

# IMPLEMENTATION OF CIVIL SERVICE PRINCIPLES AS A CONDITION FOR EFFECTIVE PUBLIC ADMINISTRATION

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**Annotation.** Based on current legislation, this article provides a comprehensive examination of the implementation of civil service principles as a prerequisite for effective public administration. The roadmap for public administration reform regarding Ukraine's accession to the European Union under Cluster 1, «Foundations of the EU Accession Process», calls for improving the effectiveness of public administration, which is directly linked to the civil service, including the principles embedded in this legal institution and the norms of European standards for public administration. The implementation of these principles in the activities of the civil service requires a scientific rationale, which underscores the relevance of the topic. The object of the study is the social relations that exist in the sphere of public administration and the civil service. The subject of the study is the provisions of current legislation and the regulatory acts of the European Union regarding public administration and the civil service. The methodological framework consists of general and specific methods for studying legal phenomena, including the systemic, structural-functional, comparative-legal, and formal-legal approaches, among others. It is noted that the principles of the civil service, as a functional foundation, form the general basis for the legal regulation of civil service relations, as enshrined in the provisions of the Law of Ukraine «On the Civil Service». The following principles are examined: the priority of human and civil rights and freedoms; the stability of the civil service; interaction with public associations and citizens; professionalism and competence; and the protection of civil servants from unlawful interference in professional activities and integrity. A comprehensive analysis of general legal and sector-specific principles within the civil service system makes it possible to identify new trends in the development of this legal institution and to propose scientifically grounded approaches to implementing these principles with the aim of enhancing the effectiveness of public administration through the meritocratic principle and the principle of integrity in procedures, the digitalization of public service and human resources management, in accordance with European standards and principles of public administration.

**Key words:** integrity, European standards, legal regulation, system of principles, digitalization.

## 1. Introduction.

Issues related to the quality of the state mechanism, the effectiveness and efficiency of public authorities, and the achievement of key management objectives by public administration have always been of concern to the scientific community, government officials themselves, and ordinary citizens. This is perhaps the most complex and problematic issue in the context of interaction between individuals and legal entities with public authorities. Its complexity is due to several factors: the multiplicity and diversity of state tasks and functions, the nature of the system of values protected by law, which public administration is aimed at ensuring, the complexity of the set of criteria designed to assess the effectiveness of public administration, and the specifics of their perception by various subjects of social relations.

## 2. Analysis of scientific publications.

The principles of public service have been studied by: V. B. Averianov, V. M. Bevzenko, Y. P. Bitiak, V. V. Galunko, V. V. Zuy, R. V. Igonin, D. P. Kalayanov, R. A. Kalyuzhny, L. V. Koval, T. O. Kolomoets, V. K. Kolpakov,

A. T. Komziuk, O. V. Kuzmenko, M. V. D. M. Lukyanets, R. S. Melnyk, R. V. Myronyuk, O. M. Muzychuk, V. I. Olefir, O. I. Ostapenko, S. V. Petkov, D. V. Pryimachenko, A. O. Sobakar and other scientists. The implementation of the provisions of the Roadmap on the Rule of Law in the context of ensuring the negotiation process for Ukraine's accession to the European Union under Cluster 1, «Foundations of the EU Accession Process», involves conducting theoretical and legal research aimed at incorporating these requirements into national legislation.

▲ **3. The purpose of this work** – a study on the Implementation of Civil Service Principles as a Prerequisite for Effective Public Administration.

▲ **4. Review and discussion.**

The effectiveness of public administration can be broken down into various types of effectiveness: legal regulation, law enforcement, specific branches and levels of government, specific administrative functions, and public administration in various areas of life. The principles of public service are directly interrelated with specific elements, areas, and functions of public administration, creating a methodological and legal foundation for ensuring efficiency and effectiveness, which corresponds to the results-based management model.

Results-based public administration is a model of public administration and the public administration cycle based on it, in which the results of administration are not determined by its ultimate goal but, being directed toward a detailed system of carefully calculated intermediate goals and results, are defined as the means of ensuring the implementation of public administration.

Results-based public management allows for the differentiation of management effectiveness – as a comprehensive category with a multitude of legal, economic, social, organizational, and other criteria – into a set of lower-order effectiveness categories.

The essence and primary purpose of the principles of public service lie in the fact that they form, in a certain way, a «general approach» to the regulation of public service relations, being socially and culturally conditioned [1, p. 783].

The principle of stability in the civil service is directly linked to the predictability of public administration, the certainty of decisions made by public authorities, and the adoption of European approaches to addressing issues related to the interaction between individuals and legal entities and government agencies.

A separate component of the stability and sustainability of the civil service should be considered the continuity of civil service, guarantees of service tenure in the absence of violations of prohibitions and restrictions during service, or other conditions that make service tenure impossible.

A similar mechanism exists for other types of service, such as service in the National Police. Introducing such a provision for civil servants would reflect not only the principle of service stability but also the principle of unity among various types of civil service.

Given the reform of the civil service in the context of Ukraine's association with the European Union and changes in the structure of government bodies, the proposed mechanism is intended to strengthen the social and legal guarantees for civil servants [2]. The principle of accessibility of information about the civil service is clearly evident in the development of a cross-cutting institution of modern public administration – digitalization.

Information and communication technologies offer new opportunities for obtaining information about the civil service, expand access to it, and raise awareness among individuals and legal entities regarding the civil service and its various components, while strengthening feedback between civil servants and non-governmental entities [3].

The principle of interaction with public associations and citizens is changing under the influence of digital transformation. Such interaction is shifting to the digital environment, which should be viewed

as a principle of citizen and civil society institution participation in public administration. The system of interaction between the civil service, represented by civil servants, and public associations and citizens reflects citizens' involvement in state governance and their participation in addressing the tasks of public authorities' day-to-day activities in the performance of administrative functions.

The issue of public participation in governance is a matter of establishing the extent of such participation, ensuring the effective functioning of the mechanism, and improving the forms of interaction between the branches of government and the public. The principle of public service under consideration influences the effectiveness of administrative procedures for citizen interaction with public authorities, including in digital format [4].

The effectiveness of administrative procedures drives the effectiveness of the following areas of public administration: administrative and judicial appeals; administrative jurisdiction; state control and oversight; and the permitting system.

Systematicity, comprehensiveness, and the regulatory anchoring of the process are an important part of the concept of public administration effectiveness. The culture of professional activity among civil servants (hereinafter «civil servants»), including the building of trusting relationships between civil servants and various segments of the population, should be considered one of the principles of the civil service. The proposed principle, and the principle of professionalism enshrined in legislation, serve as a value and guiding principle for the public administration system, the foundation of which is the optimal and effective interaction of public authorities with individuals and legal entities—an interaction built on trust in the state as represented by its bodies and their officials, that is, representatives of the public service institution [5].

The principle of professionalism and competence of civil servants affects the effectiveness of public administration and the quality of individual administrative functions and forms. The professionalism and competence of civil servants are intended not only to ensure compliance with established procedures for the provision of administrative services, to identify the needs of service recipients, and to evaluate them for the further improvement of service delivery mechanisms, the expansion of the range of such services, and the enhancement of accessibility for consumers.

Taking these factors into account ensures the effectiveness of public administration by incorporating the views of individuals and legal entities into the decision-making process, thereby justifying the recognition of such decisions as collaborative, coordinated, and reflective of both private and public interests.

Individuals, in the context of their interaction with the civil service, represent an important part of civil society, and the implementation of this principle of the civil service serves the purpose of providing civil society with information about the activities of public authorities [6].

The principle of protecting civil servants from unlawful interference in their professional activities is intended to demonstrate a certain level of effectiveness of anti-corruption mechanisms. This confirms the approach, grounded in legal science, to the effectiveness of the executive branch as a phenomenon formed by the systemic interaction of its two components—legality and effectiveness.

The system of anti-corruption prohibitions and restrictions in the civil service established by law is reasonably regarded as an instrument of state anti-corruption policy [7].

The principle of protecting civil servants from unlawful interference in their professional activities is ensured by regulations governing the conduct of official investigations, in which the civil servant is the weaker party, necessitating additional safeguards for their status.

Current legislation contains certain flaws that undermine these guarantees.

The principle of the primacy of human and civil rights and freedoms, as a principle of public service, is present throughout the entire public administration system, serving as the guiding principle for the organization and functioning of this system, as well as the goal and value toward which it is directed [8, p. 201].

Compliance with this principle is evidenced by the assessment of specific functions of public administration, among which state control and supervision can be highlighted. The optimization of the state's control and

oversight mechanisms and the licensing system, the liberalization of administrative liability, the development of individualized administrative penalties, and other trends in public law regulation are logically linked to the realization of human and civil rights and freedoms in interaction with public authorities.

Currently, there is no established link between civil service reform and budgetary, administrative, judicial, and military reforms, local self-government reform, and other transformations in the sphere of public administration. The connection between civil service reform and the reform of state control and supervision is not evident, although the latter has a significant impact on the development of the civil service institution.

The public-law institution of the civil service is an institution based on interaction with civil society institutions.

The public-law institution of the civil service is an institution based on interaction with civil society institutions. Such engagement with the public constitutes the essence of official legal relationships, within which two dimensions of interaction can be distinguished: internal and external. The latter is dominant, while the former is effectively designed to serve the latter.

The concept of effectiveness as it applies to the civil service institution can be examined from several perspectives. One can discuss the effectiveness of the substantive administrative and procedural administrative norms that constitute this institution. There are grounds to distinguish between the quality of coherence, the effectiveness of the relationship, and the joint application within this institution of norms of varying orientations. A change in this relationship is one aspect of the development of the institution under consideration. The strengthening of a civil servant's legal liability reflects the trend toward the dominance of administrative-jurisdictional norms within the structure of the norms comprising the institution under study; expanding the list of prohibitions and restrictions during civil service will increase the total volume of substantive administrative norms – the norms that constitute the content of a civil servant's legal status.

The comprehensiveness and specificity with which the principles of civil service are enshrined in the regulatory framework governing official activities determine the effectiveness of the organization and functioning of the institution under consideration.

The effectiveness of the legal framework governing the civil service determines the effectiveness of departmental regulation of employment relationships. The latter is highly comprehensive, multifaceted, and naturally reflects the specific nature of the organization and conduct of civil service in various public authorities.

The effectiveness of legal regulation of the civil service entails a certain level of proper, that is, uniform and predictable, law enforcement. The legal codification of civil service principles and their implementation in law enforcement are prerequisites for the effectiveness not only of the civil service institution but also of public administration.

The tools for assessing effectiveness vary depending on the form, sphere, scope of activity, and functions of the public administration body. The principles of civil service organization are incorporated into the principles for building a rational system of government bodies. The principles of civil service organization provide the scientific foundation for organizing the civil service and building a rational system of government bodies.

If the civil service is viewed as an organizational and legal institution within the system of state organization, then the principles of the civil service must reflect both the general principles of the organization and activities of the state and the specific principles inherent only to the institution of the civil service.

The interconnection between the civil service and local government service helps foster the integrity and functional and purpose-driven unity of the public service institution, which serves as the cornerstone of the entire public administration system's effectiveness.

The link between the principles of the civil service and the effectiveness of public administration is the connection between the civil service and the stability and sustainability of public authority, including its

political component. In this sense, the principle of stability of the civil service shapes and develops the principle of sustainability of political authority in a certain way.

The implementation of civil service principles as a prerequisite for the effectiveness of public administration can be clearly demonstrated through the resolution of current civil service issues and their relationship to public administration challenges.

In our view, the challenges facing the civil service include: the quality of professional training, which does not sufficiently meet the needs of the civil service's development; a weak link between performance evaluations and the quality of service delivery; the use of outdated technologies in human resources management; an aging civil service workforce and a lack of young people entering the service; the lack of a scientifically grounded and tested methodology for applying European Union standards on the civil service; the lack of a direct link between the reform of the civil service and other areas of administrative reform in the context of European integration; and insufficient transparency in the civil service, which contributes to bureaucracy and corruption.

The assessment of certain trends and challenges in the development of the civil service institution varies across different periods of state-building associated with the implementation of the Association Agreement between Ukraine and the European Union and the relevant regulatory documents adopted in this regard [9]. An analysis of the public-law institution of the civil service and the identification of its links to the principles of public administration and administrative law confirm this thesis [10, p. 80].

The civil service and its principles serve as a means of achieving the goals of public administration and ensuring its effectiveness. The set of civil service principles constitutes a system of principles. They ensure the integrity and unity of the civil service institution, which supports the public administration system.

The system of civil service principles functions as a subsystem of the civil service institution and, simultaneously, as a subsystem of the systemic set of public administration principles and its lower level—the set of principles governing the functioning of the executive branch, among which the principle of efficiency is fundamental. Civil service principles influence public administration based on results.

The cyclical nature of this approach allows us to distinguish, within the effectiveness of public administration, the concept of effectiveness as it applies to specific functions and areas of administration. The principles of the civil service are reflected in the principles of public administration.

The category of civil service effectiveness can be examined from the perspective of the effectiveness of: the norms constituting this institution; the relationship between norms; the enshrinement of civil service principles in legislative acts; subordinate regulation; and law enforcement. The enshrinement and implementation of civil service principles can be viewed as a prerequisite for the effectiveness of public administration.

## 5. Conclusions.

Characterizing the inseparable relationship between public service and public administration and the role of public service principles in ensuring its effectiveness, it should be noted that public service principles are quite stable and allow for the formation of a professional public service corps, which is ultimately designed to ensure the proper level of quality and effectiveness of public administration.

The principles of public service influence the effectiveness of public administration through the following factors: the principles of public service are included in the principles of building a system of state bodies; the development of the institution of public service and the principles of public service as its subsystem stimulates the connection between various public authorities, their procedural and organizational commonality, and internal unity in the context of the institution of public authority; the principles of public service influence the resolution of pressing issues in public administration. The implementation of the principles of public service should be carried out in the context of resolving issues of public administration, implementing administrative reform, and ensuring the smooth and effective functioning of the state apparatus under the legal regime of martial law.

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