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## DEVELOPMENT OF PROFESSIONAL ACTIVITY OF PUBLIC SERVANTS IN THE CONTEXT OF SERVICE-LEGAL ANALITICS AND INNOVATICS

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The article describes legal and organizational problems of improving the performance of public servants in the context of innovation development of the country in conditions of the modernization of Russian economy and the need for development of legislation on official activities.

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Administrative-legal science is elaborating a system of priorities, which are focused on modernization and innovative development of service activity and concretized in relation to the sector of research and developments related to the model of innovative development of professional service activity. Formation of priority directions for the development of this science in the Russian Federation provides for transparency and publicity with taking into account the priorities of innovative development of public service and long-term projections of this development.

It is expedient to strengthen imperative regulation at public service; first of all, it is necessary to distinguish between analytical methods for regulating of managerial activity of public servants, analytical methods for regulating of, actually, work relationships and innovative methods that are conditioned by modernization. Methods are associated with the implementation by public servants of their powers of externally authoritative nature, with their interaction with the physical and legal persons. This group of powers is beyond the scope of service law. Therefore,

strengthening of executive discipline, accountability and effectiveness of employees, which, of course, is an important task, bears exactly primary, direct relation to service-legal analytics.

Service and legal analytics shows that the widespread introduction of analytical methods (methods of analysis), which have the mandatory nature of administrative procedures, in the practice of service activity should become an integral part of the service-legal analytics. For example, such matters as the appointment of an employee to the position, bringing it to responsibility, referral to certification, etc. in all cases must be in detail elaborated in normative acts, and strictly comply with the rules of analytics. On the other hand, employees must strictly fulfill the orders of superiors, which are given within the competence of the latter.

Of course, no procedures can take into account all life situations. Therefore, certain discretionary powers in officials still remain. Definitely, executive and administrative activity, like any other public-imperative activity, is impossible without a specific legal space of free discretion of officials, servants, in which the scope of innovation is too big.

However, balance is important in this situation, because the presence of excessive discretionary powers, as we know, increases the level of corruption in public administration. Therefore, if discretion in this case is really necessary, then in the process of taking managerial decision in the field of service activity, a particular official must choose among several alternatives. Of course, with clearly defined criteria for the selection of one of them.

The authors of the Federal Law "On Municipal Service in the Russian Federation" [4] consciously changed the approaches to the regulation of labor of municipal employees in comparison with the Federal Law "On Public Civil Service of the Russian Federation" [3], having defined that the passage of the service is carried out on the basis of labor legislation norms, subject to certain peculiarities. This seems to be a manifestation of service-legal innovation.

Therefore, at municipal service more often use innovative methods of labor legal regulation. Municipal employees are working under a labor contract, rather than under a service contract. The contest for a post of service is optional. Bringing of municipal employees to disciplinary responsibility is carried out according to the rules of labor legislation. At that, a head, who imposes a sanction, does not depend on service check results. However, authoritative methods of labor management are more significant at municipal service than in private organizations. The terms of a labor contract with a municipal employee are usually determined by the legal acts of local self-government bodies. For municipal employees is also limited the possibility

of protection of labor rights. Their working conditions are also mainly determined not by a contract but by the normative acts of regional and local level.

Consequently, methods of service-legal analytics and service-legal innovatics are of great importance in pre-emptive use of peremptory methods of power, subordination and restrictions in the institutes of service law.

We should emphasize the following. First, to define legal implementation of the principles of professionalism and competence as a continuous process of legal management of achievement new goals and objectives, use of the newest forms and methods in the activities of public civil servants.

Second, in order to create an effective system legal implementation of the principles of innovativeness, professionalism and competence, in the legislation must be clearly mentioned what a civil servant of new type is needed to achieve innovative goals of the state. We will have to accelerate the development of methods to stimulate civil servants to gain new knowledge needed for the behavior of a civil servant of new type.

Third, to design a conceptual model of an employee of not only a new type, but also legislatively determine professional features and characteristics of a competent and demanded by the realities of life employee, who is constantly ready to support professional innovative conversions.

In this connection, will be further development of the legal theory of innovative development of professionalism and competence of servants, of all human resource capacity of the Russian state.

One of the key strategic tasks that need to be resolved during the implementation of the strategy of innovative development of service is a legal provision of reproduction human resources and, above all, science (this process includes mechanisms to identify talented young people at all stages of education, as well as continuity in the work of scientific schools without loss of accumulated potential).

Implementation of national priorities in science and technology involves the implementation of the following measures:

- creation for talented youth prone to research of an enabling environment and incentives for joining to science;
- fastening of talented young researchers in science, including the creation of conditions that reduce incentives to emigration of such students for permanent residence abroad without introducing any administrative barriers to the mobility of scientific staff;
- support for existing and new scientific schools, which incorporate researchers of different generations.

But at the same time, the legislature has clearly defined the range of legal sources, which have the legal nature of the acts of service-legal properties and least of all disclose analytical and innovative nature. Indeed, service legislation is a complex branch, since in the regulation of public and municipal service the legislator does not renounces the use of provisions of the Labor Code of the Russian Federation [2].

However, the issue of complex nature of service-legal analytics and innovatics is not so easy. Indeed, if we consider the legal regulation of public service as a single analytical set with innovations and sources of information, the range of normative sources will be very large. All this proves that there is insufficient justification for codification of service legislation, but not the development of the service-legal analytics and service-legal innovatics. Just as administrative law of the Russian Federation does not have a single codified source, what does not separate it from, for example, managerial law, branches and sub-sectors of law themselves are not clearly emphasized in the legislation, and exist as theoretical constructions.

Simultaneously service-legal analysis and service-legal innovatics, norms, in their essence derived from the constitutional, administrative, municipal, financial, civil and criminal law, regulate aspects or even separate fragments of service activity. As for the constitutional law, its role in regulating sub-branches of service law is also very significant (part 4 article 32, paragraph "t" article 71 and paragraph "j" article 72 of the Constitution [1]). Constitutional law by virtue of its fundamental, constitutive nature in general is the base for any branch (sub-branch) of the Russian law. Constitutional norms (by the way, in many cases in significantly increased amount) can be found in all the analytical and innovative processes, in branches and sub-branches of service law.

Any opinion seems to be justified, by virtue of which in the subject matter of service law, in its sub-sectors – service-legal analysis and innovatics large place is occupied by the complex social relations regulated by constitutional, labor, civil and other law. This is due to the fact that public servants carry out a very broad range of authority, relating not only to the managerial but also to jurisdictional (law enforcement) sphere.

Thus, in its correlation with the service law, service-legal analysis and service-legal innovatics can be correlated as parts of the complex branch of law, which is such its sub-sectors as service-analytical and service-innovative law. The volume of legislation so far is small for the establishment of service-legal analysis and service-legal innovation as branches of law. Again it should be stressed that currently service-legal analysis and innovatics can be considered as emerging sub-branches

of Russian service law. While referring to the prospects of development of both service-legal analysis and service-legal innovations, we should note the expansion of the scope of their interaction within the framework of administrative law.

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