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**IMPROVING THE LEGAL REGULATION OF THE POSITION
STRUCTURE OF THE CIVIL SERVICE
OF THE RUSSIAN FEDERATION**

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Dissertation Abstract
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The relevance of the dissertation topic is determined by the need to improve the theoretical and legal foundations of the position structure of the civil service in the context of the development of the unified system of public authority in the Russian Federation. The ongoing transformations and challenges faced by the state apparatus call for the elaboration of updated academic and legal approaches to the formation of the position structure of the civil service as one of the central elements of the public administration mechanism.

At the same time, despite the objective demand for new approaches, a rule-making pause in planning the development of the civil service at the federal level has persisted for more than four years. The main directions of civil service development were last set by the President of the Russian Federation for the period 2019–2021¹, and the corresponding action plan² for their implementation has already been completed. It is evident that the development of the state, society, and technology will necessitate overcoming this pause. The resumption of systematic planning in this area is possible, however, only on the condition of further elaboration of its theoretical and legal foundations, which requires an in-depth study of the position structure of the state civil service as a holistic phenomenon.

Meanwhile, neither the existing research priorities in legal scholarship nor practical approaches are oriented toward the position structure of the civil service in its entirety; the focus remains either on the macro-level (the structure and system of state bodies) or on the micro-level (the position as an individual unit). As a result, studies of the position structure of the civil service, which plays a key functional role in the exercise of state power and ensures the dynamics of administrative processes, remain rather fragmented and few in number. Issues of classification and differentiation of civil service positions, their systematization, the establishment of internal correspondences and correlations with positions of other types of state

¹ Decree of the President of the Russian Federation № 288 of 24 June 2019 «On the Main Directions of Development of the State Civil Service of the Russian Federation for 2019–2021» // Collection of Legislation of the Russian Federation. 2019. № 26. Art. 3410.

² Decree of the Government of the Russian Federation № 1646-r of 24 July 2019 (as amended on 16 June 2020) «On Approval of the Action Plan («Road Map») for the Implementation of the Main Directions of Development of the State Civil Service of the Russian Federation for 2019–2021» // Collection of Legislation of the Russian Federation. 2019. № 31. Art. 4669.

service, as well as their delimitation from public positions, are often addressed only indirectly and in a fragmented manner.

At the same time, the position structure of the civil service, being a system-forming element of the civil service institution, sets the organizational and functional framework of the state apparatus and thereby exerts a decisive influence on the efficiency of public administration. Its current state, however, is characterized by a number of systemic problems, which find expression in the formalism and insufficiency of the grounds for classifying civil service positions and for delimiting them from public positions, in the lack of a stable correlation between the service duties of civil servants, the qualification requirements imposed on them, and their remuneration, as well as in the imperfect mechanisms of interaction between persons holding various positions within the state apparatus. The elimination of these shortcomings is possible only within the framework of a comprehensive, scientifically grounded approach, which requires a fundamental study of the theoretical, legal, and organizational foundations of the position structure of the civil service.

The position structure of the civil service of the Russian Federation requires an in-depth, holistic academic study and detailed legal regulation also because the development of the state, society, and technology has given rise to a number of pressing issues, challenges, and dilemmas which are of fundamental importance to the modernization of the state apparatus.

Among these issues, the one related to the search for a vector of personnel renewal of the state apparatus deserves to be highlighted first of all. The implementation of the course set by the President of the Russian Federation V.V. Putin towards the renewal of managerial personnel through the recruitment of veterans of the special military operation³ will require a two-way balanced adaptation. This adaptation involves, on the one hand, the training and integration

³ Putin: Veterans of the Special Military Operation Should Be Involved in Managerial Work at All Levels // *Parlamentskaya gazeta*. 2025. 21 April. URL: <https://www.pnp.ru/social/putin-veteranov-svo-nuzhno-privlekat-k-upravlencheskoy-rabote-na-vsekh-urovnyakh.html?ysclid=matj09lefm948923568> (access date: 29.05.2025).

of new personnel⁴, already underway, and, on the other hand, enhancing the transparency and rethinking of the position structure in line with modern administrative realities and human resource potential, which will ultimately make it more attractive to a broad range of qualified specialists.

Another challenge is a direct consequence of the digital transformation of public administration, which has already led to a significant reduction in the routine tasks performed by civil servants. This has naturally resulted, and will continue to result, in a downsizing of the state apparatus and in a transformation of the very nature of civil servants' work, and the widespread adoption of artificial intelligence will only accelerate these processes. The systemic optimization of the state apparatus initiated by the Prime Minister of the Russian Federation M.V. Mishustin⁵ has led to the elimination of more than 30 000 civil service positions at the level of central offices of federal executive bodies alone⁶, while at the current stage a reduction of at least 10 percent in the maximum staffing levels of civil servants in the territorial bodies of federal executive bodies is planned⁷. At the same time, the requirements for the quality and efficiency of civil servants' performance in the exercise of state functions and the delivery of public services are increasing⁸. These two opposing trends – a reduction in numbers coupled with rising performance requirements in the context of digitalization and rapid technological development calls for a more effective and adaptive position structure of the civil service.

⁴ Presidential Address to the Federal Assembly // Rossiiskaya gazeta. 2024. № 46.

⁵ Mishustin Gives Three Months to Reduce the Staff of Ministries and Agencies // Rossiiskaya gazeta. 2020. 16 November. URL: <https://rg.ru/2020/11/16/mishustin-dal-tri-mesiaca-na-sokrashchenie-shtata-ministerstv-i-vedomstv.html?ysclid=matohkhdm7696929634> (access date: 29.05.2025).

⁶ Meeting of Mikhail Mishustin with Members of the Chamber Council of the Federation Council of the Federal Assembly // Official Website of the Government of the Russian Federation. 2022. 28 June. URL: <http://government.ru/news/45844/> (access date: 29.05.2025).

⁷ Decree of the President of the Russian Federation № 922 of 29 October 2024 «On Additional Measures to Improve the Remuneration of Federal State Civil Servants of Territorial Bodies (Agencies) of Federal State Bodies, the Staffs of Federal Courts of General Jurisdiction and Federal Arbitration Courts, and the Directorates of the Judicial Department under the Supreme Court of the Russian Federation in the Constituent Entities of the Russian Federation» // Collection of Legislation of the Russian Federation. 2024. № 45. Art. 6780.

⁸ Decree of the Government of the Russian Federation № 637-r of 16 March 2024 «On the Strategic Direction in the Sphere of Digital Transformation of Public Administration» // Collection of Legislation of the Russian Federation. 2024. № 13. Art. 1837.

At the same time, processes of unification and standardization of the position structures of state bodies are underway, driven both by the administrative reform⁹ and by the ongoing development of a universal system for the recruitment, professional development, and rotation of personnel for state bodies and local self-government bodies within the framework of a unified digital platform¹⁰. Thus, the position structure of the civil service must meet two divergent requirements: it must be flexible and adaptive in the context of rapid advances in information technology, while at the same time ensuring uniformity in the staffing of the state apparatus, based on the principles of equal access to state service and the primacy of professional knowledge and qualifications.

In the context of the development of the unified system of public authority, the question of the boundaries of the civil service itself is also of fundamental importance — which individuals' activities can and should fall within its definition, and for whom, accordingly, the relevant guarantees and exemptions from the general legal status should be established? The range of such individuals may equally be narrowed or broadened, including through the formation of an institution of public service. This problem finds expression in the absence of objective and substantive criteria for delimiting public positions from civil service positions, and, accordingly, for distinguishing the legal status of the individuals holding them. The formalism of the legally established criteria makes it inevitable to address the question of whether it is possible and necessary to differentiate such positions within the state apparatus.

Another problematic aspect that should be highlighted is the established practice of compiling the registers of civil service positions, which reveals significant normative and methodological flaws. These flaws find expression in the

⁹ Resolution of the Government of the Russian Federation № 1829 of 16 November 2020 (as amended on 6 June 2023) «On the Structure of the Central Offices of Federal Ministries Whose Activities Are Managed by the Government of the Russian Federation, Federal Services and Federal Agencies Subordinate to These Federal Ministries, and Federal Services and Federal Agencies Whose Activities Are Managed by the Government of the Russian Federation» // Collection of Legislation of the Russian Federation. 2020. № 47. Art. 7532.

¹⁰ Decree of the President of the Russian Federation № 309 of 7 May 2024 «On the Development Goals of the Russian Federation through 2030 and for the Future Until 2036» // Collection of Legislation of the Russian Federation. 2024. № 20. Art. 2584.

absence of regulation of the procedures for the evaluation and classification of positions, as well as in the lack of a methodological framework for these processes. This situation leads to persistent imbalances in remuneration and weakens the correlation between the actual service duties and the qualification requirements imposed. This, in turn, extends to the level of service contracts and duty regulations, which are often marked by excessive formalism, reliance on templates, and a failure to reflect the actual functions performed by civil servants. Taken together, this naturally brings to the fore the issue of the organizational design of the civil service, in particular, the elaboration of a scientifically grounded and conceptually coherent approach to the evaluation and classification of its positions.

Thus, an academic analysis of these and other issues and dilemmas, along with the elaboration of practical recommendations for resolving them and improving legal regulation, calls for a comprehensive and systematic study of the position structure of the civil service and its related elements, examined in their interconnection. A holistic approach to the position structure – as an organized set of positions and the relationships among them that form a functional hierarchy determining the legal status and career development of those who hold these positions – appears to be the most promising avenue of inquiry in the context of the modern challenges and tasks facing the public administration system.

State of the literature. As noted above, studies specifically devoted to the position structure of the civil service and its legal regulation are rather limited in number. At the same time, a number of related topics and aspects have been explored in considerable depth. A substantial contribution to the study of the institution of state service in general, and of the civil service in particular, has been made by: G.V. Atamanchuk, T.V. Barannik, I.N. Bartsits, D.N. Bakhrakh, V.B. Bashurov, K.S. Belsky, L.E. Vakhnin, V.D. Grazhdan, A.A. Grishkovets, A.G. Gurinovich, T.A. Zanko, E.Yu. Kireeva, A.V. Malko, V.M. Manokhin, R.V. Nagornykh, S.P. Nazarova, A.V. Obolonsky, E.V. Okhotsky, I.V. Ponkin, Yu.N. Starilov, V.E. Chirkin.

Theoretical and normative aspects of the concepts of «position», «public position», «state service position», and related categories have been addressed in the works of, among others, I.E. Andreevsky, S.N. Bratanovsky, V.A. Vinokurov, V.B. Gaidov, A.D. Gradovsky, V.S. Gruzdev, A.A. Demin, N.K. Nelidov, A.I. Permyakov, G.I. Petrov, Yu.A. Rozenbaum, V.A. Sakovich, S.S. Studenikin, B.N. Chicherin.

Particular stages in the development of the institution of civil service and its legal regulation in Russia have been examined in the works of such scholars as M.O. Akishin, A.A. Belykh, S.B. Veselovsky, V.A. Voropanov, V.O. Klyuchevsky, O.V. Novokhatko, N.A. Petrovichev, E.V. Tufanov.

In examining the international experience of shaping and legally regulating the position structure of the civil service, particular attention was paid to the works of foreign researchers, such as K.R. Balabiev, I.A. Demidova, D.N. Jamshedov, A.B. Lokyan, A.G. Rzaev, A.Z. Turisbek, M.O. Khaitov, M. Khodzhabeikov, as well as A.A. Belman, K.E. Brødsgaard, W. Wilson, C. Gang, L. Gulick, M. Lewis, D.D. Li, M. Martins, G.T. Milkovich, H. Mintzberg, A. Rabrenović, D.H. Rosenbloom, T. Saptefrati, W.R. Scott, L. Urwick.

The purpose of this study is to develop scientifically grounded theoretical propositions and practical recommendations for improving the legal regulation of the position structure of the civil service of the Russian Federation.

Based on this purpose, the following **objectives** are set:

- to develop proposals for improving the theoretical and legal concept of the position structure of public administration and the civil service, clarifying their essence, elements, and interrelation;
- to identify the defining historical features that have shaped the Russian model of organization and legal regulation of the position structure of the civil service;
- to identify and systematize, using the examples of the Russian Federation and foreign states, the main models of legislative regulation of the position structure of the civil service;

- to identify the specific features of the subordinate regulation of the position structure of the civil service in the Russian Federation and foreign states;
- to assess whether the legally established criteria for distinguishing between public positions of the Russian Federation (public positions of the constituent entities of the Russian Federation) and civil service positions within the state apparatus are adequate;
- to elaborate scientifically grounded recommendations for improving the legal regulation of the position structure of the civil service of the Russian Federation.

The object of the dissertation research is the social relations arising in the course of the legal regulation of the organization and functioning of the position structure of the civil service.

The subject of the dissertation research is the legal norms regulating the position structure of the civil service of the Russian Federation and foreign states, judicial and other law enforcement practice, as well as academic works on the topic under investigation.

The theoretical basis of the dissertation research is formed by the works of scholars devoted to the issues of the civil service and its legal regulation, the specific features of state-service relations, the place and role of various positions in the system of public administration, and other related aspects, including those of G.V. Atamanchuk, D.N. Bakhrakh, A.D. Gradovsky, V.D. Grazhdan, A.G. Gurinovich, T.A. Zanko, V.M. Manokhin, A.V. Obolonsky, E.V. Okhotsky, Yu.N. Starilov, V.E. Chirkin, B.N. Chicherin, as well as M. Weber, W. Wilson, L. Gulick, W.R. Scott, L. Urwick.

The methodological framework of the dissertation research comprises a set of philosophical, general scientific, specific scientific, and specifically legal methods, including the comparative legal method, the formal legal method, teleological interpretation, and legal modeling.

The information base of the dissertation research is formed by a range of sources, including the Constitution of the Russian Federation, federal

constitutional laws, and federal laws, among which it is necessary to highlight Federal Law № 58-FZ of 27 May 2003 «On the System of State Service of the Russian Federation» and Federal Law № 79-FZ of 27 July 2004 «On the State Civil Service of the Russian Federation»; decrees of the President of the Russian Federation, in particular, Decree of the President of the Russian Federation № 1574 of 31 December 2005 «On the Register of Positions of the Federal State Civil Service»; resolutions of the Government of the Russian Federation and other legal acts of the Russian Federation and the constituent entities of the Russian Federation; legislation and other legal acts of the Republic of Azerbaijan, the Kyrgyz Republic, the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Republic of Moldova, the Republic of Tajikistan, the Republic of Uzbekistan, Turkmenistan, the People's Republic of China, the United States of America, the Federative Republic of Brazil, the Federal Republic of Germany, and the Republic of South Africa. The information base also includes materials of judicial and other law enforcement practice, academic works on the topic under research, statistical and analytical materials of the Federal State Statistics Service, the Ministry of Labour and Social Protection of the Russian Federation, the Accounts Chamber of the Russian Federation, findings and data of statistical and sociological studies published in academic journals and mass media, and other materials relevant to the topic under research.

The scientific novelty of the dissertation research lies in the fact that it puts forward proposals for improving the theoretical and legal concept of the position structure of public administration and the position structure of the civil service, including the identification of their elements, functional purpose, and interrelation.

Furthermore, the study identifies the defining historical features and patterns of the formation and legal regulation of the position structure of the civil service in Russia. Drawing on a comparative analysis of domestic and foreign experience, the study identifies and systematizes the main approaches to the legislative regulation of the position structure of the civil service and establishes correlations

between the specific features of how the civil service is organized and the approaches taken to shaping and legally regulating its position structure.

The scientific novelty also lies in the system of definitions developed in this study, which includes formalized and refined definitions of the concepts of «public position» and «civil service position». By capturing the substantive characteristics and interrelations of these definitions, the study contributes to resolving terminological ambiguity in academic discourse. Moreover, the conceptual similarity of these categories, revealed in the course of the research, has provided a methodological basis for elaborating proposals to improve the current approach to distinguishing between public positions of the Russian Federation (public positions of the constituent entities of the Russian Federation) and civil service positions.

The following scientific provisions are submitted for defense:

1. A comprehensive category of the «position structure of public administration» has been developed and theoretically substantiated, defined as an ordered and unified system of positions established within the state apparatus, which determines their organizational hierarchy and interrelation, as well as their functional division in accordance with the distribution of official powers. It has been established that the position structure of the civil service is a subsystem of the position structure of public administration and comprises the civil service positions of the Russian Federation and the interrelations among them.

2. The study has identified a set of fundamental characteristics and enduring features of the position structure of the civil service in Russia that define its specificity and have been present at most stages of its historical development, namely:

- the absence of a strict separation of positions within the state apparatus according to the «political vs. administrative positions» dichotomy;
- the centralized formation of the position structure, with a clear prevalence of the status-based criterion for distinguishing positions;
- the uneven scope and depth of legal regulation across different components of the position structure of the civil service, whereby the terminological

apparatus and the mechanism for forming the position structure remain without systematic regulation, while the organizational and categorical foundations are subject to detailed regulation.

3. Based on an analysis of how the terminological apparatus, organizational and categorical foundations, and the mechanism for forming the position structure of the civil service are regulated by legislation in the Russian Federation and foreign states, the following models of legislative regulation of the position structure have been identified and systematized:

- the detailed model – characterized by the dominant role of legislative regulation, which, in addition to regulating the main components, also fully or partially establishes the position structure of the civil service itself (Federative Republic of Brazil, Federal Republic of Germany, Republic of Moldova);
- the framework model – under which only basic provisions on the position structure of the civil service are established at the legislative level (Russian Federation, member states of the Commonwealth of Independent States (with the exception of the Republic of Moldova), People's Republic of China);
- the limited model – distinguished by a minimal scope of legislative regulation, which establishes certain definitions and organizational and categorical foundations (United States of America, Republic of South Africa).

4. A comparative analysis of the subordinate regulation of the mechanism for forming the position structure of the civil service in foreign states has revealed and substantiated the following pattern: a detailed methodology for the evaluation and classification of civil service positions is characteristic of states that do not develop a single centralized position structure of the civil service. The methodological framework for forming the position structure performs a compensatory function, ensuring the organizational unity of the civil service system.

5. It has been demonstrated that the formal nature of the legally established criteria for distinguishing between public positions of the Russian Federation (public positions of the constituent entities of the Russian Federation) and civil service positions leads to the predominance of political and administrative

aspects of differentiation, which lack strict legal formalization. As a result, the systemic interconnection between the service duties, qualification requirements, restrictions and prohibitions, and remuneration of persons holding various positions within the state apparatus is disrupted.

6. The study has identified and substantiated the incompleteness of the legal regulation of the procedure for taking into account military and special ranks, class ranks of the justice system, and class ranks of prosecutors when class ranks are assigned to civil servants of the constituent entities of the Russian Federation. This incompleteness undermines the principle of the unity of the legal and organizational foundations of state service and creates unequal conditions for entering and performing civil service in the constituent entities of the Russian Federation for a number of persons, including veterans of the special military operation. In view of this, the study demonstrates the need to amend Article 11 of Federal Law № 79-FZ of 27 July 2004 «On the State Civil Service of the Russian Federation» so as to establish a uniform procedure for assigning the first class rank to a civil servant of a constituent entity of the Russian Federation who already holds a higher military or special rank, a class rank of the justice system, or a class rank of a prosecutor.

The theoretical significance of the dissertation research is determined by its novelty and findings and consists in the further development and deepening of the theoretical and legal concept of the position structure of public administration and the position structure of the civil service. The author's conclusions contribute to the formation of a holistic understanding of the system of organizational levels of positions within the state apparatus and help to refine the conceptual and categorial apparatus of the science of administrative law. The findings and proposals formulated in this work may serve as a basis for further academic research.

The practical significance of the dissertation research lies in the possibility of using its provisions, theoretical and legal conclusions, and recommendations for the further legal regulation of the sphere under consideration. In addition, the materials of the research may be used in the preparation of teaching and methodological materials, as well as in teaching administrative law of the Russian

Federation, the system of state and municipal administration of the Russian Federation, and the system of state service of the Russian Federation and foreign states.

Approbation of the research results. The main results and conclusions of the research have been discussed at the Department of Legal Support of State and Municipal Service of the Institute of Public Administration and Civil Service (IPACS) of RANEPA under the President of the Russian Federation; published in peer-reviewed academic journals recommended by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation; and presented in the author's presentations at the XI International Scientific and Practical Conference «The National Legal System of the Republic of Tajikistan and the CIS Countries: Analysis of Trends and Development Prospects», the II International Scientific and Practical Postgraduate Conference in Memory of V.F. Yakovlev «Interdisciplinary Approach in Legal Science: Economy. Law. Court», and the round table «Reforming the Civil Service Laws» of the Conference Session of IPACS RANEPA «Public Administration and Development of Russia: New Horizons and an Image of the Future».

Structure of the dissertation. In accordance with its purpose and objectives, this dissertation consists of a table of contents, an introduction, three chapters divided into six sections, a conclusion, and a list of references.

The Introduction substantiates the relevance of the chosen topic of the dissertation research and the state of the literature on the research problem, sets out the purpose and objectives, the object and subject of the research, describes its theoretical and methodological framework and information base, confirms the validity and reliability of the research results, presents the propositions submitted for defense that possess scientific novelty, discloses the theoretical and practical significance of the research, and provides information on the approbation of its results and a list of the author's publications.

Chapter 1 «Theoretical and Institutional Foundations of the Position Structure of the Civil Service in Russia» examines the theoretical and legal

concept of the position structure of public administration and the civil service, identifies the main and prospective organizational levels of positions within the state apparatus, delineates the elements of the position structure, and puts forward the author's corresponding definitions. In addition, the chapter traces the evolution of the position structure of Russia's civil service and its legal regulation, thereby identifying the defining features that have persisted through most stages of its historical development.

Chapter 2 «Approaches to the Legal Regulation of the Position Structure of the Civil Service in the Russian Federation and Foreign States» is devoted to a comparative legal analysis of the legislative and subordinate regulation of the position structure of the civil service in the Russian Federation, the CIS member states, the People's Republic of China, the United States of America, the Republic of South Africa, the Federative Republic of Brazil, and the Federal Republic of Germany. As a result, common trends and distinctive features in the organization of positions have been identified, the main models of legislative regulation of the position structure of the civil service have been determined, and correlations between the characteristics of the position structure and the approaches to its legal regulation have been revealed.

Chapter 3 «Improving the Legal Regulation of the Position Structure of the State Civil Service of the Russian Federation» identifies promising avenues for improving the legal regulation of the position structure of the civil service, particularly concerning the delimitation of positions within the state apparatus, and formulates specific proposals for amending the legal acts of the Russian Federation.

The Conclusion presents the main results of the research, its theoretical conclusions, and proposals.

The main results and conclusions of the research have been published by the author in five academic publications in peer-reviewed journals recommended by the Higher Attestation Commission under the Ministry of Science and Higher Education of the Russian Federation.