrast to the "open" model, there is a European continental "closed" model of civil service, the features of which are: detailed regulation of competence in public servants; complex (multi-level) system of personnel selection; dependence on job growth, salaries and benefits based on the position and length of civil service; and complicated dismissal procedure.

public service in European countries was formed as an independent institution, 17th and 18th centuries. In this period, legal regulation included a system of substantive and procedural rules determining types of public service, the legal status of employees, the procedure for passing public service and the level of employee's responsibility.

Germany is the classic example of implementation of this model in the modern world, in which the Basic Law of the Federal Republic of Germany (1949) is included into the legal regulation of the state service (Basic Law for the Federal Republic of Germany, 2019).

Public servants in Germany are recognized as persons carrying out activities within the framework of fulfilling state tasks, which means that they are professional employees (officials), workers, support personnel, teachers, doctors, etc. Civil servants are divided into those whose activities are carried out based on the appointment certificate, and those who work on the basis of an employment (employment) contract.

The most important principles for organization of public service in Germany are life assignment, obligation of a public servant to be faithful to her/his duty, maintaining party-political neutrality, prohibiting strikes, the right to participate in trade unions, an official hierarchy, and etc.

Thus, public service of the Federal Republic of Germany is characterized by a high social status for a public servant, a balanced system of social guarantees, as well as the principle of "lifelong employment".

In Russia, legal registration of institute of civil service dates back to the sixteenth and seventeenth centuries. When a special category of subjects was established, i.e. "military personnel" (Galkin et al,

2018). So, in 1556, the "Service Code" was adopted, which regulates work of the attendants. Rules governing the activities of civil servants were established later in the seventh chapter of "Council Code of 1649" (The complete collection of laws of the Russian Empire, 1830, 1072 p).

Later, during 18th and 19th centuries, in the Russian Empire, the functional specialization of civil servants continued, and types of civil service were specified. Thus, military and civilian officials were separated by decree of Paul I of April 28, 1798 on "Rules for production of a pension for employees and non-servicemen of military and civilian officials" (The complete collection of laws of the Russian Empire, 1830, No. 18502).

Subsequently approved by Nicholas I on May 14, 1834, the Decree "On the Procedure for Production in the Civil Service Chapters" introduced a system of incentives for "diligence and commendable care of employees" and "special work and dignity of officials" (The complete collection of laws of the Russian Empire, 1830, No. 21203).

During Soviet period, In contrast to the background of depoliticizing civil service that took place in countries of Western Europe and North America, an administrative apparatus consisting of party members began to form in Russia, and the civilian ranks system was abolished (Decree of the Central Executive Committee, 1917). Thus, the public service was actually transformed into a political institution.

Ignoring detailed analysis of current state of the civil service in Russia (this topic requires a separate scientific study), let us focus on the possibility of using positive foreign experience to reform the national civil service system.

So, the modern state civil service of Russia "inherited" some of the negative features existing in pre-revolutionary Soviet systems, among which it is necessary to highlight the following issues: lack of clear goals and objectives for public service, and, as a result, lack of criteria for evaluating its effectiveness; limited career prospects; absence of guarantees for unlawful dismissal; problems of officials' behavior ethics; shortage of a unified body exercising control over public servants (Kutuev et al., 2017).

Appeal to the positive experience of foreign countries allows us to identify some ways to solve these problems.

First, the national government needs to develop a clear system of criteria for evaluating performance of civil servants and anti-corruption standards (Turanin et al, 2018).

Second, it is necessary to create a single specialized body (s) for managing the public service.

Third, a qualitative transformation is necessary



for professional education of civil servants in all categories and positions, based on modern understanding about the essence of public administration, changing purpose, activities and behavior of the state apparatus, including rejection of bureaucratic care and team style, and organization of work in accordance with the existing system of market relations.

Conclusions

As a result of studying the history of formation and features of the current institute of public service in Russia and foreign countries, we can draw the following conclusions:

The main task of public service is to effectively and efficiently perform comprehensive and interrelated activities aimed at development and implementation of public policies and decisions, implementation of regulatory and service functions in the way that whole society or its individual segments are agree with.

Domestic and foreign experiences demonstrates that, despite the type of civil service system organization (open or closed), the basic principle of building this type of professional activity is a responsible and qualified attitude to its duties on the part of employees and effective assessment and control of their work by society and the state.

References

EU constitution: Where member states stand (англ.). Date Views 15.01.2019. <http://news.bbc.co.uk> (25.03.2007).

Pronkin S.V., Petrunina O.E. (2001). State administration of foreign countries. M.: Aspect Press, p. 227.

Clarke, William Harrison (1887). The Civil Service Law: A Defense Of Its Principles, With Corroborative Evidence From The Works Of Many Eminent American Statesmen. New York: Charles T. Dillingham. Date Views 15.01.2019. <http://books.google.com/?id=JBFJAAAAIAAJ>.

Brown, Cynthia; Maskell, Jack (April 13, 2016). "Hatch Act Restrictions on Federal Employees' Political Activities in the Digital Age" (PDF). Congressional Research Service. p. 4.

The United States Statutes at Large is the collection of laws passed by the United States Congress Date Views 20.01.2019. // <https://www.loc.gov/law/help/statutes-at-large/>

Coleman, Charles (1980). "The Civil Service Reform Act of 1978: Its Meaning and Its Roots". *Labor Law Journal*. 31 (4): 200–07.

Grundgesetz für die Bundesrepublik Deutschland. Date Views 15.01.2019. // <http://www.gesetze-im-internet.de/gg/>

Galkin Alexander G., Isaev Igor' A., Krikun Vladimir G., Larina Ol'ga G., Pensky Vityal V. (2018). The problems of single legal field development in Russia of the early modern times (the end of the XV – the beginning of the XVII century). *Revista Amazonia Investiga*. Vol. 7, Núm. 12: 153-159.

The complete collection of laws of the Russian Empire. First meeting. T. I. - SPb: Type. II Branch of the Imperial Majesty's own library, 1830. - 1072 p.

The complete collection of laws of the Russian Empire. First meeting. T. XXV. No. 18502. - SPb: Type. II Division of the Imperial Majesty's own library, 1830. - 932 p.

The complete collection of laws of the Russian Empire. First meeting. T. XXV № 21203 - St. Petersburg: Typ. II Division of the Imperial Majesty's own library, 1830, p. 932

Decree of the Central Executive Committee, SNK from 10 (23) November 1917 "On the destruction of estates and civilian officials". *Newspaper of the Provisional Worker and Peasant Government*. - 1917. - № 9.

Kutuev, R. A., Mashkin, N. A., Yevgrafova, O. G., Morozov, A. V., Zakharova, A. N., & Parkhaev, V. T. (2017). Practical Recommendations on the Organization of Pedagogical Monitoring in Institutions of Vocational Education. *International Electronic Journal of Mathematics Education*, 12(1), 3-13.

uranin, V. Y., Rubanov, S. A., Gusakova, Y. S., Sorokoletova, M. A., & Beletskaya, A. A. (2018). INCENTIVES FOR INDEPENDENT ANTI-CORRUPTION EXPERTS OF NORMATIVE LEGAL ACTS AND THEIR PROJECTS. *TURKISH ONLINE JOURNAL OF DESIGN ART AND COMMUNICATION*, 8, 49-52.