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International Approaches to Civil Service Legislation Reform: Comparative Analysis and the Realities of Azerbaijan

Abstract

In the modern era the civil service plays a crucial role in as a guarantor of transparency, public trust, and efficiency in the state governance system. International experience shows that successful governance system depends on the principles of meritocracy, accountability, and digitalization. Reforms carried out in countries such as United Kingdom, France, South Korea, and Estonia show that competition-based selection, strengthening of ethical standards, and the implementation of innovative technologies improve the quality of public administration. Although the 2000's Law of the Republic of Azerbaijan "On Civil Service" was an important step in this direction, the changing socio-political environment requires the modernization of the legal framework and the further improvement of digital and anti-corruption mechanisms. Comparative analysis shows that the critical adaptation of international experience can create favorable conditions for strengthening professionalism, transparency, and efficiency in Azerbaijan's public administration.

Keywords: *civil service / public administration, legislation, human resources policy, professionalism, competitive selection / recruitment, fairness and transparency, motivation, efficiency, evaluation / assessment, training and development, innovation and digitalization, international / foreign experience, reforms, meritocracy principle, accountability, state governance / public administration, ethical standards, anti-corruption, effective management, legal framework*

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Dövlət qulluğu qanunvericiliyinin islahatına beynəlxalq yanaşmalar: müqayisəli təhlil və Azərbaycanın realıqları

Xülasə

Müasir dövrdə dövlət qulluğu dövlətin idarəetmə sistemində səmərəliliyin, şəffaflığın və ictimai etimadın əsas təminatçısı kimi mühüm rol oynayır. Beynəlxalq təcrübə göstərir ki, uğurlu idarəetmə sistemi meritokratiya, hesabatlılıq və rəqəmsallaşma prinsiplərinə əsaslanır. Böyük Britaniya, Fransa, Cənubi Koreya və Estoniya kimi ölkələrdə aparılan islahatlar göstərir ki, rəqabətə əsaslanan seçmə, etik standartların gücləndirilməsi və innovativ texnologiyaların tətbiqi dövlət idarəçiliyinin keyfiyyətini artırır. Azərbaycan Respublikasında 2000-ci il "Dövlət qulluğu haqqında" Qanun bu istiqamətdə mühüm mərhələ olsa da, dəyişən sosial-siyasi şərait hüquqi bazanın modernləşdirilməsini, rəqəmsal və antikorrupsiya mexanizmlərinin daha da təkmilləşdirilməsini tələb edir.

Müqayisəli təhlil göstərir ki, beynəlxalq təcrübənin tənqidi şəkildə adaptasiyası Azərbaycanın dövlət idarəçiliyində peşəkarlığın, şəffaflığın və səmərəliliyin daha da gücləndirilməsinə şərait yarada bilər.

Açar sözlər: dövlət xidməti, qanunvericilik, kadr siyasəti, professionalizm, rəqabətli seçki, ədalət və şəffaflıq, motivasiya, effektivlik, attestasiya, təlim və inkişaf, innovasiya və rəqəmsallaşma, beynəlxalq təcrübə, reformalar, meritokratiya prinsipi, hesabatlılıq, dövlət idarəçiliyi, etik standartlar, korrupsiyaya qarşı mübarizə, səmərəli idarəetmə, hüquqi baza

Introduction

In the modern world, the civil service plays a key role in ensuring the effective functioning of the state and the sustainable development of society. It serves as a connecting link between the authorities and citizens, implementing strategic priorities and protecting public interests (World Bank Publications, 2019, p. 11). Through the institution of the civil service, a managerial culture is formed that influences the quality of political and economic decisions, while the effectiveness of this system largely depends on the legal framework regulating the activities of civil servants (OECD, 2020, p. 8).

Legal regulation of the civil service is a dynamic institution that evolves in response to social, economic, and technological changes. International practice shows that countries seeking to improve the quality of governance inevitably reform legislation in this sphere, introducing the principles of meritocracy, transparency, and accountability (Peters & Pierre, 2017, p. 42). An important direction of such reforms is the digitalization of processes. Estonia, for example, has successfully implemented an e-government system that automated human-resources procedures and significantly reduced the risks of corrupt abuses (Drechsler, 2018, p. 37).

For Azerbaijan, this experience is of particular value. The 2000 Law “On Civil Service” became the fundamental normative act that established the foundations of professionalism and competitive recruitment (Aliyev, 2002, p. 20). However, over the past two decades the socio-political environment has changed, making it necessary to modernize the legislation, including the integration of digital technologies and the development of anti-corruption mechanisms (Hasanli, 2021, p. 19).

Studying foreign experience—including the practices of the United Kingdom, France, South Korea, and Singapore—makes it possible to identify patterns that can be adapted to the national system. However, uncritical copying of external models carries risks, since each country has unique social and cultural characteristics (Christensen & Lægheid, 2016, p. 13). The aim of this study is to conduct a comparative analysis of international reforms and to identify elements capable of ensuring the sustainable development of Azerbaijan’s civil service in the context of today’s challenges.

Research

The concept of “civil service” in the Republic of Azerbaijan is normatively закреплено in Article 1 of the Law “On Civil Service” dated July 21, 2000. In accordance with this document, civil service is understood as the professional activity of citizens in public positions for the purpose of ensuring the fulfilment of the tasks and functions of state authorities (Aliyev, 2002, p. 15). This wording reflects two key features: first, professionalism, implying systematic and qualified activity rather than temporary employment; and second, a functional purpose consisting in ensuring the effective implementation of the functions of state bodies (Hasanli, 2021, p. 19).

From a legal-dogmatic perspective, this definition is of a framework nature, which makes it possible to specify its content through subordinate regulations and departmental instructions. On the one hand, this ensures flexibility in legal regulation; on the other, it increases the risk of blurring the status of a civil servant, since different agencies may interpret the scope of their rights and obligations differently (Umarov, 2022, p. 22).

Modern trends show that the content of the concept of civil service is expanding beyond its classical legal status. In the context of globalization and digital transformation, factors such as effectiveness, transparency, and the flexibility of the human-resources system are gaining increasing importance (OECD, 2020, p. 26). In foreign practice, the civil service is interpreted in a multidimensional manner, encompassing legal, functional, ethical, and technological aspects (Christensen & Lægheid, 2016, p. 22).

For Azerbaijan, it is characteristic that a number of features inherited from the Soviet bureaucratic model have been preserved, combined with elements borrowed from Western administrative practice (Aghayev, 2021, p. 17). Thus, despite the formal mechanisms for declaring income and property introduced in 2005, their analysis and public disclosure remain limited (Petrova, 2021, p. 15).

Of particular importance for establishing the legal foundation of the civil service is the Code of Ethical Conduct, approved by the Law of May 31, 2007. It sets out norms of official conduct, rules for preventing conflicts of interest, a ban on receiving gifts, and the obligation to declare property (Council of Europe, 2019, p. 19). Ethical standards enhance the legitimacy of personnel policy and strengthen public trust, which is especially important in the context of combating corruption.

At the same time, challenges remain within the national model that hinder the full realization of the system's potential. First, the politicization of personnel decisions: despite the existence of competitive procedures, key appointments often depend on political factors. Second, limited mobility: movement between state bodies is complicated by differences in staffing requirements and corporate culture. Third, unequal access to career advancement, where promotion depends not only on objective performance indicators but also on internal support from management (Hasanli, 2021, p. 29).

At the present stage, a system of rotation and the formation of a кадровый reserve is being developed, which corresponds to OECD recommendations (OECD, 2020, p. 13). In addition, since 2020 an electronic platform has been introduced for submitting documents to participate in competitions for filling vacancies, which ensures greater openness and minimizes corruption risks (Aliyeva, 2022, p. 21).

From a comparative perspective, it is worth noting that in the United Kingdom the concept of the civil service is based not on a single code, but on a set of acts and guidelines, where the central place is occupied by the four values of the Civil Service Code: integrity, honesty, objectivity, and impartiality (Christensen & Læg Reid, 2016, p. 19). The French model, by contrast, is characterized by a rigid hierarchy and an institutionalized approach, with significant attention paid to the professional training of personnel (Lugovskaya, 2020, p. 13). South Korea combines meritocracy with digital tools for assessing civil servants, which increases transparency and reduces corruption risks (Kim, 2018, p. 19).

Thus, the concept of the civil service in Azerbaijan reflects both traditional elements of legal regulation and contemporary challenges. On the one hand, it provides legal certainty and ensures the professionalism of personnel; on the other, it requires further integration of ethical, technological, and institutional aspects. Only through comprehensive modernization of the legal framework will the civil service be able to meet international standards, combining effectiveness, transparency, and service to the public interest.

The study of foreign experience in civil service reform makes it possible to identify patterns that may be adapted within the national legal system. In recent decades, many states have carried out large-scale transformations aimed at increasing the effectiveness, transparency, and accountability of the public administration apparatus (Christensen & Læg Reid, 2016, p. 18). These reforms have affected such areas as personnel policy, anti-corruption mechanisms, the introduction of digital technologies, and the modernization of ethical standards.

United Kingdom: The UK model is based on the principles of the Anglo-Saxon legal tradition and is characterized by particular attention to the independence of institutions regulating personnel policy. A central role is played by the Civil Service Commission, which ensures merit-based competitive recruitment and protects the appointment process from political interference (OECD, 2020, p. 21). An important normative document is the Civil Service Code, which sets out four key values: integrity, objectivity, impartiality, and dedication (Council of Europe, 2019, p. 16). This model strengthens public trust and fosters a culture of professionalism.

France: The French system reflects a continental administrative model with a clearly defined hierarchy of categories of civil servants. Special attention is paid to personnel training: a significant share of senior officials receive education at the National School of Administration (Lugovskaya, 2020, p. 19). French experience shows that systematic education and regular staff appraisal help form a stable administrative elite capable of adapting to new challenges. At the same time, reforms in recent

years have been aimed at increasing mobility and introducing project-management methods (Lugovskaya, 2020, p. 15).

Japan: The Japanese model combines Western practices with traditional values. At its core is the principle of a career-based bureaucracy, under which a significant share of managers serve within a single ministry, gradually moving up the hierarchy (Nakano, 2017, p. 49). In recent decades, Japan has placed greater emphasis on transparency and on involving citizens in decision-making processes by introducing a system of regular public reports by government bodies. This contributes to greater accountability and strengthens the legitimacy of the state apparatus.

South Korea: South Korea is considered one of the most successful examples of integrating digital technologies into public administration. The implementation of the “e-government” concept has made it possible to automate HR processes and significantly reduce corruption risks (Kim, 2018, p. 47). South Korea’s model combines meritocracy, strict anti-corruption standards, and advanced technological capacity, which supports efficiency and public trust. In addition, South Korean practice indicates that high salaries for civil servants reduce incentives for unlawful actions (Park, 2020, p. 12).

Singapore and Canada: Singapore is known for its strict anti-corruption policy: severe criminal sanctions are combined with competitive remuneration for civil servants. Under such conditions, breaking the law becomes unprofitable from both an economic and a social perspective (Quah, 2017, p. 19). Canada, in turn, emphasizes the declaration of income and assets not only by officials themselves but also by members of their families, which minimizes opportunities to conceal assets and increases transparency (Borins, 2018, p. 15).

Estonia: Estonia has become a global leader in the digitalization of public administration. It has created a fully integrated e-government system that covers a wide range of functions, including personnel administration (Drechsler, 2018, p. 16). As a result, HR processes have become faster, more transparent, and better protected from corruption-related factors. Estonia’s experience is especially valuable for states striving for digital transformation.

A comparative analysis shows that successful reforms in the civil service are based on several universal principles:

- **Meritocracy and transparent recruitment** are an essential condition for a sustainable кадровый system.
- **Anti-corruption measures** must be embedded in the architecture of the civil service rather than reduced to temporary campaigns.
- **Digitalization of processes** ensures efficiency and minimizes corruption risks.
- **Personnel training and the formation of an administrative/managerial elite** are of strategic importance.

For Azerbaijan, the adaptation of these principles should take national specifics into account. The experience of France, the United Kingdom, and South Korea demonstrates the importance of institutional independence, technological capacity, and personnel training. At the same time, uncritical copying of foreign models may lead to negative consequences. The optimal approach is the selective adaptation of best practices with due regard to the local context (Hasanli, 2021, p. 14).

The civil service plays a key role in ensuring the stability, effectiveness, and transparency of the functioning of the state apparatus. In Azerbaijan, the legislation regulating the civil service has undergone significant transformations over recent decades, which is linked to the processes of the country’s independence, the transition to a market economy, and integration into the international community. The core of civil service regulation is the Law “On Civil Service,” which establishes the legal status of civil servants, their rights and duties, procedures for recruitment and promotion, as well as mechanisms of disciplinary responsibility. The law is also aimed at ensuring professionalism, fair remuneration, and transparency in the management of public personnel, which is a necessary condition for building effective public administration (Quah, 2021, p. 11).

Modern Azerbaijani legislation takes into account the principles of meritocracy, equal opportunities, and the professional development of civil servants. In particular, it предусматривает procedures for open competitive recruitment to positions, systems of attestation and performance

evaluation, as well as opportunities for advanced training and professional retraining. One of the key tasks of the legislative framework is combating corruption and ensuring the accountability of civil servants to society. In this context, active attention is paid to creating transparent procedures for appointment and promotion, as well as to establishing ethical standards of conduct (Ibrahimov, 2020, p. 24).

In foreign practice of civil service reform, several successful models can be identified that may be applied in the context of Azerbaijan. Thus, in European Union countries, significant attention is paid to developing a professional civil service based on the principles of open access, transparency, and accountability. In particular, countries such as Germany and the Netherlands actively use systems for assessing competencies and the performance effectiveness of civil servants, and they also implement programs of continuous training and professional development. In Japan and South Korea, special emphasis is placed on the digitalization of public administration and the creation of flexible career trajectories, which makes it possible to respond promptly to changes in the political and economic environment (Smith & Jones, 2018, p. 30).

The application of foreign experience in Azerbaijan is already reflected in a number of initiatives. For example, the introduction of electronic HR management systems makes it possible to automate the processes of recruitment, record-keeping, and attestation of civil servants. The experience of other countries also encourages the development of training and internship programs aimed at forming competent and motivated personnel. At the same time, it is important to take national specificities, legislative traditions, and socio-economic conditions into account so that the adaptation of foreign practices is effective and meets the country's needs (Guseynov, 2022, p. 46).

Thus, civil service legislation in Azerbaijan demonstrates significant achievements in regulating personnel policy, but it also requires further improvement and the adaptation of advanced international practices. Combining domestic experience with foreign reform models makes it possible to create a civil service system oriented toward professionalism, effectiveness, and transparency, which is a crucial prerequisite for the sustainable development of the state.

In the modern world, the civil service is a key element in the functioning of the state apparatus, ensuring the stability, effectiveness, and transparency of the work of all state institutions (Aliyev, 2021, pp. 39–40). The study of civil service legislation in Azerbaijan and the analysis of foreign experience made it possible to identify both achievements and existing problems in regulating personnel policy and managing human resources in the public sector. The main purpose of the civil service is to form a professional, competent, and responsible corps of civil servants capable of effectively carrying out the tasks facing the state, as well as ensuring public trust in state institutions (Ibrahimov, 2020, p. 19).

Azerbaijan's civil service legislation has undergone a significant transformation since the country gained independence. Laws and subordinate regulations governing the activities of civil servants закрепляют the principles of meritocracy, equal opportunities, transparency, and accountability (Petrov, 2019, p. 12). One of the central elements of this legislation is competitive recruitment for positions, a system of attestation and performance evaluation of civil servants, as well as the creation of conditions for professional development and career growth (Guseynov, 2022, p. 19). These measures are aimed at forming a motivational environment that ensures high-quality performance of official duties and reduces corruption risks (Aliyev, 2021, p. 24).

Despite these achievements, the legislation faces a number of problems. Among them are the need to improve mechanisms for motivating and stimulating civil servants, to adapt methods for assessing work effectiveness to modern requirements, and to introduce modern information technologies for personnel management (Ibrahimov, 2020, p. 22). An important aspect is the integration of the legislation with international standards, which increases public trust and attracts qualified specialists (Smith & Jones, 2018, p. 25).

Foreign experience in civil service reform provides valuable examples that can be adapted to Azerbaijani conditions. In European Union countries such as Germany and the Netherlands, as well as in Japan and South Korea, special attention is paid to the professionalization of the civil service, transparent procedures for recruitment and promotion, continuous staff training, and the digitalization

of personnel management processes (Smith & Jones, 2018, p. 29). These approaches make it possible to increase the effectiveness of public administration, create a flexible career development system, and ensure a prompt response to changes in the political and economic environment.

Conclusion

In Azerbaijan, elements of foreign experience are already being implemented. For example, the use of electronic HR management systems automates recruitment and attestation processes, reduces subjectivity in evaluating performance, and promotes transparency and accountability of civil servants (Aliyev, 2021, p. 15). Training and internship programs focused on developing professional skills help form a competent and motivated workforce, which directly affects the effectiveness of public administration and the quality of public services provided (Ibrahimov, 2020, p. 40).

Combining domestic experience with international standards makes it possible to create a balanced and effective civil service system that meets both the requirements of modern public administration and the needs of society (Petrov, 2019, p. 19). Thus, the further development of the legislative framework and the implementation of advanced civil service practices will help build a governance system oriented toward professionalism, efficiency, transparency, and accountability (Smith & Jones, 2018, p. 30).

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