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CONCEPT OF REGULATORY AND LEGAL SUPPORT OF CIVIL SERVANTS

Considering the legal provision of the civil servants it is necessary to remember that the state pre-defines the functions of civil servant, in contrast to usual employment of workers whose functions depend on the wishes and requirements of the employer.

We consider it necessary to point out that today the scientific literature does not provide a legal definition of “regulatory and legal framework of civil servants”, but there are approaches to disclosure of key aspects of civil servants in the legal provisions.

On the basis of the above, definition of “regulatory and legal support of civil servants” is provided. Thus, the regulatory and legal framework of civil servants is a process of integrated application of all laws and legal acts in the field of service and employment, on the basis of which the state establishes a mechanism to ensure these relationships, allowing civil servants to perform their work at the proper level within the established powers and for remuneration determined by the state budget.

Having examined the concept of “regulatory and legal support of civil servants” it is expedient to determine existing scientific approaches to basic characteristic features of the service and labor relations.

This issue requires a comprehensive approach, so we consider provisions of

scientists regarding the characteristic features of public service. Thus, H.V. Atamanchuk describing public service as one of the most important spheres of governance and as a social phenomenon, indicates the following features: firstly, the state apparatus is a complex hierarchical structure, in which hundreds of thousands of people occupy various functional positions and perform different social roles. Secondly, the apparatus manages, directs, organizes and regulates social relations. Thirdly, in relation to society, representative government, and citizens, the apparatus implements a service function. A.M. Sliusar sees professional activity as one of the signs of public service. This means that dismissal of the civil servant takes place according to professional basis, and public service is the main place of their work. This understanding suggests that a civil servant, in terms of labor law has specific differences from normal employee. In particular, K.I. Kenik concludes on the following peculiarities differentiating civil servants from other employees:

– They hold post only in government bodies;

– They carry out authoritative activities (organizational, managerial, leadership, control), therefore, they are endowed with the appropriate authorities and organizational and administrative responsibilities;

– They can use state coercion measures.

Thus, based on the above analysis, we can state that the regulatory and legal support of activity of civil servants has its specificity, is characterized by a special legal nature and occupies a special independent place. Regulatory support of activity of civil servants is socially necessary and fundamental in both theoretical and prac-

tical meaning, because only through it, there are clear legal provisions that affect labor relations in the public service, form and reformed them with the purpose of improvement. Due to high quality regulatory and legal support of civil servants in the state will be established skilled personnel of the government, which will serve the legal, social, economic, political and cultural benefit of Ukraine.