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Legal Aspects of Regulating the Legal Liability of Public Servants: Problematic Issues

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Abstract. This study investigates topical problematic issues of legislative regulation of the responsibility of public service employees because such responsibility is multifaceted if compared with the responsibility of an ordinary employee, as far as it is related to the range of powers assigned to a person to exercise administrative, legal, and managerial influence on public relations in the state. It is the image of the public service of Ukraine that is based on whether its representatives perform their official duties, and in case of non-performance or improper performance, state coercion is applied to the public servant according to the procedure established by law. The regulated procedure of applying a particular type of legal liability makes up not only the conviction of a public servant, but also an incentive for other persons to properly perform their official duties and prevent illegal actions. The purpose of this study was to identify and solve problematic aspects of the responsibility of public service employees. To fulfil this purpose, scientific positions on understanding the concept of legal responsibility in two aspects, as positive and retrospective responsibility, are considered, and the definition of legal responsibility of a public servant is given. It was established that if a public servant violates the provisions of the current legislation of Ukraine, the following types of legal liability will be applied: administrative, criminal, civil, material, and disciplinary. Using system-structural and system-functional methods, a systematised analysis of the regulatory framework of each of these types of legal liability was performed; methods of comparison and grouping distinguished the material and civil liability of public servants in Ukraine and identified groups of relevant principles of public servant responsibility in administrative law and in compliance with labour discipline according to current regulations. Ways to solve urgent and problematic legal aspects of the legal responsibility of public service employees were proposed

Keywords: financial responsibility, administrative responsibility, officials, disciplinary responsibility, regulations, improvements

Introduction

An essential role in creating a positive image of the state is given to the public service of Ukraine, which represents the government. This image is based on the observance of official duties by public servants and the organisation of their successful activities, which create and ensure the national policy of the country in the national and international arena, protecting the interests of the state and its citizens, guided by international law and national norms and laws. Admittedly, effective support of the functioning of the public service is a complex theoretical and applied task in modern legal science, the solution of which involves complex and systematic approaches.

The institution of public service is one of the key legal institutions that ensure the implementation of the management process in the state, so there is a need for the existence of clearly defined measures of responsibility of public servants. Furthermore, it is the established measures of responsibility of public servants that are the important means of ensuring law and order in the public service. Proper monitoring of the effective performance of public servants is very intricately linked to the perception that every misdemeanour committed by a public servant in the performance of their duties should cause an immediate response from the competent authorities. Traditionally, persons holding positions in state authorities may be subject to legal liability for committing a dangerous act in the form of abuse of official position, failure to perform or improper performance of the tasks assigned to them.

In the context of globalisation and the expansion of political and economic processes in Ukraine, the growing level of conflict in civil society, the problems of illegal behaviour of public servants are of great interest in the study. Thus, strengthening the control function for various types of behaviour of persons acting on behalf of the state in professional activities and establishing appropriate sanctions are necessary and urgent issues. Therefore, one of the organisational and legal ways to ensure the rule of law and discipline in the public service is the legal responsibility of public servants: administrative, disciplinary, civil, criminal.

Many scientists have investigated the general issue of statutory regulation of legal liability of public servants. M.I. Zubrytskyi, as a result of research on this issue, noted its most problematic aspect – the legal regulation of disciplinary responsibility of public servants [1], N. Dolhikh, through a comparative legal analysis of the institution of responsibility of public servants of Ukraine and EU member states, noted the shortcomings of national legislation on the procedure for bringing to justice [2], L.V. Galushkina, co-authored by researchers, noted certain inconsistencies between

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the norms of the Law of Ukraine "On Public Service" and the legal norms of other branches of law, focusing on criminal legislation in the field of combating corruption [3]. O.K. Liubymov identified several special differences in the responsibility of public servants from ordinary employees and noted responsibility as a factor that encourages the prevention of culpable behaviour in the future [4]. V.V. Skorikov focused on the characteristics of the types of legal liability of public servants, the main defined social responsibility and its structural elements [5], while A.O. Fominova saw the problem in the industry affiliation of the institution of disciplinary responsibility and in the perspective of creating an array of corresponding norms of legislation on disciplinary responsibility of public servants [6]; the need to improve legislation on the issue of disciplinary responsibility of public servants was also noted by O.D. Novak in her monograph [7]. V.I. Didach noted the need to adopt a new Law of Ukraine "On Legal Responsibility of Public Servants", clearly distinguishing its types and singling out political responsibility as a separate one [8]. A.Yu. Korotkykh identified the main theoretical and practical issues of bringing public servants to legal responsibility, formulated the optimal concept of reforming the legislation of Ukraine on public service in terms of rules and standards for the occurrence of disciplinary and material liability on the example of foreign practices [9]. At the same time, having a suitable regulatory framework, scientific and professional research, numerous theoretical discussions in the legal literature, there are still certain gaps in the institution of public service regarding the responsibility of its subjects, and this is what causes the need for its research and solving problematic issues.

The purpose of this study was to identify and discuss problematic issues from a legal and scientific standpoint, regarding the regulation of the legal responsibility of public servants, and in the future to try to find ways to resolve them. To fulfil this purpose, it was necessary to complete several tasks: firstly, to justify the definition of legal liability in ambiguous aspects and to define the responsibility of public servants; secondly, to characterise the types of legal liability prescribed by the current legislation for public servants; thirdly, to analyse the gaps in the current legislation on public servant liability, and, if possible, to offer solutions to pressing issues.

Analysis of the Regulatory Framework for the Legal Liability of Public Servants

The Law of Ukraine No. 889-VIII "On Public Service" of December 10, 2015, which came into force in May 2016, is currently in force in Ukraine. An essential innovation of this regulation is to pay special attention to the issue of legal liability of public servants, namely the type of material and disciplinary liability. The legislators devoted a separate section entitled "Disciplinary and Material Liability of Public Servants" to regulating the scope of these relations [10]. With this innovation, the legislator once again stressed the importance and relevance of the issue of responsibility of public servants for violating their official duties. This is also noted by the scientist A. Fominova in her study. Without proper definition and statutory regulation of the types of legal liability of public servants in case of improper performance of their official duties, compliance with discipline and legality, effective operation of the state administrative apparatus is impossible. Illegal behaviour, which should be externally qualified as a misdemeanour (administrative or disciplinary), is always determined by an increased level of public harm in relation to the interests of the state, the established law and order, and to the constitutional freedoms of human and citizen [6].

Notably, the last twenty years of development of national legislation have had a positive effect in the field of adoption of several regulations that relate to the responsibility of public servants. Most of them are aimed at practical application, among which the following should be noted: the Strategic Plan of the National Agency for Public Service for 2021-2023 [11], a number of special laws: first and foremost, the previously mentioned Law of Ukraine "On Public Service" [10], next, the Laws of Ukraine "On Service in Local Self-Government Bodies" [12], the Laws of Ukraine "On the Prosecutor's Office" [13] and "On the National Police" [14], and several sub-legislative acts: Resolution of the Cabinet of Ministers of Ukraine No. 500 "On Approval of the Regulation on the National Agency of Ukraine on Civil Service Issues" dated January 1, 2014 [15] and many others. However, an equally prominent place in this context is given to the Labour Code of Ukraine [16], the Criminal Code of Ukraine [17], the Code of Ukraine on Administrative Offences [18], etc. This is conditioned upon several circumstances. Firstly, the legal regulation of the legal responsibility of public servants is special, i.e.is, it is governed by the norms of special legislation. Secondly, there are certain nuances about the settlement of this issue by the current Law of Ukraine "On Public Service" [10]. The law contains norms that establish only two types of liability: disciplinary and material. But now other types of legal liability can be applied to them, including criminal, administrative, etc.

Theoretical Significance of Legal Liability of Public Servants

Before proceeding to the characteristics of the types of legal liability that apply to public servants, it is logical to analyse the ambiguity of understanding the meaning of legal liability. To date, there is a discussion about the expediency of separating its positive aspect. In general, legal science distinguishes responsibility for the past (negative aspect) and for the future (positive aspect) [4, p. 22]. Thus, some scientists who are representatives of a negative (retrospective) approach see a close connection between legal liability and the committed offence, in other words, it is like a logical sanction for violating a legal norm [19, p. 43].

In general, having analysed the theoretical aspects of the legal responsibility of a civil servant, it is a legal duty of a civil servant to observe and fulfil the official duties assigned to them in their official activity, or to suffer adverse personal, material, or organisational consequences as a result of non-performance or improper performance of official duties, which manifested themselves in the form of an offence.

Since this refers to representatives of state authorities, then, admittedly, the responsibility of this category of employees lies in a conscientious and responsible attitude towards the performance of the assigned official duties, i.e., responsibility in its positive meaning. If the obligations are not performed, responsibility in the negative sense follows – proper punishment, penalty, in other words, coercion. This leads to the conclusion that the established obligation to answer for something and to someone evenly combines positive and retrospective responsibility. In this case, V.I. Didach

correctly noted that these two aspects coincide precisely in the part where they mean for a person to analyse their behaviour, guided by the established legal prescriptions and expectations addressed to this person, considering their socio-legal status. Therewith, the author assures that the understanding of the term "to bear responsibility" in different cases is perceived differently. Sometimes there is an image of an offence and punishment, and other times – an image of activity that is not connected in any way with the violation of the law [8, p. 13].

Consequently, the legal status of a public servant is determined by a range of professional rights and obligations, failure to comply with which unquestioningly leads to legal liability. Having investigated the presented interpretations of the concept under study, the authors of this paper focus on the definition presented by M.I. Tymoshenko in co-authorship. Thus, these authors interpret the responsibility of a public servant as a certain legal obligation to observe and perform the official duties assigned to them in their official activity, and in case of non-performance or improper performance, consider such actions of an employee as an offence, and, admittedly, entail adverse consequences of various types, e.g., personal, material, or organisational [3, p. 90]. Currently, in the legal field, the following types of legal liability can be applied for violation of legislation by a public servant: criminal, administrative, civil, and material.

Administrative and Criminal Liability of Public Servants

Currently, measures of administrative and criminal liability are defined by special laws of Ukraine, namely the Law of Ukraine "On Prevention of Corruption" [20], the Code of Ukraine on Administrative Offences [18] and the Criminal Code of Ukraine [17]. The norms that establish criminal liability of public servants are contained in Section 17 of the Criminal Code of Ukraine entitled "Crimes in the Sphere of Official and Professional Activities Related to the Provision of Public Services" [17]. Criminal activity of a public servant is considered official forgery (Article 366); introduction of false information upon submitting a declaration (Article 366-1); official negligence (Article 367) and abuse of office and official position (Article 364). Criminal liability is considered abuse of power or official authority by an employee of a law enforcement agency (Article 365); abuse of powers in the provision of public services (Article 365-2); obtaining illegal benefits (Article 368); furthermore, this refers to illegal enrichment (Article 368-2) and abuse of influence (Article 369-2) [17]". What unites these types of crimes is that their object is public relations that ensure the proper functioning of the state apparatus through the professional performance of official duties of persons acting on behalf of the state. The consequences of a socially dangerous act lie in causing material, and sometimes non-material damage, mainly to the interests of the state and its citizens. M. Zubrytskyi believes that according to the object element of the crime, the listed official crimes should be classified as general official crimes. As for special official crimes, which are often associated with the professional activities of officials, their object is other social relations, as a rule, these are human and civil rights, property, economic activity [1, p. 287]. For example, this can refer to the responsibility of a public servant in case of improper performance of duties to protect the life and health of people (Article 137), or concealment, distortion of information about the environmental state or morbidity of the population (Article 238) [17]". At the same time, the only common criterion for both groups of official crimes is damage, which is recognised as damage caused to individuals, legal entities, a state body, or directly to the state.

Notably, the number of crimes based on abuse of authority is considerably higher than those that contain signs of non-performance or improper performance of powers by a public servant. Therefore, in Ukrainian science, considering the legal nature of misdemeanours, it is considered that non-performance or improper performance of powers mainly qualifies as an offence, and belongs to the sphere of regulation of administrative law norms. As for abuse of office, such offences are considered with a more dangerous degree of gravity – as crimes, and therefore fall under the qualification of criminal legislation. Therefore, the specific feature of administrative responsibility is close ties with criminal responsibility, and an administrative offence with a crime.

Thus, administrative liability is a type of legal liability of citizens and officials for the committed administrative offence (tort). As in the case of criminal liability, a public servant is brought to administrative responsibility in case of violation of the norms of administrative legislation. Thus, Article 9 of the Code of Ukraine on Administrative Offences makes provision for the occurrence of administrative responsibility for an act that does not hold signs of a crime, a socially dangerous act [18]. Article 14 of the Code of Ukraine on Administrative Offences has a norm that defines the specific features of bringing public servants to administrative responsibility [18]. The disadvantage of the norm is the use of the term "official" – it is quite unclear who should be considered an official, their speciality, type of activity, or their powers. Only one article defines the list of cases in which administrative liability occurs. A substantial drawback of the Code of Ukraine on Administrative Offences is the absence of a separate section devoted specifically to the responsibility of public servants. The legislator paid special attention to only one type of violation – corruption (Chapter 13-A "Administrative offences related to corruption") [18], but this is not a significant part of the violations that a public servant can commit in their work. It can be said that this type of violation is more the prerogative of criminal liability because the Ukrainian legislators mainly qualify such actions of a public servant as a crime. Thus, in general, one may get the wrong impression that the institution of administrative responsibility of a civil servant is built exclusively on corrupt activities.

Another type of legal liability of a public servant is constitutional liability. It makes provision for the approval by the state and society of positive behaviour of the subject of constitutional relations, and the state, its bodies, officials are those subjects that act according to the requirements of constitutional regulations (positive aspect). Otherwise, the state will experience a negative reaction to the illegal actions (offences) of these subjects, which are implemented according to the procedure established by the Constitution and laws of Ukraine.

Civil and Material Liability of Public Servants

Civil liability is another type of legal liability of public servants. Traditionally, when analysing the type of legal liability, one proceeds from two aspects of it. Thus, civil liability is considered as a negative reaction of the state to a civil violation of the relevant regulations and entails the deprivation of certain

civil rights or established obligations of a property nature. Non-performance of obligations is when the debtor either does not perform the action at all, or performs it improperly (with delay, partially, or poorly). Therefore, by analogy with the theory of law, it is possible to characterise the civil liability of a public servant as compensation for losses caused by illegal actions of an official within the limits of the competence granted to them in the field of public administration. It is interesting that the state authority is responsible for material damage caused by a public servant if the illegal actions are related to the professional activities of their official. If an official causes damage outside the performance of their official duties, then they will bear material responsibility independently (personally). But the "principle of recourse" also applies here, according to which a state authority has the right to reverse a claim against the guilty person. The norms of the Constitution of Ukraine (Article 56) make provision for the right of everyone to compensation for moral and material damage caused by illegal actions or omissions by state authorities, local self-government bodies, or their officials (servants) in the performance of their official duties at the expense of state or local budgets [21].

Thus, a type of civil liability of a civil servant – material liability – was actually separated. Subjects of this type of liability may be individuals, i.e., persons endowed with a certain competence from the state or municipal body, according to the procedure established by the current legislation. In general, the current Law of Ukraine "On Public Service" regulates the material liability of a public servant, and as previously mentioned, it is allocated in a separate independent section. Thus, Article 81 of the Law of Ukraine "On Public Service" prescribes that a public servant must compensate the state for the damage caused as a result of non-performance or improper performance of their official duties [10]. The fact of applying material responsibility for the committed act stays generally recognised in legal practice, regardless of whether a person is subject to disciplinary, administrative, or criminal responsibility [9, p. 23].

Disciplinary Responsibility Of Public Servants

The most common type of legal liability of a public servant is disciplinary liability. It lies in the obligation of a public servant who has committed a violation of the law to be held accountable for their illegal behaviour and bear responsibility in the form of disciplinary penalties prescribed by the current legislation. In the current Law of Ukraine "On Public Service", the legislator sets up an exhaustive list of types of disciplinary sanctions. The most often applied penalties are remarks and reprimands, more severe, as a rule, are warnings about incomplete official compliance and dismissal from the position [10]. The same exhaustive list, only in relation to disciplinary offences of a public servant, is provided by the legislator in Article 65 of the said Law, which contains 15 points" [10]. In general, the authors of this paper believe that a clear list of disciplinary offences is a positive work of the legislators, which allows the highest authority to assess the composition of the offence and make a legal decision on the application of a particular type of penalty to a subordinate employee more professionally and objectively.

Special attention is drawn to the disciplinary offence of a public servant in the field of violation of the rules of ethical behaviour. According to Clause 13 of the Appendix to Recommendation No. R (2000) 6 of the Committee of Ministers of the Council of Europe to the Member States of the Council of Europe on the status of public servants in Europe, it makes provision for the need for public service employees to follow ethical standards [22]. Therefore, such a legislative initiative rightly reflects the state's desire to bring the current legislation closer to European standards. And responsibility takes on a professional and moral nature [22]. Moreover, compliance with the norms of ethical behaviour by a representative of the government can affect the assessment of the results of official activities, both intermediate and final. Thus, in the case of systematic receipt (usually two in a row) of disciplinary penalties based on the results of work, such a public service employee shall be subject to dismissal under the relevant article of the current legislation. Furthermore, at the level of disciplinary penalties, public servants may be subject to disciplinary measures that have adverse consequences, in addition to the fact that no incentive measures are applied during this period, they may also lose the moment of assigning the next rank.

If an exhaustive list of disciplinary offences provided by the legislator is considered positively, then the absence in this list of indications of a misdemeanour that is associated with corruption factors is not a flaw or a gap. The authors of this study believe that due to the increased interest in the issue of preventing corruption offences, the diverse interpretation of the discretionary powers of a public servant, as well as the urgent need to suspend and eliminate corruption factors, it is desirable to review the list of acts that should be classified as disciplinary offences. Thus, this is conditioned upon the need to consider the possibility of providing an assessment of a disciplinary offence through the lens of establishing a management decision by a representative of the state authorities, within the limits of acceptable solutions by the legislator, which contributed to the emergence of a corruption factor, provided that these actions do not contain signs of a crime or administrative offence.

Insufficient attention of the legislator to the issue of publicity of the process of imposing disciplinary penalties stays another shortcoming of the legal regulation of disciplinary liability of employees. Therefore, this problem deserves a suitable review because it can be considered in two ways. On the one hand, this refers to a public servant, a public person who is endowed with a range of official duties, which is why there is a need to convey information about their activities to the population. However, on the other hand, this is certain internal information, i.e., official, not public information.

Problematic Issues of Legal Liability of Public Servants: Solutions

Analysis of scientific literature and regulations showed that currently there are still problematic issues of disciplinary liability of public servants: 1) there is no single regulation that would govern the issue of disciplinary liability of a public servant; 2) a rather limited range of disciplinary penalties, which requires its expansion at the expense of material nature (fine, reduction of wages); 3) among disciplinary offences, the law does not include those that can be directly related to corruption factors; 4) the list of disciplinary offences is exhaustive; 5) insufficient publicity of the processes of imposing disciplinary penalties.

On the first issue, Ukraine should take advantage of the practices of more developed countries. N. Dolhikh suggests paying attention to the "specific features of bringing

public servants to disciplinary responsibility" on the example of the Federal Disciplinary Charter of Germany. It thoroughly regulates the procedure for bringing a public servant to legal responsibility for official offences. The procedure for dismissal from service for misdemeanours is prescribed by the general law on the legal status of public servants and the Law on federal public servants [2, p. 104]. Therefore, it is advisable to adopt a Disciplinary Charter of a Public Servant in the future, which will regulate pressing issues. Upon developing this regulation, it is necessary to consider the provisions of Section 8 "Disciplinary and material liability of public servants" of the current Law of Ukraine "On Public Service" [10] and eliminate gaps in the current legislation on disciplinary liability of public servants. Furthermore, today disciplinary charters are quite successful in areas that are somehow related to the public service, namely Disciplinary Charter of the Internal Affairs Bodies of Ukraine No. 3460-IV of February 22, 2006 [23] and Disciplinary Charter of the Armed Forces of Ukraine No. 551-XIV of March 24, 1999 [24]. Therefore, by analogy, one can use the structure of the above-mentioned regulations to develop a Disciplinary Charter for a Public Servant.

Solving the problematic issue of determining the amount of fines is admissible by introducing the term "public servant" into the legislative circulation in the field of administrative law. Therewith, it is necessary to establish a balance of a reasonable ratio of the salary of guilty persons to possible fines for committing administrative offences, i.e., to develop a mechanism for calculating fines as a type of recovery.

As for criminal liability, it is necessary to supplement the list of articles making provision for corruption crimes and place it in Section 17 of the Criminal Code of Ukraine "Crimes in the sphere of official and professional activities related to the provision of public services" [17]; include in the list of corruption crimes the Article 366-1 "Declaration of false information" of the Criminal Code of Ukraine.

The next problem is the presence of actions, which by their legal nature do not contain signs of disciplinary misconduct, among the exhaustive list of disciplinary misconduct. In this case, the authors of this paper propose to exclude the following grounds from the content of Article 65 of the Law of Ukraine "On Public Service" and supplement Part 1 of this Article with the following clause: "16 Other misdemeanours prescribed by the norms of the current legislation" [10].

The solution of the latter issue is possible by amending Article 77 of the Law of Ukraine "On Public Service" with Clause 8 on the publication of information in the media, via the Internet (on the official website of the relevant service, department) on bringing a public servant to disciplinary responsibility [10].

A necessary point of the study is to distinguish between the concepts of "civil law" and "material responsibility" of public servants. The authors of this paper have already noted material liability as a type of civil liability, but this should be emphasised legislatively. Therefore, the authors propose to amend the title of Section VIII of the Law of Ukraine "On Public Service", setting it out in the following wording: "Disciplinary, civil, material liability of public servants". Therewith, it requires changing the name and Chapter 3 of this law, it must, apart from material liability, hold information on civil law [10]. These changes should take place in parallel with the coordination of the current labour and civil legislation. In general, to effectively ensure the functioning of state bodies, the mechanism for applying a particular type of legal responsibility to public servants, it is necessary to take care of an effective and fundamental regulatory framework with coverage of the corresponding branches of law.

Conclusions

Currently, Ukraine is actively implementing measures to improve the legal regulation of the responsibility of public servants. Recently, several regulations have been adopted that directly relate to this issue, and therefore one can confidently say that the procedure of bringing to legal responsibility is gradually becoming more regulated and detailed. Therefore, summarising the analysis of problematic issues related to the statutory regulation of the legal liability of public servants, no global comments or substantial shortcomings were identified. But still, some issues of legal regulation need to be finalised to eliminate gaps. The institution of disciplinary responsibility of public servants stays somewhat unfinished. These include the specific features of the manifestation of corruption factors in the practical activities of public servants and considering public interests within the framework of the disciplinary procedure. The problem of publicity of the procedure of reviewing disciplinary proceedings and imposing disciplinary penalties on public servants requires proper legal, organisational, and scientific support. It is also necessary to pay attention to the differentiation of the concepts of civil and material liability of public servants by introducing amendments to the relevant section of the current Law of Ukraine "On Public Service". The Criminal Code of Ukraine also needs to be supplemented in terms of qualifying corruption crimes committed by public servants. At the same time, the elimination of some gaps in the current legislation will encourage employees to properly perform their official duties, observe professional ethics, strict labour discipline and timely application of disciplinary and other penalties to persons who have committed misdemeanours. To further improve the institution of bringing public servants to justice, it is necessary to borrow the practices of the implemented legislation of European countries, the consideration of which can become the basis for the development and quality assurance of public service in Ukraine. Therefore, the issue of bringing a public servant to legal responsibility is critical and relevant in the concept of developing public service institutions in Ukraine. And the quality of administrative services provided by state bodies to citizens and non-residents on a daily basis depends on how effective the institution of legal responsibility will be in Ukraine. The prospect of further research is to develop innovative approaches to solving the issue of bringing a public servant to legal responsibility.

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Правові аспекти регулювання юридичної відповідальності державних службовців: проблемні питання

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Анотація. Стаття присвячена аналізу проблематики історико-правових умов становлення Центральної Ради та її діяльності У статті розглянуто актуальні проблемні питання законодавчого врегулювання відповідальності працівників державної служби, адже така відповідальність – досить багатогранна, якщо порівнювати її з відповідальністю звичайного найманого працівника, постільки пов'язана з колом повноважень, які покладаються на особу для здійснення адміністративно-правового та управлінського впливу на суспільні відносини в державі. Саме імідж державної служби України базується на тому, чи виконують її представники посадові обов'язки, а в разі невиконання чи неналежного їх виконання до державного службовця застосовується державний примус у чітко встановленому законом порядку. Урегульований процес застосування того чи того виду юридичної відповідальності – не лише засудження державного службовця, а й стимул для інших осіб належно виконувати свої посадові обов'язки та не допускати протиправних дій. Мета дослідження – виявити та вирішити проблемні аспекти відповідальності працівників державної служби. Для її досягнення розглянуто наукові позиції щодо розуміння поняття юридичної відповідальності в двох аспектах, як позитивну та ретроспективну відповідальність, та надано визначення юридичної відповідальності саме державного службовця. Встановлено, що, у разі якщо державний службовець порушує положення чинного законодавства України, до нього будуть застосовані такі види юридичної відповідальності: адміністративна, кримінальна, цивільно-правова, матеріальна та дисциплінарна. За допомогою системно-структурного та системно-функціонального методів проведено систематизований аналіз нормативно-правової бази кожного із цих видів юридичної відповідальності; методами порівняння та групування проведено розмежування матеріальної та цивільно-правової відповідальності держслужбовців в Україні й виокремлено групи актуальних засад відповідальності державного службовця в галузі адміністративного права та у сфері дотримання дисципліни праці за чинними нормативно-правовими актами. Запропоновано шляхи вирішення нагальних проблемних правових аспектів юридичної відповідальності працівників держслужби

Ключові слова: матеріальна відповідальність, адміністративна відповідальність, посадові особи, дисциплінарна відповідальність, нормативно-правові акти, удосконалення