ABSTRACT

This article is devoted to the analysis of the problems of the implementation in the organization and activities of executive authorities in the Russian Federation of the principle of ethics and professionalism in the work of public servants. The authors have developed and justified a set of measures to improve the professionalism and ethical level of civil servants of the executive branch.

Keywords: Professionalism. Ethics. Executive power. Russian Federation.

RESUMEN

Este artículo está dedicado al análisis de los problemas de la implementación en la organización y actividades de las autoridades ejecutivas en la Federación de Rusia del principio de ética y profesionalismo en el trabajo de los servidores públicos. Los autores han desarrollado y justificado un conjunto de medidas para mejorar la profesionalidad y el nivel ético de los servidores públicos del Poder Ejecutivo.

Palabras clave: Profesionalismo. Ética. Poder Ejecutivo. Federación Rusa.

INTRODUCTION

The principles of the organization and activities of executive authorities in the Russian Federation are widely analyzed in the scientific works of S.A. Avakyan, N.Yu. Khamaneva, O.E. Kutafin, V.V. Grib, L.Yu. Grudtysna, V.E. Chirkin and several other authors. These works provide the basis for the analysis of the theoretical content of the public administration system in Russia in relation to its social essence. However, the share of researches that highlight the problems of implementing the principle of ethics and professionalism in the work of public servants in the organization and activities of executive authorities in the Russian Federation is extremely small.

In this regard, the main purpose of this research is a comprehensive study of ethics and professionalism in the work of public servants as a principle of organization and activity of executive authorities in the Russian Federation, in order to expand and clarify the conceptual and categorical apparatus of the science of constitutional law in the sphere of public administration having formed a holistic concept of the optimal organization and implementation of executive power in Russia, and the subject of research is the normative legal framework that enshrines the above-mentioned principle of organization and activity of executive authorities in the Russian Federation, as well as scientific views on resolving problems associated with its implementation.
This article in the process of cognition of state-legal phenomena were used: a) General scientific methods (formal-logical, systemic, structural-functional, concrete-historical); b) General logical methods of theoretical analysis (analysis, synthesis, generalization, comparison, abstraction, analogy, modeling, etc.); c) private scientific methods (technical and legal analysis, specification, interpretation, etc.) (ZALESNY, GONCHAROV, 2019: 129-142; ZALESNY, GONCHAROV, 2020: 1-6).

The basis for the formation and functioning of executive authorities in Russia is a certain system of principles - legislatively fixed starting principles, ideas and requirements - which, interconnected and interdependent, give a single system of executive power purposefulness, integrity and unity, being a necessary condition for the effective operation and development of the state mechanism. Along with the principles of the formation and functioning of executive authorities in the Russian Federation, which are responsible for the optimality of their construction and the effectiveness of their activities, the principle of achieving professionalism and observing the relevant ethical rules of conduct by public servants of the executive branch, without which the work of the executive branch is inconceivable, is of great importance. This issue is given rather close attention in the domestic scientific and educational literature (GRISHKOVIkipets, 2002: 54-63; OHOTSkiY, 2003: 17-26; GRAZDAN, 2005: 72-78). Such a serious attitude to the practical implementation of this principle in the activities of public authorities is caused by a number of reasons. Firstly, without raising the professional and ethical level of officials, especially of higher ranks, it is impossible to increase the intensity of activity and the level of effectiveness of the executive branch, and through this, and generally improve the state of affairs in society and the state. Secondly, the fact that nowhere and never has bureaucracy recognized its professional or other imperfection, its professional or ethical inferiority, is indisputable (TSvetkova, Korolkov, Frolov, 2006: 74-81; Protanskaya, 2003). Without an effective mechanism for monitoring professionalism and ethical standards by civil servants, it is impossible to put into practice all the previously discussed principles of the formation and functioning of executive bodies.

Currently, in the domestic literature there is no consensus on the definition of the concept of professionalism. A profession is a type of activity of a person who owns a system of special practical skills and knowledge obtained as a result of specialized and general training, as well as work experience. According to some authors who consider professionalism as deep and comprehensive knowledge and possession of practical skills in a certain area of socially useful activity, it should be distinguished from the concept of competence, as a more dynamic phenomenon that represents the practical realization of the professional and business qualities of the employee, expressed primarily in the qualitative exercise of authority (Mancheva, 2001: 23-27). However, the more common point of view is that the competence of a civil servant is a necessary prerequisite for achieving professionalism, along with systematic, regular performance of functions, operations, execution and decision-making, stability of official relations, political neutrality of public service, loyalty of public servants themselves, and guarantee of stability in remuneration of their labor, responsibility for non-performance or improper performance of their duties, for the quality of prepared and taken decisions.

Indeed, the professionalism of a civil servant is inconceivable without the full and full possession of the latter by his professional rights and duties, compliance with legislatively established prohibitions, restrictions and requirements both for the civil servant himself and his activities. It includes knowledge of the case, a combination of skills and abilities of a special nature. However, along with business qualities, an important attitude of the employee is a conscientious attitude to the work that he performs, which is a manifestation of his moral qualities. It is in such a complex context that the federal programs for the development and reform of the civil service are considering the problem of increasing the professionalism of civil servants of the executive branch (ON, 2002). Thus, in his activities, the civil servant is guided by the requirements of the law in an organic connection with moral standards; in this context, professional morality and ethical obligation are not fenced off from public morality, but represent its concretization in relation to the sphere of activity of public authorities.

The standards of professional activity of civil servants are an integral part of the general moral system; they express the principles of justice, humanism, service to the law. Some authors highlight the concept of professional ethics of an employee of public authorities. In this regard, they distinguish, for example, the concepts of “judicial ethics”, “ethics of a police officer” (General, 2002). Currently, there are a number of regulations issued by individual ministries and departments that approve codes of honor for employees of public
In order to determine the main features of public service: firstly, activities that can be carried out only on the basis of special skills and knowledge belong to public service; secondly, it is aimed at organizing and developing state bodies; thirdly, the implementation of the powers of the authorities is carried out through this activity; fourthly, this activity is payable from the state budget (federal or regional); fifthly, it represents the performance of official duties by specific people holding public service posts. The professional and ethical requirements for civil servants of the executive branch are divided into the requirements for candidates for the position of civil servants; restrictions related to public service; basic rights and obligations of a public servant. In addition, they can be classified into general requirements that apply to all public servants of the executive branch, and special ones that apply both to public servants of certain types of public service (for example, military) and individual executive bodies (Government of the Russian Federation).

These requirements can be enshrined both in the Constitution of the country and in the legislation. In relation to the candidate for the post of President of Russia, the Constitution does not contain any professional and ethical requirements, limiting itself only to fixing the age and residency qualifications; however, Part 2 of Article 92 of the Constitution, as the basis for terminating the powers of the head of state, highlights his persistent inability for the state of health to exercise his powers. Even less requirements are placed on candidates for the post of Prime Minister. In general, according to Federal and regional legislation, candidates are appointed to the posts of managers, assistants (advisers) without conducting competitive procedures (ON, 2004: 3215; ABOUT, 2005). At the same time, due to their specifics, the current legislation imposes additional requirements on some government posts of the Russian Federation and the subjects of Russia of the unified system of executive power. So, a citizen of a country who has reached the age of 30, who has no citizenship of a foreign state or residence permit or other document confirming the right to permanent residence of a citizen of the Russian Federation for the territory of a foreign state.

The constitution of the country and the current legislation in some cases allows the introduction of legislative requirements for certain categories of civil servants: the availability of professional education, considering the group and specialization of public posts in the public service; the presence of seniority and experience in the specialty; knowledge of the Constitution of the country, Federal and regional legislation in relation to the performance of official duties. In some cases, Federal laws provide additional requirements for candidates for constitutionally named positions (scientists distinguish up to 21 varieties of constitutionally established posts) (MANCHEVA, 2001: 24): impeccable reputation; high-quality education received in an educational institution of...
higher professional education, having state accreditation, the presence of the necessary professional and moral qualities, the ability to fulfill the assigned duties due to health reasons. The presence of a person in the public service of Federal and regional executive bodies imposes certain restrictions on him.

Firstly, there are general restrictions that are mandatory for all public servants: a) associated with the restriction of activities outside the public service (for example, a public servant is not entitled to engage in entrepreneurial activity); b) related to restrictions in the activity of performing public service (for example, a state civil servant is not entitled to accept awards, honorary and special ranks (except for scientific) of foreign states, international organizations, as well as political parties and other public organizations without written permission of the representative of the employer associations and religious associations, if his official duties include interaction with the indicated organizations and associations); c) general defeats in constitutional rights (for example, a ban has been established for civil servants to participate in strikes) (ON, 2004: 3215).

Secondly, a number of Federal laws provide additional restrictions for certain categories of civil servants of the executive branch, both related to the actual exercise by them of their official powers, and of a general nature. Thus, according to Article 16 of the Federal Law of 03.04.1995 № 40-FL “On the Federal Security Service”, employees and civilian personnel of the bodies of the Federal Security Service are prohibited from providing assistance to individuals and legal entities in carrying out entrepreneurial activities. Employees of the bodies of the Federal Security Service are not entitled to combine military service with other paid activities, for example, in the management of private business entities, except for scientific, teaching and other creative activities, if it does not impede the performance of official duties (unless this is caused by official necessity) (ON, 1995: 1269).

A number of duties of a public servant of the executive branch directly ensure the achievement of its high professionalism and ethical level. So, for example, Article 15 of the Federal Law “On the State Civil Service of the Russian Federation” dated 27.06.2004 № 79-FL provides as its duties the maintenance of the level of qualification necessary for the proper performance of official duties (professional moment) (VOSTRIKOV, VASILEVSKAYA, 2003 48-60; CHERNYAK, 2006: 25-33), non-disclosure of state or other law protected secrets, information that became known to him in connection with the performance of official duties affecting the private life, honor and dignity of citizens (professional and ethical issues).

In order to achieve professionalism, a public servant of the executive branch must also have sufficiently large rights, for example, to receive, in the established manner, information and materials necessary for the performance of his duties, to make suggestions for improving the service in any instances. As a rule, incentive measures and responsibility are objective methods of maintaining and optimizing the process of increasing professionalism (WHY, 2000). It is in them that the symbiosis of professionalism and ethics in the activities of public servants is manifested, since professional success is viewed through the category of ethical obligation (what is professionally done is moral, moral and socially justified). Unprofessionalism, firstly, causes general social and moral condemnation as an action contrary to ethical obligation, and secondly, along with social rejection, measures of legal responsibility are followed.

Incentive measures are usually established by Federal and regional laws. In connection with the transition of the state civil service to the contractual basis, violation by the employee of his official contract, prohibitions and restrictions provided for by Federal or regional legislation, is the basis for termination (termination) of the contract and dismissal. The legislator at the Federal and regional level has the right to establish additional grounds for prosecuting certain public servants of the executive authorities of the federation and its subjects.

Maintaining a high level of ethics and professionalism of civil servants is impossible without carefully developed methods and mechanisms for interaction between the state body and the state with the civil servant (through a contract, competition, certification procedures). So, A.V. Obolonsky argues that the contractual mechanism of relations between the employee and the state body allows to give such relations greater certainty for both parties by clearly fixing their rights and obligations, terms of remuneration and privileges, if necessary - special requirements and restrictions due to the nature of the service, as well as other elements of their legal relationship (1998: 8). However, the author does not take into account the fact that the relations of public service in Russia are carefully regulated by the legislator and the contractual field provided for by the law is in fact a detail of legal norms contained in federal laws on public service and specific executive bodies. An example of real guarantees in the activities of employees of the executive authorities, according to A.A. Grishkoves, may be a phased introduction of a life appointment to public office in combination with a competitive procedure for their replacement (2001 57). However, the implementation of such ideas will cause a lot of problems.

Firstly, the issue of material support for civil servants is extremely costly; a number of authors note that such
guarantees to maintain high material support for civil servants should be applied only to senior managers (KUZMINOV, TELEN, 2000). However, in this case, there will be a separation of senior management from the bulk of the bureaucracy and even more so from the people whose wealth is more than modest.

Secondly, the official, as noted by V.V. Ivanovsky, is an agent of the bearer of public authority (IVANOVSKY, 1896), in other words - the state. Consequently, such a high status of an official should be legally supported not only by pragmatic moments, but also by high moral standards. According to a number of scientists, it seems impossible to build a rule of law in Russia without such regulation of the activities of public servants (KRYLOVA, 2009). At present, a significant obstacle to the achievement of high-level civil servants is their lack of knowledge of the Russian language, the state language of Russia (according to part 1 of Article 68 of the Constitution of the country), which constitutes the constitutional basis of the state (SPIRINA, 2001).

**CONCLUSIONS**

It seems that in order to increase the professionalism and ethics of civil servants of the unified system of executive power, it is necessary: firstly, to establish in law the mechanism and principles of the state order for advanced training of civil servants of the executive branch of government, since the existing by-laws are not enough (ABOUT, 2007: 203; ABOUT, 1994: 2393 PICK, 2006: 32-38); secondly, to legalize, giving appropriate status, codes of honor governing the conduct of public servants of various executive bodies and introduce their mandatory certification of knowledge of the Russian language; thirdly, to increase the requirements for discipline and responsibility of public servants (both moral and material), because morality, acting as a social and legal regulator in its forms, seeks to positively re-socialize the intellectual and volitional activity of the violator; fourthly, additional anti-corruption guarantees should be consolidated in the civil service mechanism, using the experience of a number of countries (for example, the PRC) in rotation of officials of executive bodies of power (LIU, 2006: 60-63); fifthly, the problem of the low wages of the federal civil servants of the executive branch should be solved (in most constituent entities of the Russian Federation it is much lower than that of regional civil servants).

Thus, it is necessary to tighten the requirements for the quality of civil servants, their ethical and professional level (IONOVA, 2005; KOVARDA, 2018: 49-52). The farsightedness of the development and implementation of this kind of principles-requirements, in the final analysis, consists in maximizing the “approximation” of the apparatus of the executive branch to society and in reducing the gap between them that is inevitable for any country. As the President of Russia remarked in this connection in his address to the Federal Assembly of the Russian Federation of 04.25.2005, “the government should not abuse its administrative leverage. And it must open up new opportunities for strengthening the institutions of real democracy in the country”. Of course, the power itself should also not abuse its administrative leverage. And it must open up new opportunities for strengthening the institutions of real democracy in the country” (MESSAGE, 2005).

**REFERENCES**

ABOUT ADDITIONAL PROFESSIONAL EDUCATION OF STATE CIVIL SERVANTS OF THE RUSSIAN FEDERATION: Decree of the President of the Russian Federation of 28.12.2006 №1474, Collection of legislation of the Russian Federation, 2007,1 (part 1), 203. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

ABOUT THE ORGANIZATION OF RETRAINING AND ADVANCED TRAINING OF CIVIL SERVANTS OF FEDERAL EXECUTIVE AUTHORITIES: Resolution of the Government of the Russian Federation of 13.09.1994 № 1047, Collection of legislation of the Russian Federation, 1994, 21, 2393. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

ABOUT THE STATE CIVIL SERVICE OF KRASNODAR TERRITORY: The law of Krasnodar territory of 31.05.2005 № 870-KL. The Kuban news, 2005, 80. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

CHERNYAK, T. Civil service requires competence and professionalism (on the level of training of civil servants). Kadrovik. Human resource management, 2006, 1, 25-33. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

CODE OF HONOR OF A JUDGE OF THE RUSSIAN FEDERATION, 2020. [Electronic resource]. Available at: http://www.obsud.omsk.ru. Access: Jun.01, 2020. (in Russian).
CODE OF HONOR OF THE CUSTOMS OFFICER OF THE RUSSIAN FEDERATION, approved by Order of the State customs committee of Russia from 03.09.1997 № 530. Customs Bulletin, 199, 720. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

DUBKO, E.L. Political ethics: a textbook for universities. Moscow: Academic project; Trixta, 2005. (in Russian).

GENERAL THEORY OF STATE AND LAW. Academic course in 2 volumes (edited by M.N. Marchenko). Tom. 2. Theory of law. Moscow: Publishing House “Mirror-M”, 2002 (in Russian).

GRAZDAN, V.D. What model of public civil service do we need? Power, 2005, 12, 72-78. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

GRISHKOVETS, A.A. Problems of public service reform in the Russian Federation. State and law, 2001, 12, 54-63. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

IONOVA, I.A. Ethics and culture of public administration: a textbook (edited by G.V. Atamanchuk). Moscow: Publishing house of the Russian academy of public service, 2005. (in Russian)

IVANOVSKY, V.V. Russian state law. Issue 3. Kazan: Power, 1896. (in Russian).

KOVARDA, V.V. Direction of development of the legal framework for evaluating the effectiveness of executive authorities in Russia's regions. Society: politics, economics, law, 2018, 8 (6), 49-52. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

KRYLOVA, E.G. Formation of the public service system of the Russian Federation in the context of the implementation of the concept of the rule of law. Abstract of the dissertation of the doctor of law. Moscow: Russian Presidential Academy of Public Administration under the President of the Russian Federation, 2009. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

KUZMINOV, YA.; TELEN, L. A cheap official is ruinous and dangerous. Moscow news, 2000, 26. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

LIU, I. Comparative analysis of personnel policy in Russia and China. Power, 2006, 60-63. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

MANCHEVA, A.V. Public service: concept, types, principles. In the world of law, 2001, 2, 23-27. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

MESSAGE OF THE PRESIDENT OF THE RUSSIAN FEDERATION TO THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION dated 25.04.2005. Russian newspaper, 2005, 86. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

OBOLONSKY, A.V. Reform of the Russian civil service: concept and strategy. Social sciences and modernity, 1998, 3, 5-15. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

OHOTSKY, E.V. Legal status of a civil servant of the Russian Federation. State and law, 2003, 9, 17-26. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

ON THE FEDERAL PROGRAM ‘REFORMING THE PUBLIC SERVICE OF THE RUSSIAN FEDERATION (2003-2005)’: Decree of the President of the Russian Federation № 1336 of 19.11.2002. Collection of legislation of the Russian Federation, 2002, 47, 4664. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

ON THE FEDERAL SECURITY SERVICE: FEDERAL LAW № 40-FL of 03.04.1995. Collection of legislation of the Russian Federation, 1995, 15, 1269. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

ON THE STATE CIVIL SERVICE OF THE RUSSIAN FEDERATION: Federal law № 79-FL of 27.07.2004. Collection of legislation of the Russian Federation, 2004, 31, 3215. (in Russian). Available at: http://pravo.gov.ru. Access: Nov. 30, 2020.

PICIK, N.I. Problems of forming the personnel of the civil service in modern conditions. Power, 2006, 6, 32-38. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.
PROTANSKAYA, E.S. Professional ethics: a textbook. Saint Petersburg: Aleteia, 2003. (in Russian)

SPIRINA, E.V. State language as a means of legislative technique: Textbook. Kuban state university, 2001 (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

TSVETKOVA, E.; KOROLKOV, N.; FROLOV, S. Will Russia sink into an amorphous bureaucratic swamp? Power, 2006, 5, 74-81 (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

VOSTRIKOV, P.P.; VASILEVSKAYA, A.R. System of training and professional development of civil servants: legal aspect. Law and education, 2001 4, 48-60. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

WHY RAISE THE SALARY OF AN OFFICIAL? It's time to abandon Soviet hypocrisy. Today, 2000, 16. (in Russian). Available at: https://www.elibrary.ru. Access: Nov. 30, 2020.

ZALESNY, J.; GONCHAROV, V. Ontological Core of the Social Concept of Global Constitutionalism: a Socio-Philosophical Analysis of Content and Evolution. Future Human Image, 2013, 12, 129-142. Available at: http://www.fhijournal.org/12-12/. Access: Oct. 22, 2020.

ZALESNY, J.; GONCHAROV, V. View of the Social Concept of Global Constitutionalism on the Legal System. Journal of Legal, Ethical and Regulatory Issues, 2020, 23 (2), 1-6. Available at: https://www.abacademies.org/articles/view-of-the-social-concept-of-global-constitutionalism-on-the-legal-system-9129.html. Access: Nov. 30, 2020.