

Administrative promotion procedures in the public service of foreign states

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Abstract. *The article touches upon the issue of high-quality implementation of incentive measures in the field of administrative management on the example of the use of established powers in relation to employees of foreign states. When defining the goals set, as well as disclosing research issues, the author relies on methods of analyzing the actual component of public administration, as well as logical comprehension of the work of its institutions. Based on the results of the study, the author comes to the conclusion that modern systems of incentive attention to the merits of civil servants operating in different countries have a number of differences and peculiarities. At the same time, in these systems, the main factors in the development of this issue are such aspects of social development as economics and legislative attention.*

Keywords: *encouragement, public service, incentives, corruption, responsibility, counteraction.*

The relevance in the study of the issue of the development of institutions of disciplinary incentives (rewards) in the civil service is due not only to the general underdevelopment of this system element, but also to the weakness of the implementation of existing approaches in the choice of incentives. Thus, researcher D.A. Martynyuk notes that the application of incentives and awards to civil servants is one of the most effective means of achieving a balance in maintaining a balance between their needs and the interests of the state. At the same time, at present, the mechanisms of incentive rhetoric in the internal sphere of administrative regulation of public relations still do not have a clear and justified component, and therefore do not always allow constructing accurate and high-quality competence in the management of the foundations of the civil service in this matter. Moreover, the system of incentives for civil servants remains ineffective also because the manifestation of incentive logic on the part of authorized persons, as before, rests on the "old" principles of its implementation, inherited by the system from the previous regime¹.

Indeed, it seems quite natural that the most basic and at the same time problematic issue of building the sphere of public administration is the issue of legal stability of civil servants to those manifestations that the authors of various approaches in the order of its development call "corruption risks"². In this case, incentive measures are used not just as a means of restraint, but also as ways of

¹ Martynyuk D.A. Forms of implementation of the legal responsibility of civil servants in the form of encouragement and punishment / D.A. Martynyuk // State authorities in the system of human rights activities at the present stage: collection of scientific papers of the IV National Scientific and Practical Conference, St. Petersburg, December 21, 2020 / St. Petersburg University of Management Technologies and Economics. – Saint Petersburg: Saint Petersburg University of Management Technologies and Economics, 2020. – P. 269-276.

² Sopoleva D. M. Comparative characteristics of countering corruption in Russia and abroad. Sopoleva, A.V. Teryaeva // Modern paradigms of digital economy development in the research of young scientists: Materials of the international student scientific conference, at 3 pm, Belgorod, March 17-18, 2020. – Belgorod:

forming law-abiding behavior in the minds of specific subjects. The awareness that your activity is important, and therefore obligatory for the promotion of nature, in general, is the basis for the correct application of the method of encouragement in the specified environment. Therefore, the encouragement of an employee is the main means in the formation of his legal consciousness.

As noted above, at present, the domestic incentive system, despite the fact that enough time and effort is devoted to its development from year to year, is still not perfect. In part, this state of affairs is due to the underdevelopment of the incentive techniques themselves, as well as the opacity of the criteria on which these techniques should be based. For example, if we consider incentive influence as a factor influencing the behavior (consciousness) of an employee, then the integration of incentive techniques into the competence of official relations gives its fruits only if it is expressed in a systematic (not episodic), meaningful and timely response to high-quality performance their duties on the part of the employee, subject to taking into account his personal data.

Indicative in solving the issue of developing and introducing new methods of incentive logic would be the use of those techniques that are widely practiced abroad. In foreign institutions of public service, the incentive model of incentivizing employees has some peculiarities, and, importantly, it is based on a stimulating principle, the implementation of which depends not only on the choice of the type (means), but also taking into account the personal factors of the applicant, as well as the characteristics of the manifestation of his personal qualities (attitude to official duties).

Moreover, studies affecting the analysis of the use of incentives and guarantees for civil servants of foreign states indicate that in each country the incentive metric has its own parameters, but one thing unites them precisely and unambiguously: incentive institutions can be open in nature, where incentives act as such: awards, prizes, titles, gratitude, etc., and closed, the systemic influence of which is much more significant and effective.

At the same time, it would be logical to focus in the analysis of legislative algorithms on the issue of the material contentment of civil servants (and other measures of real expression of gratitude), since it is his coordination, including when determining incentive measures, is one of the most effective means of stimulating nature. This is proved by various social polls conducted, first of all, among the employees themselves. In particular, one of such polls showed that material bonuses have a significant influence on the formation of a proper attitude to their duties on the part of a civil servant, while incentives in other forms of its use (public gratitude, placement on the boards of honor, awards, and even the removal of previously imposed penalties) are not perceived as effectively stimulating,

and in most cases their assessments by the employees themselves are determined as frankly inappropriate³.

For example, if we take as an example the procedure for the implementation of incentive measures for civil servants of a country like the United States, we can find that the main method for the formation of a successful incentive paradigm here is initially the method of so-called social incentive guarantees. In particular, the American legislation constructs the procedure for material incentives in such a way that the same issue of the appointment of official salaries is in direct relationship with the so-called "system of merit". Such a system is based on the principle of taking into account the professional characteristics of the employee, as well as the quality of the work performed by him, while the contracts concluded by the employees with the state provide not only for fragmentary bonuses and the use of other types of stimulants, but also contain provisions according to which employees entering in the group of the most successful, has the right to apply to the employer for an increase in the established wage standards in excess of those on an individual basis, regardless of the established standards of the general social level⁴. In addition, the system of incentives, in accordance with the US Code of Laws, includes guarantees that provide for full payment for medical services for employees, as well as social insurance and pension benefits - upon reaching a total work experience of 30 years for both categories (in Russia, such an experience currently should be 37 years for women and 42 years for men⁵).

No less interesting in this matter is the example of the implementation of the "hidden" incentive logic of a country like Spain, where the order of initial and general incentives is directly related to the status of an employee. In particular, in Spain at the moment there is the lowest level of development of local government in Europe, which is primarily due to the fact that this country has a very high degree of administrative centralization. In turn, this is a consequence of the fact that the basis for building the civil service system is based on a clear principle of exceptional career growth, according to which a civil servant, in fact, cannot be dismissed from service until he commits a grave offense⁶. In contrast to our legislation, which adopted such mechanisms of control over the activities of employees as dismissal for loss of confidence, Spanish legislation places more emphasis on better selection and views public service as a privilege, which requires more substantial grounds for deprivation. In the

³ Poll: the majority of Russians consider bonuses at work to be the best motivation [Electronic resource]: "TASS" website. URL: <https://tass.ru/obschestvo/6902877> (appeal date: 09.10.2021).

⁴ Malysheva G.A. State guarantees of civil servants: modern administrative and legal regulation and directions of improvement: dissertation ... cand. jur. sci. Specialty 12.00.14 – administrative law, financial law, information law. Voronezh. 2012. 216 P.

⁵ The FIU explained what length of service is required for early retirement // [Electronic resource]. Access: <https://rg.ru/2021/08/19/v-pfr-obiasnili-kakoj-stazh-raboty-neobhodim-dlia-dosrochnoj-pensii.html> (appeal date: 09.10.21).

⁶ Surmanidze I. N. Public (law enforcement) service of Spain / I. N. Surmanidze, A. A. Kirillovykh // International criminal law and international justice. 2019. № 4. – P. 24-27.

same state, social guarantees similar to the American approach have been created, among which the following are a priori stimulating: early retirement, lifelong health care, no tax burden, as well as benefits when paying for utilities.

Determining the correctness of the construction of the aspect of material incentives for civil servants, it is necessary to pay attention to the fact that in some countries attempts were made to create incentive systems directly related to performance indicators. In the theory of determining methods for stimulating specialists and managers in the civil service, this approach is identified as a "clean system"⁷. It does not contain any premature indicators that guarantee you certain earnings or bonuses, but there is a range of criteria that make it possible to more or less accurately establish the quality of an employee's work, and, on the basis of a specially built system of parameters, give an estimate of the amount of allowance. Naturally, the size of the premiums will also vary, taking into account the established indicators. An example of the implementation of this approach are the countries of the Organization for Economic Cooperation and Development (OECD), which includes countries such as Denmark, Korea, Finland, New Zealand, Great Britain and Switzerland. However, it should be noted that recently, some countries began to move away from using this approach of material incentives in practice, since a number of shortcomings were identified in its implementation, primarily related to a formal approach to business, as well as increasing corruption risks⁸.

Another type of incentive measures for civil servants is the so-called open format means, that is, they are directly provided as incentive measures in the laws of countries, and take place in application, taking into account various conditions and depending on the official competence of a particular leader.

For example, in Japan, the law provides for direct incentives for employees for higher performance. So, the system of material incentives is built in this state in such a way that a civil servant can annually switch to a new level of remuneration for his own labor, regardless of the position held, of which, as the researcher notes, there are exactly thirty-two⁹. As the practice of using this algorithm has shown, it very effectively affects the overall performance of employees and, of course, increases the general level of civil service as a whole. Correction of wages according to the Japanese principle was at one time very successfully applied in the Soviet Union, and specifically, in the sphere

⁷ Belyaeva S.V. The system of material incentives in Russia and abroad in the new economic realities / S. V. Belyaeva, V. A. Belyaeva, S. M. Naumenko // *University Science*. 2021. № 1(11). – P. 99-103.

⁸ Yu.N. Koftina Organization of replacement of positions of the state law enforcement service abroad. Competitive selection / Yu.N. Koftina // *Law and Order*. 2019. № 4. – P. 137-138.

⁹ Goman K.I. Comparative analysis of foreign and Russian systems of material incentives for civil servants // *Scientific community of students: interdisciplinary research: Collection of scientific papers based on the materials of the II International Scientific and Practical Student Conference, Tver branch of RANEPa, April 16, 2019 / Russian Academy of National Economy and Public Administration under the President of the Russian Federation, Tver branch. – Tver branch of RANEPa: "Triada" Publishing House" LLC, 2019. – P. 3-9.*

of labor relations of the real sector, when an employee holding an absolutely ordinary position could, taking into account an increase in personal indicators, receive a higher wage (bonus), than his immediate supervisor. Separately, it is worth noting that the adjustment of wages on the scale of "Steps" in the sphere of relations between the state and the employee is made solely on the basis of changes in the indicators of wages outside of it.

And finally, another example of an interesting application of the foundations of the motivational and incentive model in relation to civil servants is the example of the implementation of the above measures in a country like the United Kingdom. Here, among the ways we have already indicated to counteract corruption risks, the state is trying to create a system in which serving the state will become an honorable phenomenon not only for a particular employee, but also for his family members. And it is not surprising, since in England, in particular, the main goal of the service itself is the maximum possible separation of the management system from politics itself, and the concept of "civil servant" is declared through the prism of another concept: "servant of the Crown." Here, the incentive system is mainly decentralized, that is, the amount of material incentives is determined not at the national level, but at the level of the head of a state institution. Meanwhile, in the system of general regulation of the issue of incentives, other mechanisms of social incentives are being developed and introduced, with which employees could justify their needs and requests, the analogues of which are very difficult to find in other countries. So, for example, in England, officials who have been in office for 20 years or more, and at the same time their track record gives reason to believe that their actions did not harm the public interest, can count on their children to receive an education free of charge. In some universities in the country, however, on condition of independent admission. At the same time, it does not matter what kind of position such officials are in or in what kind of status they served¹⁰.

Summing up, it can be noted that the modern understanding of the implementation of the issue of applying incentive measures on the example of its legislative regulation in foreign countries is diverse. This, on the one hand, demonstrates the exclusivity and correctness of the use of the approach in the initial (basic) incentives for civil servants, on the other hand, it shows that the assessment of the effectiveness of the use of material incentives in this area directly depends on factors such as corruption risks and the economic state of the state itself. At the same time, in our opinion, some countries have created quite interesting incentive mechanisms (material incentives) for civil servants, the structural approach and the idea of implementation of which allows us to conclude that their use is possible in our domestic realities.

¹⁰ Kombarova E.V. Problems of combating corruption in public authorities in modern Russia // Financial Economics. 2019. № 2. P. 27-29.

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