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PRINCIPLES OF CIVIL SERVICE AS THE BASIS OF ADMINISTRATIVE TRANSFORMATIONS IN THE STATE

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The article analyzes the “state service” category, which is one of the institutions through which important functions of state power are implemented. It is emphasized that the present with a high degree of probability proves the need for constant improvement of legal support for the activities of state authorities, which aims to solve urgent problems in the state caused by a number of factors, among which are global transformational processes that are taking place in almost all key spheres of state and social life. Special emphasis is placed on the formation of a professional management core capable of applying new knowledge, technologies and competence in certain areas of management activity in the field of public service.

It is emphasized that the civil service is not an administrative-bureaucratic element of state power, but rather a social institution of legal regulation of the activities of civil servants, for whom the rule of law, legality, morality, honesty, high-quality performance of state functions by fulfilling their duties and powers in the state apparatus.

It was emphasized that the principles on which public service is carried out play a significant role in its renewal and professional activity in relation to the exercise of powers in the management sphere. The development of new approaches to the implementation of public service, which is aimed, first of all, at the implementation of new public functions, at expanding the range of public services and improving the quality of their provision, using the opportunities provided by the information society.

It was emphasized that the implementation of public service in Ukraine should be aimed at ensuring high-quality management transformations, which in the end will make it possible to achieve a socially significant result, to solve the important task of improving the activities of

public authorities on the basis of existing standards developed by the international community and will cover all levels of management and all types of public service.

Key words: state power; state service; state employees; principles of state service; managerial activity; innovations; technologies; anti-corruption; administrative and legal regulation.

Formulation of the problem. Today, with a high degree of probability, proves the need for constant improvement of legal support for the activities of state authorities, which aims to solve urgent problems in the state, caused by a number of factors, among which are global transformational processes that take place in almost all key spheres of state and social life. Special emphasis is placed on the formation of a professional management core capable of applying new knowledge, technologies and competence in certain areas of management activity in the field of public service. With this in mind, scientific research aimed at developing an appropriate understanding of the civil service and its legislative provision and regulation is important and timely.

State of problem research. The activity of state authorities in all its diversity and a wide range of issues is quite actively considered over a long period of time. Special emphasis on this issue is concentrated in the works of famous Ukrainian administrative scientists, among whom it is worth mentioning V. Averyanov, O. Andriyko, N. Armash, O. Bandurka, A. Berlacha, Y. Bytyak, V. Bilous, N. Bortnyk, S. Yesimova, R. Kalyuzhnogo, T. Kolomoets, V. Kolpakova, A. Komzyuk, O. Kuzmenko, V. Kurila, V. Ortynskyi, O. Ostapenko, S. Petkova, O. Ryabchenko, I. Khomyshyn, N. Khristynchenko, I. Shopinu, H. Yarmaki and others.

The purpose of the article is to study individual aspects of public service, to create appropriate conditions for the implementation of the principles of public service and functions in the management sphere, which are primarily aimed at ensuring human and citizen rights.

Presenting main material. Article 1 of the Law of Ukraine “On Civil Service” of December 10, 2015 No. 889-VIII defines civil service as a public, professional, politically impartial activity to perform tasks and functions of the state, which relate to: 1) analysis of state policy at the national, sectoral and regional levels and preparation of proposals for its formation, including the preparation and examination of draft programs, concepts, strategies, draft laws and other normative legal acts, draft international treaties; 2) ensuring the implementation of state policy, the implementation of national, sectoral and regional programs, the implementation of laws and other normative legal acts; 3) ensuring accessibility and proper quality of administrative services; 4) exercising state control and supervision over compliance with legislation; 5) management of state financial resources, property and control over their development; 6) personnel management of state bodies; 7) exercising other powers of state bodies determined by legislative acts [1].

In view of this, we can state that the civil service is not an administrative-bureaucratic element of state power, but rather a social institution of legal regulation of the activities of civil servants, for whom the most important priority is the rule of law, legality, morality, honesty, and quality performance of state functions through performance of one’s duties and powers in the state apparatus.

According to O. V. Seletskyi and L. V. Shestak, the effectiveness of public (state) service directly depends on proper regulatory and legal regulation of its activity, determination of the content and scope of its needs and opportunities in order to achieve the goal of public administration. However, excessive “regulation” is not a sign of improving the quality of work of public servants, because the definition of a clear legal framework for the activities of public servants can become an obstacle to the quick and effective implementation of management decisions, etc. But it is quite difficult to find a balance between the interests and opportunities of the state, citizens and their communities, as well as determine the limit of

expediency of legal regulation of the activities of individual bodies or their officials. That is why the principles of public (state) service are so important – the main guiding principles of its implementation, aimed at achieving the most useful results with the minimum expenditure of material, physical, psychological and other resources. It is the principles of public service that allow us to determine the directions and goals of its activity, ways of implementing the tasks and functions of the public service, and the general focus on achieving a certain result [2, p. 99].

As O. M. Stets points out, the management of the civil service is carried out based on certain initial provisions, basic ideas and requirements, which are called principles. The term “principles of public service” (from the Latin “principium” – basic, most general, starting provisions) means the main features, essential characteristics, content and meaning of the public service itself. The principles of civil service are fundamental ideas, guidelines that express objective laws and determine scientifically based directions for the implementation of competence, tasks and functions of civil service, powers of civil servants [3, p. 98].

According to the opinion expressed by V. L. Kostyuk and I. B. Vorobyova, by their legal essence, the principles of civil service reflect its nature, content and direction. Through their understanding, it is possible to find out what values, ideas, essential concepts are at the basis of the institution of civil service, as well as the nature, scope, content of tasks, functions and powers. Therefore, the main features of the principles of public service: are formed under the influence of the development of society and the state; include a system of principles and guidelines regarding the legislative regulation of civil service; ensure the formation of constructive mechanisms for the performance of tasks and powers assigned to the civil service; subject to the system of human rights and freedoms, their observance and guarantee; promote the transparency and effectiveness of the legal status of a civil servant; contribute to increasing the professional competence of civil servants; promote the development of the civil service taking into account international and European standards; contribute to the formation of vectors of development and improvement of the civil service institute; contribute to the institutional harmonization of the civil service [4, c. 7, 8].

Article 4 of the Law of Ukraine “On Civil Service” of December 10, 2015 No. 889-VIII contains a list of principles that form the basis of the civil service. The legislator established that “civil service shall be carried out in compliance with the following principles:

1) the rule of law – ensuring the priority rights and freedoms of man and citizen in accordance with the Constitution of Ukraine, which determines the content and direction of activity of civil servants in the performance of tasks and functions of the state;

2) legality – the duty of a civil servant to act only on the basis, within the limits of authority and in the manner provided for by the Constitution and laws of Ukraine;

3) professionalism – competent, objective and impartial performance of official duties, continuous professional development of civil servants, knowledge of the state language and, if necessary, foreign, regional or minority languages determined in accordance with the law;

4) patriotism – devotion and faithful service to the Ukrainian people;

5) integrity – the direction of the actions of an official to protect public interests and the refusal of an official to predominate personal interests in the exercise of his/her powers;

6) efficiency – rational and effective use of resources for the implementation of the concept of state policy;

7) ensure equal access to public services – prohibits any forms and manifestations of discrimination, without unreasonable restrictions or provision of unjustified benefits to certain categories of citizens in the forced initiation and performance of public services;

8) political impartiality – preventing the influence of political views on the actions and decisions of civil servants, as well as not demonstrating one’s own political beliefs or political views while in public service;

9) publicity – public disclosure of information on the activities of civil servants, except for cases established by the Constitution and laws of Ukraine;

10) stability – appointment of civil servants for an indefinite period, except for cases before” [1].

Investigating the issue of the system of management principles in the field of public service, A. T. Har-kusha emphasizes that principles are always a subjective concept, since it is formed by a person taking into account such essential factors as legal culture, experience, the main provisions of the legal system, level of development of legislation, etc. The principles of civil service are inextricably linked with the principles of administrative law and the principles of public administration. Moreover, to a large extent, they are derived from the latter, as they reflect the most essential aspects of the organization and activity of state bodies. At the same time, they also influence the development and improvement of the principles of both administrative law and public administration [5, p. 102].

In view of this, the researcher believes that the principles of civil service are fundamental ideas, guidelines that determine the main areas of implementation of the tasks, goals and functions of the civil service, its organization and functioning, the legal status of civil servants [5, p. 102].

The opinions of T. A. Puzanova, who believes that the development of the civil service as an effective mechanism for the implementation of the functions and tasks of public administration, involves the effective use of human resources based on the comprehensive development of a person, increasing the level of his professionalism, realizing the abilities and personal interests of a civil servant seem to be quite correct. in the process of work. The researcher emphasizes that public service is based on legally recognized principles that determine the main features, essence, content and meaning of public service. ... Principles are the result of scientific knowledge; at the same time, it should be taken into account that not all laws, relations and interrelationships of the civil service have been researched and formulated in the form of principles today. The practical effect of the principles does not depend on them, but is completely determined by the attitude of people towards them. The question of the principles of public service is important in the structure of the institution of public service, the legal system not only of Ukraine, but also of other countries of the world. The term “principles of public service” indicates the basic features, characteristics, important content and meaning of the public service itself, as well as the main legal provisions in the structure of the legal institution of the same name [6, p. 53].

Analyzing the latest principles of public service, V. Vasylykivska concludes that the system of these important, fundamental ideas forms the foundation not only of public service, but also of the entire institution of public service, which should focus its goals on people, take into account those potential opportunities and resources, which exist in society and in the administrative apparatus. They must necessarily be the basis and be taken into account when adopting changes and additions to the legislation on civil service and improving the legal status of a civil servant and solving all professional official tasks [7, p. 90].

In the context of the professionalization of the civil service, V. V. Ostapchuk draws attention to the fact that it requires that admission to the civil service, evaluation and promotion of personnel be as objective and public as possible, carried out on the basis of personal merits and achievements. A professional is a qualified specialist. The peculiarity of the civil service is that, performing the functions of the state, the civil servant must become a “part” of the state, be able to analyze options for decisions made both at the state level and at the level of local self-government, freely navigate the legislative field and adhere to the Constitution, laws of Ukraine, other normative legal acts [8, p. 305].

Conclusions. Summarizing the above, we can state that today the civil service largely depends on proper legal support, which forms the basis for building a high-quality professional core of civil servants. Such a basis should be developed with the use of uniform methodological and administrative-legal principles for the implementation of public service, which uses in its activity’s new knowledge, innovative approaches, moral and ethical norms that contribute to the adoption of appropriate management decisions.

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ПРИНЦИПИ ДЕРЖАВНОЇ СЛУЖБИ ЯК ОСНОВА УПРАВЛІНСЬКИХ ПЕРЕТВОРЕНЬ В ДЕРЖАВІ

У статті виконано аналіз категорії "державна служба", яка є однією з інституцій, за допомогою якої реалізуються важливі функції державної влади. Наголошено на тому, що сьогодення з великою часткою вірогідності доводить потребу в постійному удосконаленні правового забезпечення діяльності органів державної влади, що має на меті вирішення нагальних проблем в державі, викликаних низкою чинників, з-поміж яких глобальні трансформаційні процеси, що відбуваються практично в усіх ключових сферах державного та суспільного життя. Особливий акцент зроблено на формуванні професійного управлінського ядра, здатного застосувати у сфері

державної служби нові знання, технології та компетентності в тих чи інших сферах управлінської діяльності.

Підкреслено, що державна служба виступає не адміністративно-бюрократичним елементом державної влади, а саме тим соціальним інститутом правового регулювання діяльності державних службовців, для яких найголовнішим пріоритетом слугує верховенство права, законність, моральність, чесність, якісне виконання функцій держави шляхом виконання своїх обов'язків та повноважень в державному апараті.

Наголошено, що принципи, на яких здійснюється державна служба, мають вагоме значення для її оновлення та професійної діяльності стосовно виконання повноважень в управлінській сфері. Необхідне вироблення нових підходів до здійснення державної служби, яка спрямована, передусім, на реалізацію нових державних функцій, на розширення діапазону державних послуг та удосконалення якості їх надання, з використанням можливостей, які надає інформаційне суспільство.

Акцентовано, що здійснення державної служби в Україні має бути спрямоване на забезпечення якісних управлінських перетворень, які в кінцевому результаті дозволять досягти суспільно значущого результату, вирішити важливе завдання удосконалення діяльності державних органів влади на основі чинних стандартів, вироблених світовою спільнотою, та охоплюватиме усі рівні управління і всі види державної служби.

Ключові слова: державна влада; державна служба; державні службовці; принципи державної служби; управлінська діяльність; інновації; технології; протидія корупції; адміністративно-правове регулювання.