

FORMATION AND DEVELOPMENT OF THE INSTITUTE OF CIVIL SERVANT

The article is devoted to the complex study of the formation and development of the Oath of a Public servant. Attention is paid to the historical development and the process of forming the Oath of a Public servant in the modern Ukraine, taking into account the genesis of the state service.

The main historical stages of the establishment of the Oath of a Public servant within the framework of the historical development of the state service are analyzed in the article, which helped to ascertain the fact, that institute of the Oath of a Public servant, as a substitute of the state service, during its incipience and formation was influenced by such factors as the history of the state's formation and its political system, traditions (customary law), the development of political culture, the legal culture of society, etc.

The characteristics of the main four stages of the formation of the state service are distinguished and described, namely: the times from the emergence of Kievan Rusto its complete disintegration and stay under the power of Lithuania and Poland; period of existence of the Cossack state; Public Administration and State Service in Ukraine 1917 – 1991; the current stage - from the moment Ukraine gained independence, on the basis of which the genesis of the establishment of the Oath of the public servant was found.

The analysis of the historical development of the Oath of a Public servant, gives opportunity to establish, that it took place practically at every stage of the formation of the Ukrainian state, except the period of development and formation of the Soviet Union. It can be explained thus the state-service relations at that time were carried out not on the basis of the norms of the current legislation, but in the order determined by the bodies of the Communist Party of the Soviet Union. Thus, in the Soviet Union, the state service, as a full-fledged institution of public administration, did not exist, thus making it impossible for the existence of the Institute of Oath of a Public servant.

As a result of the research, it was proved that the Oath of a Public servant was not formed as an independent institute of law, but as a sub-institute of the state service and gradually transformed from a formalized process into a legal fact of changing the legal status of a public servant. In turn, the development of the public service contributed not only to the development of public administration as a whole, but also to the understanding of the

Institute of Oath of a Public Servant at various stages of development and the formation of a law-governed state, so how the subinstitute of the Oath of a Public servant at all times played an important role in the development of public administration and the formation of statehood.

We came to the conclusions that the formation of the corps of public servants, their legal status was conditioned by the peculiarities of the ruling political regime in the state at all stages of state formation.

The idea that the interconnection between the development of the public service and the formation and improvement of the institution of the Oath of a Public servant is legitimate, and the genesis of the institution of the Oath of a Public servant cannot be investigated without a historical and legal analysis of the formation of the state service and public administration in general.

The opinion that the acceptance of an oath (vow, swear) by an official, throughout the history of its existence, as a legal phenomenon, is an extremely significant legal fact of changing the legal status of a person is substantiated. After all the institution of the Oath of a Public servant is closely related to his duties, which he voluntarily assumes against a vassal, a people or a state. Precisely the Oath of a Public servant is the bound that separates an individual from a person entering the state service, so to say, a certain criterion for enrollment as a public servant.