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Koroleva Sofya Vladimirovna

**PRINCIPLES OF THE STATE CIVIL SERVICE: THEORETICAL AND
METHODOLOGICAL
AND ORGANIZATIONAL AND LEGAL ASPECTS**

Specialty 5.1.2. Public law
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Dissertation Abstract
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Scientific supervisor:
Dushakova Lesya Anatolyevna,
Doctor of Law, associate Professor

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Relevance of the research topic. The principles of the state civil service, in the current context of constitutional reforms of recent years, the introduction of the concept of "public authority" into the legal apparatus, unprecedented sanctions pressure, and ongoing reform processes in the public administration system, provide the organizational and legal framework that will create the conditions for the further effective development of the state civil service, consistent with the trends of state transformation, including its digital transformation, and capable of withstanding external and internal challenges, ensuring the security of the individual, society, and the state, state sovereignty, and protecting the rights and legitimate interests of citizens and organizations in interaction with public authorities.

Despite a significant number of scientific studies on civil service issues, the system of principles of civil service has been practically not considered in the context of the constitutional amendments of 2020 and state policies in the field of national security, the preservation and strengthening of traditional Russian spiritual and moral values. The results of recent civil service legislation reforms, as well as the active digitalization of public administration, require a systemic analysis of the regulatory properties of civil service principles. Furthermore, legislation on administrative liability, oversight, and permitting activities is being updated, and administrative and procedural regulation is being developed, which is also linked to the official positioning of civil service principles.

The civil service principles are also intended to ensure the smooth progress of the new phase of civil service reform, which will affect a significantly larger number of civil servants employed in the territorial bodies of federal executive authorities. These bodies employ approximately 400,000 people, or more than 0.5% of the Russian economy ¹. The upcoming, large-scale reductions in the civil service corps planned by the government are driven by both the digitalization of public administration and the overall optimization of the civil service institution. By

¹Robots will take over government jobs. Kommersant newspaper, No. 207/P, November 11, 2024, p. 1. Online resource. <https://www.kommersant.ru/doc/7296193> (accessed December 22, 2024).

reducing the number of civil servants, it is planned to increase civil service salaries, improve the current remuneration system, and expand guarantees for civil servants¹.

Digitalization certainly reduces the need for new personnel, but it does not solve the problem of professional performance efficiency. According to the Prosecutor General's Office of the Russian Federation, approximately 30,000 violations of anti-corruption laws by civil servants were identified in the country in 2024. About 500 of them were dismissed due to loss of trust².

In 2022, the set of legislatively enshrined fundamental principles for the structure and functioning of the civil service system was supplemented by a new principle: the principle of protecting the civil service system and the professional activities of civil servants from foreign influence³. In this regard, the demand for a theoretical and legal justification for an updated system of principles for both the civil service as a whole and its individual branches, expanded in the context of modern realities, is growing.

An analysis of the provisions of current legislation that directly enshrine the principles of civil service, as well as demonstrating their inclusion in the field of legal regulation (development in specific provisions of regulatory acts governing issues of organizing civil service), showed that there are gaps and uncertainty in the legal regulation of civil service relations, in connection with which it was proposed to amend the Federal Law of July 27, 2004 No. 79-FZ "On the Civil Service of the Russian Federation", as well as in by-laws.

¹Decree of the President of the Russian Federation of October 29, 2024 No. 922 "On additional measures to improve the remuneration of federal state civil servants of territorial bodies (bodies) of federal government agencies, offices of federal courts of general jurisdiction and federal arbitration courts, and departments of the Judicial Department under the Supreme Court of the Russian Federation in the constituent entities of the Russian Federation" // Collected Legislation of the Russian Federation. November 4, 2024. No. 45. Article 6780.

²Prosecutor General of the Russian Federation Krasnov: About 30,000 officials have been punished for corruption in a year. [Electronic resource.] <https://www.kp.ru/online/news/6129222/> (accessed December 22, 2024).

³Federal Law of 05.12.2022 No. 498-FZ "On Amendments to Certain Legislative Acts of the Russian Federation" // Collected Legislation of the Russian Federation. 12.12.2022. No. 50 (Part III). Art. 8792.

New developments in the legal regulation of civil service, upcoming (planned) changes thereto, law enforcement practice in service disputes, and the controversial nature of many aspects of the organization and functioning of the civil service necessitate a comprehensive scientific development of theoretical and organizational-legal issues of the application of civil service principles, defining their concept, content, and place in the structure of the public-law institution of civil service. The paper examines the modern scientific interpretation principles of civil service and proposed a possible option for the development of such an interpretation with further improvement of the legislation.

All the aspects outlined above allow us to speak about the relevance of studying the principles of state civil service for the purpose of further improving service legislation as one of the foundations for the effective organization of the functioning of the state apparatus as a whole.

Level of research development. The issue of civil service has been actively explored by both Soviet scholars and contemporary legal scholars. Significant contributions to these issues have been made at various times by scholars such as D.N. Bakhrakh, A.A. Grishkovets, A.V. Gusev, N.M. Kazantsev, A.V. Kurakin, V.M. Manokhin, M.V. Presnyakov, P.P. Sergun, Yu.N. Starilov, S.E. Channov, O.V. Shmaliy, and others.

The study of various types of civil service was carried out by V.V. Vityuk, V.B. Gaidov, A.A. Trynchenkov, V.M. Shamarov, B.M. Magomedov.

The works of such authors as S.V. Privalova, R.V. Nagornykh, A.V. Smirnov are devoted to the issues of principles of civil service and its various types.

The following authors examined individual principles of civil service: V.M. Kolanda, V.V. Gritsenko.

The issues of responsibility of civil servants are the subject of works by such authors as M.B. Dobrobaba and S.E. Channov, who also touched upon individual principles of civil service.

The bibliography demonstrates the rare nature of monographic studies devoted to the legal justification of the civil service system of principles. These

issues are typically devoted to a minor section in textbooks, or they are discussed in academic publications in the context of specific issues in the organization and functioning of the civil service, most often in describing prohibitions and restrictions related to the civil service.

The system of civil service principles has remained largely unexplored in the context of the 2020 constitutional amendments, given the reform of civil service legislation in recent years, and the digitalization of public administration. This dissertation aims to fill this gap.

The purpose and objectives of the study are to provide a theoretical and organizational-legal analysis of the principles of civil service in modern conditions.

The stated objective of the study necessitates solving the following tasks:

- define the concept and justify the evolution of the principles of state civil service, identify their system and features;
- characterize the legal regulation of the principles of state civil service in the Russian Federation;
- to determine the role of principles in the development of the institution of state civil service;
- to substantiate the processes of implementing the principles of state civil service as a condition for the effectiveness of public administration;
- to reveal the features of reflection of the principles of state civil service in acts of justice;
- to determine the trends in the development of civil service legislation based on the interpretation of existing principles in modern conditions.

Object and Subject of the Study. The object of the study is the social relations that develop in connection with and related to the organization of the state civil service and the practical implementation of state service activities. The subject of the study is the administrative and legal norms that enshrine the principles of the state civil service, the practice of their implementation, and the law enforcement practice of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, and other courts in official disputes.

The theoretical and methodological basis of the study is represented by general scientific, specific scientific, and specialized methods. The system of general scientific methods is represented by analysis and synthesis, historical, and logical methods. These methods, taken together and based on a dialectical approach, made it possible to study the principles of civil service in the context of their fundamental characteristics, the internal structure of their system, and their categorical apparatus. This allowed the author to propose a unique concept and develop a classification of civil service principles, and to search for effective models for their correlation with other processes and institutions of a public legal nature.

From the private scientific methods, the functional method was used, which made it possible to identify the functional goals of the system of principles of the state civil service as a subsystem of the institution of the state civil service.

The specialized methodology utilizes a formal-legal approach, and, in terms of examining issues of international civil service experience, a comparative-legal approach. From a formal-legal perspective, a system of connections between civil service principles and the structural elements of civil service institutions, public service, and other public-law institutions is constructed and substantiated .

The methodology of this study as a whole provided a comprehensive, systemic analysis of its subject.

The theoretical basis of the study scientific works of leading scientists in the field of administrative law and administrative process were presented (Yu.E. Avrutin, A.P. Alekhin, D.N. Bakhrakh, V.A. Vlasov, A.A. Grishkovets, I.I. Evtikhiev, Yu.M. Kozlov, A.P. Korenev, A.V. Kurakin, V.M. Manokhin, B.V. Rossinsky, N.G. Salishcheva, Yu.N. Starilov, Yu.A. Tikhomirov, S.E. Channov, O.V.

The work used the provisions of the works of researchers on issues of the theory of state and law (A.V. Malko, N.I. Matuzov and others).

The presented study reflects the works of scientists in the field of developing issues of the relationship between labor legislation and civil service legislation (A.A.

Grishkovets, A.V. Gusev, M.B. Dobrobaba, S.E. Channov), which contributed to the development of issues of delimitation of labor and state service legal relations.

In recent years, the attention of scientists has been drawn to issues of responsibility of civil servants (A.A. Grishkovets, M.B. Dobrobaba, M.V. Presnyakov and other authors).

It's worth noting the undeniable contribution of scholars to the development of doctrinal understandings of public service in general and the state civil service as a form of service. At the same time, it's worth emphasizing the inadequacy of theoretical developments on the principles of state civil service and the legal justification for its place and role within the structure of the public-law institution of civil service, which also underscores the relevance of the topic proposed for discussion.

Validity and reliability of research results. The degree of reliability of the provisions and results of the studies conducted. The study is supported by a clear set of initial theoretical and methodological principles. The definition of the object and subject of the study contains a conditioned relationship between the general and the specific. The research methodology meets the requirements and is adequate to the objectives. The main provisions, conclusions, and recommendations obtained as a result of the study are supported by a systematic logic, are based on the methods and technologies of scientific knowledge, are informed by regulatory, law enforcement, and doctrinal sources, and are consistent with the stated goals and objectives.

The validity of the scientific provisions, conclusions and recommendations formulated in the dissertation is confirmed by their testing. Main provisions and conclusions reflected V the author's scientific publications in leading periodicals and speeches at international and all-Russian scientific and practical conferences and other scientific events.

The scientific novelty of the study is determined by the formulation of the problem and lies in its focus on the theoretical substantiation of the principles of state civil service, the essential content and classification of the system of such

principles, their role and place in the structure of the public-legal institution of state civil service.

As a result of the study:

- the author's understanding of the principles of state civil service, their system and features *is presented, and* their classification *is proposed*;
- the features of legal regulation of the principles of state civil service in the Russian Federation in modern conditions *are revealed*;
- the role of principles in the development of the institution of state civil service and other public-legal institutions *is substantiated*;
- the implementation of the principles of state civil service *is presented as a condition for the effectiveness of public administration*;
- the features of reflection of the principles of state civil service in acts of justice *were identified*;
- the trends in the development of legislation on civil service *are substantiated* based on the interpretation of existing principles in modern conditions.

In this dissertation, based on the completed scientific research, theoretical provisions have been developed aimed at increasing the effectiveness of the public-law institution of state civil service by consolidating and implementing the principles of state civil service.

The following **provisions of the dissertation, which are new or contain elements of novelty, are submitted** for defense:

1. The author's correlation of the principles of state civil service, general principles of the construction and functioning of the system of state service and legal principles is substantiated, according to which the principles of state civil service represent a type of legal principles and act, on the one hand, as their sectoral variety, and on the other hand, as a specific variety of general principles of the organization and functioning of the system of state service , which simultaneously reflects the universality of the latter and ensures the specificity of the passage of state civil service as a type of public service.

2. The author proposes a classification of civil service principles demonstrating their systemic unity, structured based on an assessment of the legal nature and essence of the institution of state civil service. Based on the specific positioning of the state civil service as a public-law institution, as a public-law relationship, and as a professional service activity, the principles of state civil service, among other criteria, are differentiated into institutional, functional, and procedural. It is substantiated that the classification of state civil service principles, their hierarchy, and interrelationship serve as a necessary condition for improving the quality of legal regulation of the state civil service, as well as the practice of its implementation in the modern context of state-building.

3. The principles of the state civil service are enshrined both in civil service legislation and in related branches of law. These principles are enshrined using various legal techniques, including the incorporation of individual principles into the content of other expressly established principles (the principle of civil servant responsibility is included in the principle of professionalism and competence of civil servants), which is confirmed by law enforcement practice. It is substantiated that the effectiveness of the latter and the achievement of the ultimate goals of the functioning of the civil service are based on a system of time-tested and fixed by the legislator in the basic law of the country and other laws principles of the civil service, which develop together with the state and continue to influence the institution of civil service as a whole, as well as other public-law institutions.

4. Four areas of regulatory impact of the principles of state civil service are identified: on the institution of civil service itself; on the interconnection of various elements within the structure of the institution of state civil service; on other public-law institutions; and on the connections of the state civil service with other public-law institutions. The impact of civil service principles occurs not only on institutions in their traditional scientific understanding, but also on "cross-cutting" institutions and processes of a complex nature (digitalization, anti-corruption, etc.). All the conditions and factors of the influence of civil service principles on internal (within the institution) and external (beyond the institution) processes and connections

determine their significance in the formation and subsequent development of the concept of public service as a whole.

5. The system of civil service principles is a subsystem of the civil service institution and, at the same time, a subsystem of the systemic set of public administration principles and its level – the set of principles governing the functioning of the executive branch. One of the fundamental principles of this triad is the principle of efficiency. In this regard, it is justified that the systemic implementation The principles of state civil service serve as a basic condition for the effectiveness of public administration in general.

The development of the principles of civil service as a subsystem of the institution of civil service stimulates the connection of various public authorities, their procedural, organizational and axiological commonality, internal unity in the context of the institution of public authority, which ultimately ensures the effectiveness of public administration as a whole through a combination of the effectiveness of the norms that make up this public-law institution and the effectiveness of their relationship, the effectiveness of the normative consolidation of the principles of civil service and the effectiveness of law enforcement.

6. The legal positions formulated by judicial authorities reflect the integrity and unity of the system of civil service principles. Law enforcement practice in judicial resolution of civil service disputes confirms the interconnectedness of various civil service principles not only with each other, but also with the principles governing labor relations and the principles of the anti-corruption mechanism.

Judicial enforcement reflects the system of civil service principles in their unity and simultaneously allows for the construction of a hierarchy of such principles and their interrelationships. The practice of resolving civil service disputes demonstrates a duality in the application of a number of civil service principles, reflecting often opposing trends in the development of the civil service (sustainability and renewal, consideration of specificity and integrity).

7. It has been proven that innovations in the legal regulation of the civil service confirm the dualism in the consolidation and implementation of the principles of the

civil service, which is expressed in the combination of a focus on developing the stability and sustainability of the civil service and stimulating the mobility of this institution, taking into account the historical-political and organizational-legal situation.

In this regard, taking into account the factors of national political and legal development, significant directions for the development of the system of principles of state civil service have been substantiated in terms of goal-setting and effectiveness (strengthening the complexity and intersectoral nature; creating organizational and legal instruments that ensure the ability to quickly respond to external and internal challenges of various natures; consistency with the development of the design of the effectiveness of the public administration system as a whole; ensuring the ability to influence the social activity of both subjects of state service relations and other subjects interacting with public authorities).

8. The development of principles of state civil service requires their consistent clarification in legal norms that mediate the implementation of each specific principle, in order to strengthen their regulatory capabilities and ensure practical applicability.

Based on the conducted research, it is proposed to supplement the provisions of Federal Law 79-FZ with Article 62.1. "Mentoring in the Civil Service" with the following content:

"1. For the purposes of professional and other development of a civil servant who has entered civil service in a government agency for the first time, or a civil servant with civil service experience who has entered the given government agency for the first time, mentoring shall be established by decision of the employer's representative.

2. Mentoring in the civil service is carried out by individuals with significant experience in a particular field, with the aim of facilitating the professional and other development of civil servants, aimed at developing the knowledge and skills necessary to ensure service activities at a high professional level, and cultivating a conscientious attitude towards the performance of official duties."

Proposals have also been made to supplement the provisions of Federal Law 79-FZ with Article 39.1. "Transfer to the disposal of the federal executive body" as follows:

"1. A civil servant who has been recognized in the established manner as having been illegally dismissed from service, released, suspended from office, or transferred to another position shall be subject to reinstatement in his previous position.

2. A civil servant who was at the disposal of the federal executive body, its territorial body or subdivision and who was recognized in the established manner as unlawfully dismissed from service, shall be subject to reinstatement in service and enrollment at the disposal of the federal executive body, its territorial body or subdivision until a decision is made on the conditions for further service or on its termination on the grounds provided for by this Federal Law."

It is proposed to supplement the provisions of Article 59 of Federal Law 79-FZ "Official Investigation" with Part 12 of the following content:

"12. The results of an official investigation conducted in gross violation of the requirements for the organization and implementation of such an investigation are subject to cancellation by the body that conducted the official investigation, a higher authority, or a court, including upon a submission (application) from the prosecutor. In the event of independent discovery of gross violations of the requirements for the organization and implementation of the official investigation, the authorized official of the body that conducted the official investigation shall decide to invalidate the results of such an investigation."

In addition, assumptions have been made about the need to determine at the sub-legislative level:

- the concept of merit in the professional service activities of a civil servant;
- the possibility of taking into account the complexity of providing information on the income of spouses with whom civil servants do not live;

- the amount of the insignificant (minor) difference between the sum of all actually received income and the sum of income indicated in the Certificate of Income, Expenses, Property and Property Liabilities;

- mandatory nature of departmental codes of ethics for civil servants.

The theoretical and practical significance of the study is expressed as follows:

- provisions *are substantiated* that expand the understanding of the public-legal institution of civil service;

- criteria for classifying the system of principles of state civil service *are identified*;

- theoretical and practical problems of legal consolidation and implementation *are revealed* principles of state civil service;

- variants of theoretical and legal relationships *are substantiated* principles of state civil service with other components of the institution of state civil service, other public-law institutions and processes;

- scientific approaches to understanding the implementation of the principles of state civil service as a condition for the effectiveness of public administration *have been formed*;

- approaches to assessing the reflection of the principles of state civil service in acts of justice *have been developed*;

- specific proposals *have been made* on the directions for the development of a system of principles in the organization of the state civil service in modern conditions.

The practical significance of this study lies in its applied scientific nature, which suggests that the author's suggestions and recommendations can be used in the educational process within the framework of the bachelor's degree programs in "Jurisprudence," the specialty programs in "Legal Support of National Security," and "Judicial and Prosecutor's Activity." These programs can be used to develop lecture courses and practical classes in such disciplines as "Administrative Law," "Administrative Procedure," "Administrative Liability," "Service Law," "Legal and

Organizational Foundations of Civil Service," and others. The results of this study can be applied in the law enforcement activities of public authorities and civil servants.

Research results were tested . The dissertation was prepared and discussed at the Department of Administrative and Service Law of the South-Russian Institute of Management, a branch of the Russian Presidential Academy of National Economy and Public Administration .

The main provisions of the dissertation research are presented by the author in the form of reports and speeches at scientific and practical conferences, as well as reflected in 17 scientific articles, 4 of which were published in publications recommended by the Higher Attestation Commission of the Ministry of Science and Higher Education of the Russian Federation for the publication of the main provisions of candidate and doctoral dissertations in legal specialties.

The structure of the dissertation research is determined by its purpose and objectives and consists of an introduction, two chapters combining six paragraphs, a conclusion, a list of used sources and literature.