

The Legal Status of Civil Servants in Local Government Authorities

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Abstract: This article examines the legal status of civil servants in local government authorities, including their rights and obligations, the restrictions they are required to observe during their service, and the specific features of liability mechanisms. It also analyzes views expressed by domestic and foreign scholars, as well as the practices of various countries.

Keywords: Civil service, legal status, rights and obligations, restrictions, liability, foreign experience.

Introduction: The success of public administration reforms largely depends on the transparency of ongoing processes. Openness within the administrative system strengthens public trust in the state and fosters a positive attitude toward reforms. At the same time, the level of professionalism among civil servants is a key factor in determining the effectiveness of these reforms. The competence and qualifications of public sector employees directly influence the outcomes of transformation processes. Acting as a bridge between the state and society, civil servants play a crucial role in shaping citizens' perceptions of ongoing changes.

In this context, it becomes particularly important to regulate legal relations in the field of civil service and to clarify the essence and content of the legal status of its participants, especially civil servants themselves.

Today, both domestic and foreign scholars offer various interpretations of the concept of a civil servant's legal status. In general, it is understood as a combination of rights and duties, as well as specific restrictions imposed on civil servants and the forms of their legal liability.

For instance, according to S.M. Zhukova, "the legal status of a civil servant is defined as a special legal position in society and the state, закреплённая (enshrined) in the Constitution and legislation, and expressed through a system of rights, freedoms, guarantees, duties, and responsibilities provided for in administrative and labor law norms."

Some legal scholars define the legal status of civil servants as a set of rights, freedoms, duties, restrictions, and responsibilities established by law and guaranteed by the state.

A number of foreign researchers note that, like any legal phenomenon, legal status is characterized by specific features and has a structured composition. Its structure typically includes the following elements: rights, duties, restrictions (prohibitions), subordination and compliance with official orders, protection of the right to public service, and legal liability.

Analysis of academic discourse suggests that the legal status of a civil servant generally consists of four interrelated fundamental elements: the scope of legal authority granted to the official, the official duties assigned to them, the legal restrictions governing their professional activity, and the mechanisms of legal liability arising in the course of performing official functions.

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According to the regulatory framework of the Republic

of Uzbekistan, the legal status of a civil servant has clearly defined starting and ending points. It begins from the moment of appointment and ends upon dismissal or expiration of service. While this status determines the rights and obligations of civil servants, a distinct legal regime applies to those holding political positions.

Currently, there are approximately 5,000 civil servants in the Republic of Karakalpakstan, about 3,000 of whom work at the district (city) level. This makes it particularly important to study the legal status of civil servants in local government authorities, as it directly affects administrative efficiency.

In some foreign countries, public service at the local level is referred to as “municipal service,” and separate legal acts regulate the legal status of municipal employees, as well as procedures for entering, performing, and terminating service, qualification ranks, and related issues.

For example, the Law of the Russian Federation “On Municipal Service” defines a municipal employee as a citizen, who performs official duties in a municipal position and receives remuneration from the local budget in accordance with federal and regional legislation. In other words, regardless of the specific local authority in which a person serves, if their salary is paid from the local budget, they are considered a municipal employee.

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In Latvia, the terms “municipal service” and “municipal employee” are not explicitly defined. However, the Law “On Civil Service” introduces the concept of “state and municipal institutions and authorities,” and the legal status of employees is differentiated depending on the level of the institution in which they serve. Thus, the distinguishing feature of municipal service lies in the nature of the institution itself.

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According to V.A. Kobzarenko, the legal status of state and municipal employees consists of a set of legally defined elements, including rights, duties, socio-legal guarantees, legal restrictions, and liability. His research highlights similarities between the legal status of state and municipal employees, emphasizing their common features.

At the same time, as noted by E.V. Osinokhina, despite similarities between state and municipal service, the latter has distinct characteristics reflected in its goals, functions, and the specific role of municipal employees in addressing local issues. This underscores the need for a separate study of their legal status.

Some scholars argue that the legal status of a municipal employee includes the legal rights necessary for performing official duties, as well as obligations and restrictions. However, not all of them explicitly include liability as an integral component of this status.

In France, territorial staff enjoy the same rights as civil servants, including freedom of opinion, equality, the right to join trade unions, and the right to strike. However, their legal status is determined by administrative law rather than labor law, due to the specific nature of their employer.

In Germany, the legal status of municipal employees is regulated by both federal legislation and local normative acts. Federal laws define the general legal framework, while local regulations address specific categories of officials, including elected representatives and contractual employees, as well as career advancement issues. A distinctive feature of the German system is the recognition of non-staff (honorary) officials, whose legal status is specifically regulated.

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CONCLUSION

In conclusion, it should be noted that the legal status of a civil servant working in local executive authorities has common features with civil servants at the national, republican, and regional levels. In particular, they also have personal, economic, and social rights established by the Law "On Civil Service." They are required to perform duties directly related to their service, as well as certain indirect duties outside the service process. All categories of civil servants must follow the established socio-political and economic restrictions. In addition, they may be held criminally, administratively, civilly, or disciplinarily liable for actions or inaction that lead to violations of the law.

At the same time, the legal status of civil servants in local executive authorities differs in that it has its own specific features compared to other categories of civil servants.

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