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Administrative Basis of the Formation and Development of Public Service in Russia in the Pre-Revolutionary and Soviet Periods

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Abstract

Introduction: the article discusses the administrative basis of public service in Russia. *Purpose:* to highlight features of administrative regulation of the formation and development of professional public service in Russia in the pre-revolutionary and Soviet periods. *The methodological basis* is formed by general scientific and private scientific (historical-legal, comparative-legal, descriptive, content analysis) methods of cognition of legal reality. The conclusions are substantiated that the development of a centralized Russian state entailed significant changes in the recruitment for the army that became regular in the middle of the XVI century. The main result of the development of public service in the pre-revolutionary period was the formation of a system of extensive legislative and subordinate regulation of key types of public service – military and civil (state and court), which in terms of legal technology was one of the most advanced for its time and served as the basis for further development of the administrative institute of public service in our country. It is noted that the Soviet nomenclature system of public administration and service in its characteristics did not correspond to global trends in the formation of a rational bureaucracy and was based on abstract ideological principles that were more political than legal in nature. Politicized principles of partisanship and classism that prevailed in our country and were primarily of a doctrinal political and legal nature, were aimed at forming a national legal ideology and determined the extremely specific content of legal policy on the development of administrative bureaucracy. The Soviet party nomenclature was never able to transform into a full-fledged public service and become independent of the political conjuncture, which did not allow the final formation of the administrative institution of public service in the Soviet period. *The scientific and practical significance of the work* consists in substantiating the provisions that the processes of democratization in Russia led to the gradual construction of a new model of public service based on modern achievements of social philosophy, theory of state and law, constitutional, administrative and other branches of law.

Key words: public service; public administration; nomenclature system; democratization of public service.

5.1.1. Theoretical and historical legal sciences.

5.1.2. Public law (state law) sciences.

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Introduction

Public service of the Russian Federation as a kind of professional activity of citizens (subjects) to implement state powers and realize public administration has a centuries-old history and is inextricably linked with the processes of formation and development of a centralized Russian state [1]. The Russian historiography distinguishes several key stages of the formation of professional public service with various approaches applied to staffing, legal status of employees, training, education and social protection of employees. Well-known historical models of public service represented a kind of a copy of the public administration system used at a specific historical stage of the Russian state development and were preconditioned by a large number of external and internal factors.

Features of the legal regulation of public service in the period of the formation of a centralized Russian state and the Imperial period

The emergence of a unified system of public service and its legal registration in Russia is directly related to the emergence of a centralized Moscow state (XVI–XVII centuries). At this stage, there was no professional public service. The Moscow state at that time was not sufficiently centralized, and state service at the courts of Muscovite princes had a pronounced class character. Nobles and “boyar children” (that is, servants of the court of boyar origin) were involved in the service [2, p. 119]. In peacetime they fulfilled other functions, including police officers serving as deliverymen, bailiffs, county and even provincial headmen in cities and tax collectors, etc. They also had the duty, together with city nobles, to defend border towns and engage in military defense works [3, p. 233].

Development of a centralized state entailed significant changes in the recruitment for the army, which became regular in the middle of the XVI century. In 1550, Tsar Ivan the Terrible issued a decree “On the placement of a chosen thousand service class people in Moscow and surrounding counties” [4, p. 112], accord-

ing to which elected provincial nobles formed the command core of the Russian army. In the same year, the regular Marksman Troops were created [4, p. 115], and in 1565 – Oprichnina [4, pp. 128–130].

In the era of the departmental system of public administration, which existed for more than two hundred years, there was no professional public service as such in its modern sense. The management of state affairs was carried out by the departmental bureaucracy – “service class”, which had its own internal hierarchy, a complex division into various categories depending on the functions performed in a particular state department (order). The privileges and powers of service class people were often haphazard in nature and were determined not by principles of personal merit, service and achievements, but by traditions of system of precedence based on the class and nobility of ancestors and entire families [5, pp. 28–34]. At the same time, the departmental bureaucracy laid the foundations for further professionalization of public service, which already in the era of Peter I finally acquired a nationwide centralized character.

At the beginning of the XVIII century, one of the important directions of large-scale transformations was the formation of a new type of public service according to the best European models of that time. The reception of European legal standards made it possible to create in Russia a new model of public service based on the principles of professionalism and personal service, which was due to the modernization of the entire apparatus and the need to attract the most active part of the population from among the nobility to governance. During this period, public service began to be considered as “the activity of individuals aimed at implementing the will of the bearer of the supreme power in the sphere of public administration” [6, p. 1,501], based on the powers given by the bearer of the supreme power – the monarch. At the same time, the empowerment of public service persons could be both compulsory and voluntary (contractual).

Peter the Great introduced the General Regulations (1720) and the Table of Ranks (1720) [7] that defined external and intra-organizational administrative activities of collegiate bodies and determined classification of positions of military, public and court service, had a huge positive impact on improving the efficiency of public administration and laid the legal basis for the formation of the legal institution of professional public service. The new legislation on public service was the result of transformations of the state apparatus and the public service procedure [8] and application of standard administrative procedures related to the selection, placement, relocation and release of employees.

Up to the middle of the XVIII century, public service was the duty of the nobility and only Peter III granted liberties to the nobility in the form of exemption from compulsory military or public service introduced by Peter I [9]. The Manifesto on Freedoms of the Nobility abolished the obligation of service, which was later confirmed by Catherine II in the Charter for Nobility in 1785. Nevertheless, public service retained a privileged character, although in some way it expanded the possibilities of admission for persons who were not hereditary nobles (children of personal nobles, children of officers and officials, honorary citizens, clergy, merchants of the 1st guild), subject to a number of additional conditions (education, gender, age, immaculate behavior, religion and citizenship) [6, p. 1,501].

The beginning of the XIX century was accompanied by further liberalization of public service. By the Decree of Alexander I of December 3, 1808, persons of "taxed estate" (except for praedial serfs) were allowed to fill lower (clerical) positions of public service, and then by decrees of August 14, 1811 and January 12, 1812 – to fill positions in ministries and educational institutions, respectively. At the same time, in accordance with the Decree "On the rules of promoting to ranks of public service and on tests in the sciences for the production of collegiate assessors and state advisers" [10], the requirements for professional training and education of applicants for public service positions were strengthened, thus significantly improving the quality of public service of that period as a whole. In particular, applicants for a number of higher civil positions and for certain

types of ranks (from the rank of a collegiate assessor and above), in addition to service record in lower positions, had to have an appropriate level of education or pass a qualification exam "in sciences associated with service", as well as have an impeccable official reputation "to serve with zeal and diligence" [11].

Further development of public service in Russia is connected with the largest systematization of the entire array of legislation in the framework of the development and adoption of the 1832 Code of Laws of the Russian Empire, the third volume of which, the Code of Charters on Public Service, directly contained sections on admission to public service and determination to positions, promotion to ranks, on general rights and duties of public service, on dismissal from positions and from service, on acts or proofs of official status, as well as charters on pensions and lump-sum benefits [12]. These norms on public service, with amendments and additions, remained in effect until 1917 and were of great importance in the implementation of public administration in Russia.

Undoubtedly, the reforms of public service affected not only civil service, but also military. In 1699, Peter I issued the Decree "On admission of all free people to the Great Sovereign's military service", and in 1705 – the Decree "On recruiting" [13], fixing the recruiting system of the army, which existed up to the introduction of compulsory military service in 1874 [14]. At that time there were different forms of military duty, among which (along with derived forms: militia, reserve, military registration; or alternative: cash ransom, hiring a hunter) the passage of military service was the most important [15].

In turn, public service in the police and in the prison department had special features. These types of public service evolved rather slowly and were brought into a more formalized state only in the second half of the XIX century in connection with the 1860s reforms. Service in law enforcement agencies of that period was regulated by a large number of by-laws (circulars), which generally preserved and consolidated all features of the division of society into classes inherent in civil and military service.

The specifics of the service in the police and in the prison department was that for a long time there had been no unified centralized system of law enforcement agencies in the Russian Em-

pire: police functions had been carried out centrally only in large metropolitan and provincial cities, where the general management of police activities had been entrusted to the mayors and special officials of the city police (police chief, assistant police chief, officers of the city police department offices, district wardens, city bailiffs and their assistants, police wardens, and civil service class rank) [16].

In the province, functions of police bodies were performed by local government bodies. In counties, there were offices of the county police departments, headed by police officers and his assistants, who were appointed by the governor, were representatives of the governor in local communities and performed numerous administrative functions. It was only in 1837 that the posts of bailiffs were introduced into the staff of the county police and only in 1878 – mounted constables [17].

Development of capitalist relations, the resulting growth of cities and the abolition of serfdom determined the need to increase the police apparatus and its further centralization.

During this period the following was done:

- county police departments were created by merging the county police with the police of county towns;
- contract hiring was introduced instead of recruitment;
- salary was raised, pensions, awards for service and other benefits were introduced;
- the police functions were narrowed: the investigation was transferred to judicial investigators, economic functions and urban improvement, food business, control over the condition of roads were transferred to county and city self-government bodies [18].

In turn, the legal regulation of public service in the prison department was significantly fragmented, it consisted of many regulations adopted at different times and often contradicting each other, which did not contribute to the effectiveness of penitentiary activities. In fact, up to the end of its existence in the Russian Empire, internal and external protection of institutions, as well as escorting, was carried out by various military formations (field and reserve units, and in some cases local teams) [19].

The main result of the development of public service in the XIX – early XX centuries was the formation of a system of extensive legisla-

tion on key types of public service – military and civil (state and court), which, despite all its inconsistency, generally met the requirements of the time and served as the basis for further development of public service in Russia.

Development of public service in the Soviet period

The Soviet (nomenclature) period (1917–1991) is associated with revolutionary transformations in our country, affecting all spheres of the state and society without exception.

The changes in public service were of a diverse nature. At the dawn of the formation of Soviet power, large-scale measures were carried out to dismantle the estate system of public administration. By Decree of the Central Executive Committee and the SNK of November 10 (23), 1917 “On the destruction of estates and civil ranks” all estates and class divisions of citizens that existed at that time in Russia, estate privileges and restrictions, estate organizations and institutions, as well as all civil ranks and titles (nobleman, merchant, philistine, peasant, etc., titles – princely, count and etc.) and the names of civil ranks (secret, state and other advisers). The decree established one common name for the entire population of Russia – citizens of the Russian Republic.

Elaboration of new Soviet legislation on public service required a significant amount of time and had many gaps and contradictions. During the existence of the USSR, the law on public service was not adopted. Official relations were regulated by the Fundamentals of Labor Legislation, Labor Code of the Union Republics, laws on the Council of Ministers, and local Councils. The abolished Peter’s Table of Ranks was replaced by a nomenclature system of selection and placement of personnel, which included a list of positions in the apparatus of party, state and public organizations of all levels and links and based on the principles of party affiliation and devotion to communist ideals from bottom to top. Work on the legal formalization of the institute of public service began only in the late 1980s, but the collapse of the USSR suspended it [20].

The Soviet nomenclature represented a historical phenomenon of the formation and consolidation of state power by the ruling party elite of Soviet society. Candidates for leadership, Soviet and economic bodies were

appointed centrally on the basis of the principles of partisanship, classism and centralism according to nomenclature lists approved by party bodies.

In public administration, the nomenclature was a way of forming and implementing the state personnel policy and a form of actual implementation of public service. This was the reason for such an important feature of the institution of nomenclature bureaucracy, which distinguishes it from the democratic institution of professional public service, as the absence of a unified legislation on public service. Legal regulation in the field of the formation and functioning of the nomenclature was reduced to a huge number of by-laws that did not contain uniform requirements for nomenclature workers and fixed various privileges for different categories and levels of the Soviet nomenclature [21]. In theory and in practice, the concepts of “public service” and “public servant” were often replaced and identified with the nomenclature concept of “employee of the state apparatus”, which was interpreted quite broadly and included, respectively, officials, government officials, specialists or functional workers (engineers, economists, doctors, etc.) and support staff [22].

In special literature of the Soviet period, public servants were “Soviet citizens working in state organizations, holding a position by appointment, election or in another manner prescribed by law, endowed with appropriate official powers, acting on behalf of and by order of the state for the practical implementation of its tasks, with a certain salary” [22, pp. 82, 83]. Such a broad interpretation of the concept of public service of the Soviet period, including the work of the personnel of state bodies and other state organizations, did not allow to finally form a composition of professional civil servants and ensure professional selection for public service positions.

At the same time, despite the unresolved nature of a number of theoretical and applied problems of public service in the Soviet period, a number of fundamentally important positive aspects in the development of this institution should be highlighted. First of all, we are talking about creating a unified centralized system of public service in the Armed Forces and law enforcement agencies of the Soviet State.

As already noted, in the early years of Soviet power, there was a drastic breakdown of the old imperial approach to public service. The first decrees (“On the destruction of estates and civil ranks”, “On the equalization of all military personnel in rights”) abolished military and civil ranks in Russia completely [23]. However, as the institutions of the new state became established, an acute problem arose in the formation of new attributive elements of military and other types of militarized service – the award system, military and special ranks (class ranks), service procedures, etc. In this regard, already in 1935, by the Decree of the Central Executive Committee and the Council of People’s Commissars, personal military ranks were restored for the personnel of the army and Navy [24], and in 1940, military ranks of the highest command of the Red Army and Navy were established [25; 26].

Development of the system of military and other militarized service was triggered by the Great Patriotic War, during which the problems of unification of military and special ranks were identified, rethought and resolved, a new award system was introduced, external attributes of the service were ordered, etc. In particular, the Decree of the Central Executive Committee and the Council of People’s Commissars of October 16, 1935 introduced “Regulations on the passage of service by the commanding staff of the Main Directorate of State Security of the People’s Commissariat of Internal Affairs of the USSR” [27], which determined the procedure for assigning regular ranks, procedure for appointing and dismissing employees, and insignia. Ranks and insignia of the commanding staff of the People’s Commissariat of Internal Affairs of the USSR, the militia and the combined arms were unified in 1943 in accordance with the Decree of the Presidium of the Supreme Soviet of the USSR of February 9, 1943 “On the ranks of the commanding staff of the People’s Commissariat of Internal Affairs and the militia” (the document was not published). Somewhat later, class ranks were established for prosecutorial and investigative staff of the prosecutor’s office [28], as well as for diplomatic staff of the Ministry of Foreign Affairs [29].

Final unification of military and special ranks was fixed by the Decree of the Presidium of the Supreme Soviet of the USSR of July 6, 1945

“On ranks, uniforms and insignia of the commanding staff of the People’s Commissariat of Internal Affairs and the People’s Commissariat of State Security of the USSR”, according to which all commanding staff of these bodies were assigned military ranks established for officers and generals of the Red Army. This decree provided for:

- introduction of military ranks established for officers and generals of the Red Army for the commanding staff of the bodies of the People’s Commissariat of Internal Affairs and the People’s Commissariat of State Security of the USSR;

- introduction of uniforms and insignia for generals of the troops and bodies of the NKVD – NKGB, established for generals of the Red Army and admirals of the Navy (existing uniforms and insignia for officers of the troops and bodies of the NKVD – NKGB were preserved);

- extension to the officers, generals and admirals of the troops and bodies of the NKVD – NKGB of all decisions of the Government of the USSR on the rights and benefits for officers and generals of the Red Army, and admirals of the Navy;

- recertification of the highest commanding staff of the NKVD – NKGB bodies.

This unification was maintained until the adoption of the Decree of the Presidium of the Supreme Soviet of the USSR of August 21, 1952 “On the abolition of military ranks and the introduction of new ranks for the commanding staff of the Ministry of Internal Affairs of the USSR” [30]. At the same time, final consolidation of the system of special ranks for employees of the Ministry of Internal Affairs of the USSR was carried out only in 1966 in accordance with the Decree of the Presidium of the Supreme Soviet of the USSR of October 24, 1966 “On the procedure for awarding military ranks to military personnel and special ranks to persons in command of the Ministry of Public Order of the USSR and awarding military personnel and persons in command with orders and medals”.

As noted in special sources, up to August 1952, special military ranks had been assigned to military personnel (the command staff of the USSR Ministry of Internal Affairs), different from military ranks of other military ministries, with the addition of the words “internal security”, “convoy guard”, and “local air defense

service” [31]. In 1952, the commanding staff of the internal affairs bodies ceased to be military personnel with the exception of convoy guards, anti-chemical engineering units and headquarters of the local air defense, military construction units of the Ministry of Internal Affairs of the USSR and the Special Road Construction Corps. Thus, in 1957–1969 in the system of the Ministry of Internal Affairs there were both employees of bodies with special titles of “internal service” and military personnel with similar sounding titles. In addition, ranks of “internal security” were retained for servicemen of the internal security.

Subsequent major transformations of the regulatory system of service in the internal affairs bodies occurred in 1973 in connection with the adoption of the Decree of the Presidium of the Supreme Soviet of the USSR of October 23, 1973 “On special ranks of ordinary and commanding personnel of internal affairs bodies” (together with the “Regulations on the procedure for taking the Oath by ordinary and commanding personnel of internal affairs bodies”) [32] and in 1992 in connection with the adoption of the Resolution of the Supreme Council of the Russian Federation No. 4202-1 of December 23, 1992 (as amended of November 21, 2011, as revised on December 30, 2012) “On approval of the Regulations on service in the internal affairs bodies of the Russian Federation and the text of the Oath of an employee of the internal affairs bodies of the Russian Federation” [33].

Conclusions

In general, it should be stated that the Soviet nomenclature system of public administration and public service in its characteristics did not correspond to the global trends in the formation of rational bureaucracy and was based on abstract ideological principles that were more political than legal in nature. The politicized principles of partisanship and classism that prevailed in our country and were primarily of a doctrinal political and legal nature, were aimed at forming a national legal ideology and determined the extremely specific content of legal policy on the development of administrative bureaucracy. The Soviet party nomenclature was never able to transform into a full-fledged public service and become independent of the political conjuncture, which did not allow the final formation of the administrative and legal

institution of public service in the Soviet period.

In turn, in a democratic state governed by the rule of law, public service is called upon to ensure social stability, security, and effective functioning of the entire infrastructure of society's vital activity, and at the same time is obliged to implement the will of the state democratically [34, p. 13]. In this regard, democratization processes in our country predetermined

gradual construction of a new model of public service based on modern achievements of social philosophy [35], the theory of state and law, constitutional, administrative and other branches of law. They led to the formation of a new democratic paradigm [36] of law enforcement, personnel policy in the law enforcement sphere in general and in the penal system in particular [37].

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