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THE ROLE OF CONFLICT IN PUBLIC SERVICE

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Abstract. The article studies the theoretical aspects of the concepts according to various authors, such as conflict, social conflict, conflict of interest in the public service, the nature of the conflict. The article considers a number of possible situations which can be a result of personal interest, which in turn could lead to a conflict of interests.

The article includes definitions, such as the subject of the conflict, the object of the conflict, the conflict incident, relationship conflict, situations of conflict and it determines their importance in sociological conflicts. There is also a description of the subjective and objective causes of conflicts, as well as their relationship in the public service.

Special attention is paid to the reasons causing conflicts in the public service, management techniques for resolving conflicts in the public service, such as intra-personal, structural and interpersonal, as well as possible solutions to them.

The article considers compliance with the requirements for official behavior and resolving all conflicts of interests: their composition, requirements, operating procedure, the existing difficulties when implementing one's functions.

An important role in this article is attached to a control algorithm of actions, which is important for conflict resolution in the public service.

Keywords: conflict; conflict situation; conflict of interest; public service; managing conflict of interest.

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РОЛЬ КОНФЛИКТА НА ГОСУДАРСТВЕННОЙ СЛУЖБЕ

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Аннотация. В статье раскрываются теоретические аспекты, по мнению различных авторов, таких понятий как конфликт, социальный конфликт, конфликт интересов на государственной службе, сущность конфликта, приводится ряд вероятных ситуаций возникновения личной заинтересованности, которая в свою очередь может привести к конфликту интересов.

Раскрываются определения, такие как субъект конфликта, предмет конфликта, инцидент конфликта, отношения конфликта, ситуации конфликта, и определяется их значимость в социологических конфликтах. Так же описаны субъективные и объективные причины возникновения конфликтов, а также их взаимосвязь на государственной службе.

Особое внимание уделено причинам вызывающих конфликты на государственной службе. Так же раскрыты методы управления конфликтами на государственной службе, таких как внутриличностные, структурные, и межличностные, а также их решению. Рассмотрено соблюдение требований к служебному поведению и урегулированию конфликтов

интересов: их составу, требованиям, порядку работы и существующим трудностям в осуществлении своих функций.

Важную роль в данной статье, занимает алгоритм действий для управления, а в итоге, для разрешения конфликтов на государственной службе.

Ключевые слова: конфликт; конфликтная ситуация; конфликт интересов; государственная служба; управление конфликтом интересов.

Introduction

The current state of society's development increasingly requires the ability to manage a variety of social processes taking place in it. Social technologies are a key to the management of social interaction, one of the manifestations of which is social conflicts.

A socialized person with a mature legal awareness and legal culture is the main subject in the developed, institutionalized civil society. In this situation, conflict resolution should become not only a means of control, but rather a means of self-regulation.

Conflictology, studying the methods and processes used for facilitating the resolution of interpersonal and group conflicts, can be quite useful for managing conflicts at present.

But there appear several problems in this sphere:

1) «A Public servant has the right to waive benefits».

2) Disqualification or self-disqualifications of a civil servant.

The main part.

This topic has been elaborated by such authors as T.M. Makoseychuk, E.A. Tsymbal, S.V. Kachushkin [1],[2],[3]. After studying the works by the above authors, we can conclude that a conflict is always an interaction between two or more parties. The conflict can only take place in the interaction between the subject and the object and it always implies the existence of relations.

So, the conflict is a complex phenomenon, thus there are many definitions of it.

– a situation in which two or more people show some disagreement on a controversial issue, while there is an emotional antagonism between them. (G. Hunt, R. Osborn) [4];

– a conflict is a disagreement between two or more parties, where each party tries to make sure that its views or goals are taken into account and prevent the other party from doing the same (M. Mescon, M. Albert, F. Khedouri) [5].

So, summarizing the aforesaid about the conflict and considering its widespread understanding as a collision of parties, opinions and forces, we can define the conflict in the following way: a conflict is

a manifestation of social connections and relationships between people, who communicate with one another; a way to interact when incompatible views, positions and interests clash a confrontation of the interrelated two or more parties pursuing their own goals.

According to A.S. Doronin «a social conflict is a state of society which is characterized by the clash of interests of different social groups. Consequently, the key category of a social conflict is «interest».

In a society in which the interests of all social groups are a clear match, if such a society might exist, the very concept of «social conflict» would be meaningless. However, such a society does not exist, which is why the basis of society's life and its development is made up not only by interests, but by different opposing interests.

Conflict management includes activities to ensure development of conflictual interaction. So, conflict management means to provide it with a maximum opportunity for self-regulation and the encourage the transition of the crisis in the next phase.

Conflict management as a complex process includes the following activities:

- forecasting conflicts and assessment of their functional orientation;
- prevention or promotion of conflict;
- conflict regulation;
- conflict resolution.

The essence of conflict management is in accordance with their dynamics.

Currently, experts distinguish a number of conflict management techniques, which can be combined in groups, each of which has its own application area:

- intrapersonal,
- structural,
- interpersonal.

To manage interpersonal conflicts within customs bodies it is necessary to recognize the differences of opinions and to be ready to learn other points of view in order to understand the causes of the conflict and to find a course of actions acceptable to all parties.

Negotiations represent a wide range of communication, covering many areas of activity of an individual. As a method of conflict resolution, negotiations are a set of tactics aimed at finding a mutually acceptable solution to the all parties of the conflict.

Problems are best to be solved by means of positive forms of conflict resolution. The latter include a compromise as an agreement on the basis of mutual concessions.

There are different compromises: forced (determined by the prevailing circumstances) and voluntary (based on an agreement on certain issues). If the parties to the conflict have failed to reach a compromise, they can try to reach a consensus (a form of agreement with the arguments of the opponents in a dispute).

Conflict prevention, which is the creation of objective conditions and subjective prerequisites that contribute to the resolution of pre-conflict situations in non-conflict ways, is equally important.

Conflict management success largely depends on the accuracy of the description of a conflict structure:

- subjects,
- object,
- incident,
- relations,
- situations.

The subject of the conflict includes participants of the conflict interaction, who may be individuals, group of individuals, or social organizations.

The object of the conflict is the specific interests and values, due to the difference in which a conflict interaction takes place (i.e. due to which a conflict appears).

The incident (informational) is an event that helped at least one of the (directly or indirectly) interacting subjects realize the difference (total or partial) of his/her interests and values from the interests and values of other participants in the interaction.

The incident (actional) is a cause to announce some confrontational actions over different interests and value orientations.

Conflict relations are a form and content of the interaction between the subjects and their actions for solving the conflict.

The conflict situation is the development of the conflict over a specific period of time.

It is worth mentioning that the main influence on the choice of behavior in the conflict is made by an individual, with his/her own needs, interests, values, attitudes, habits, ways of thinking, behaviors, past

experience of dealing with problems and behavior in conflicts.

The concept of conflictness of the person means a state of readiness of the person to conflict, the degree of his/her involvement in the development of conflicts.

The public service is dominated by realistic conflicts of different forces, interests or values. Elements of unrealistic conflicts that may appear in this battle are random and play a complementary role at best.

The causes of conflicts are as various as conflicts themselves.

There are two opposite points of view on the causes of conflicts in customs bodies.

1) a conflict is a feature of human nature, a desire of supremacy, domination, conflict behavior – these are all subjective reasons.

2) a conflict that does not depend on the individual – this is an objective reason.

The emergence and development of public service conflicts is due to the action of four groups of factors and reasons: objective, organizational and administrative, social-psychological and personal.

The objective causes of conflicts in the public service are the conditions of social interaction, which have led to a collision of interests, opinions, and attitudes.

Objective reasons lead to the creation of a pre-conflict situation, which is an objective component of the pre-conflict situation.

Subjective causes of conflicts in the public service are individual psychological characteristics of each employee in the customs. These are the reasons which result in a conflict, rather than some other solution.

When considering the nature of relationships between objective and subjective causes of conflicts, it is necessary to remember the following:

- first, there can be hardly strict division between objective and subjective reasons of conflicts, especially their opposition;
- second, all conflicts caused by both subjective and objective reasons.

Organizational and managerial causes of conflicts in the public service are the circumstances that relate to the creation, development and operation of the customs service as a whole. There are four types of such reasons:

- structural-organizational,
- functional-organizational,
- personal-functional,
- situational-managerial.

Socio-psychological causes of conflicts in the public service are caused by direct interaction of people, and by the factor of their involvement in social groups.

There are three aspects of the management control. Standard-setting is the exact definition of the goal.

These goals should be achieved in the designated period of time. It is based on plans developed during the planning process.

The second aspect represents the measurement of what was actually achieved during a certain period and a comparison with the expected results.

If both stages are done correctly, the management not only knows that there is a problem but also knows the source of this problem. This knowledge is necessary for successful implementation of the third aspect.

This is the stage at which action is being taken to correct the serious deviations from the original plan if it's necessary. One of the possible actions is revision of goals in order to make them more realistic and consistent with the situation.

Conflict resolution is an activity of the subject of governance associated with the end of the conflict. Conflict resolution can be complete and incomplete.

Complete resolution of the conflict is achieved by eliminating the causes of the conflict, the subject of conflict and conflict situations.

Incomplete resolution of the conflict occurs when it is impossible to eliminate all the reasons or

conflict situations. In that case, incomplete solution to a conflict can be a step towards its complete resolution.

In the practice of conflict management, it is important to consider prerequisites, forms and ways of resolving conflicts.

The prerequisites for conflict resolution include sufficient maturity of the conflict, the need of all conflict subjects for resolving it; availability of the necessary means and resources to resolve the conflict.

The conflict can be resolved in the following ways:

- elimination or total subordination of one party;
- adjustment of interests and positions of the conflicting parties on a new basis;
- mutual accommodation of the conflicting parties;
- transferring the conflict in the right direction of cooperation to overcome the contradictions.

Resolution methods are divided into administrative (discharge, transfer to another job) and pedagogical (discussion, persuasion, explanation). The algorithm of actions in Fig.1 helps to resolve the conflict, as well.

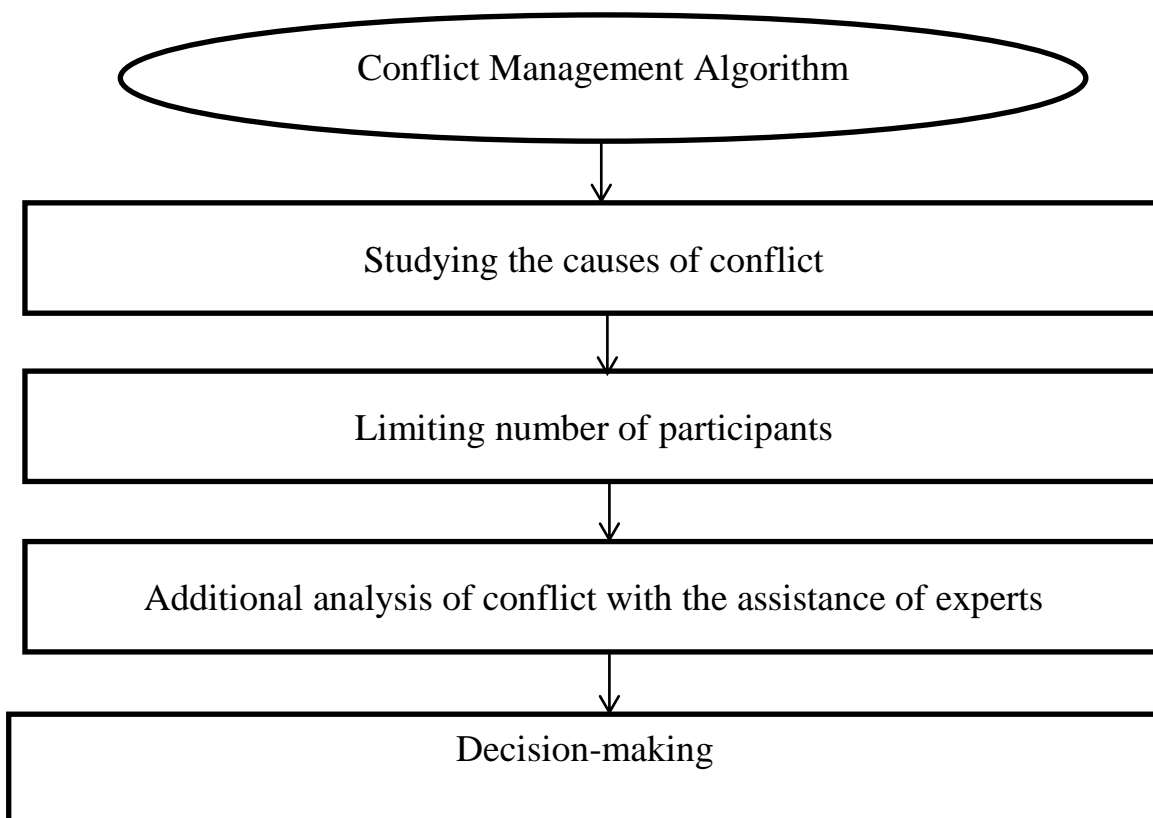


Fig. 1. Conflict management algorithm

The Purpose of the article

In this paper, a lot of attention is paid to solving conflicts, which arise in the public service, as well as to the resolution of the conflict of interests, which is no less important to discuss the current topic.

Situations in which personal interests of state public servants affect or can affect objective performance of their duties, and when there appears a conflict between personal interests of a public servant and the legitimate interests of other people, which may do harm to such legitimate interests.

A personal interest means that the civil servants can obtain income in cash or in kind while performing their official duties. They can also receive incomes in the form of material benefits for themselves or for close relations; for individuals or organizations with which the public servant is connected through financial or other obligations.

Results of the study and their discussion

According to L.N. Timofeeva, Doctor of Political Sciences, in response to the question: «In what ways have most often conflicts between public servants and citizens been resolved?», 44,72 % of respondents said «in view of interests of the state and citizens»; 8,49 % – interests of citizens have been considerably harmed; 22,94% – «failed to come to any result»; 23,85% did not express an opinion.

As a result, we obtain the so-called pending conflict, which is the basis for increasing conflicts in the public service [6].

We will also examine the results of a study conducted by A.M. Sosnovskaya: «What methods of conflict management between officials and citizens do you think are the most effective?» [7].

The top method is personal negotiations (– 34,90%), which proves the existence of the traditional Russian society, for which it is common: to come to an agreement, without washing linen in public.

But the methods chosen as the second, third and fourth most frequent ones show new trends in Russia: first of all, there is a tendency to use public forms of resolving conflicts, which is characteristic of Western forms of conduct.

Secondly, the tendency is to use legal ways to resolve conflicts, which is characteristic of law-based states. 23,13% of respondents appeal to the Prosecutor's Office or to the Court, 19,96% of respondents would turn for help to social media and non-governmental organizations, which may indicate an increasing in authority of the public society structures; 15,56% would turn to a third party for help in conflict resolution

One of the most important and relevant types of conflicts in the public service is a conflict of interest.

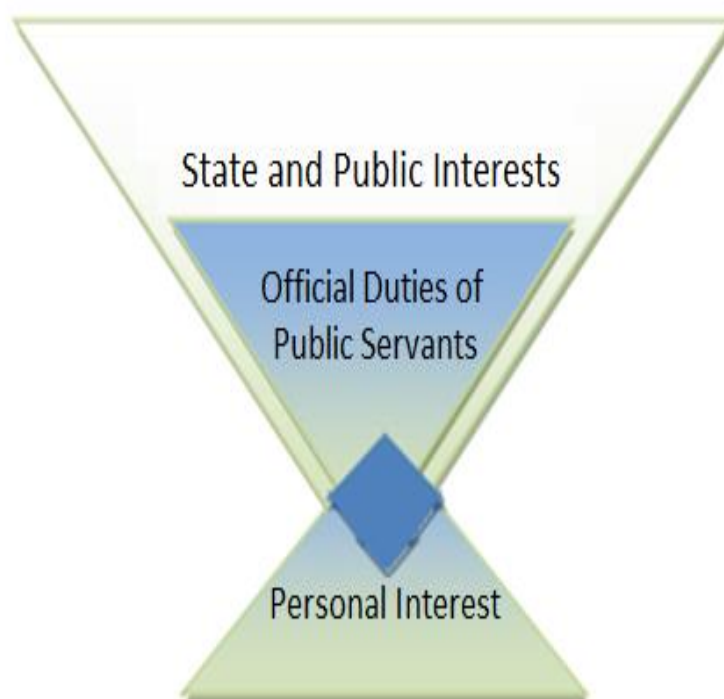


Fig. 2. Conflict of interest in public service

Figure 2 presents how job responsibilities and personal interests affect a conflict of interest.

According to Article 11 of the Federal Law № 273 «On Preventing Corruption», there are two subjects of prevention and settlement of conflict of interest: the public servant and the representative of the employer [8].

With regard to public servants, legislation establishes two main responsibilities:

- to take measures to prevent any possibility of a conflict of interest,
- to notify a superior that a conflict of interest may arise or a conflict of interest has already emerged as soon as he becomes aware of it.

A conflict of interest in public service as an objective reality of the contemporary social relations is a complex problem. A low degree of effectiveness of a mechanism for forestalling and resolving conflicts of interest is due to the following unsolved problems:

- lack of clear understanding of the causes and conditions leading to a conflict of interest;
- deficit of best practices for resolving the typical situations
- framework representation of a mechanism to prevent and regulate conflicts of interest;
- absence of the criteria to evaluate the effectiveness of resolving the conflict in order to avoid its recurrence;
- gaps in the system of training public servants, particularly poorly developed educational materials on behavior in situations of the conflict of interest.

Besides the above-mentioned problems, it is, very important to balance the fundamental values, among which are the equality of all citizens before the law, government transparency, the revival of spiritual values, and the formation of a civil control system.

Preventing or resolving conflicts of interest in public service is done in the following ways:

1) by changing the official or employment status of the public servant, who is a party to a conflict of interest, up to the point of suspension from performing his/her official duties.

2) Public servant's refusal of benefits, which are the cause of a conflict of interest, refusal of which can be done through the public servant ceasing preparations for the act or the termination of the act, directly aimed at unjust enrichment if the civil servant realized the possibility of accomplishing a socially dangerous action.

The servant's refusal of the benefit, which caused a conflict of interest, as a way to prevent and resolve conflicts of interest is possible only if this benefit is of one-time character. Otherwise, it is impossible to be sure that the conflict of interest is

resolved. This method also implies that it can be used only with the consent of the public servant. In addition, if the benefit has already been received, its return may not always be possible.

3) Disqualification or self-disqualification of the public servant. The application of this method is related to the participation of the public servant in various collective bodies – commissions, especially those which are in charge of distributing material and financial resources, making decisions in HR, providing government's guarantees, etc.

In addition, the implementation of the following measures can contribute to the resolution of conflicts of interest in the public service:

- a) monitoring the performance of official duties by public servants, holding posts, filling which is associated with the risk of corruption, and eliminating such risks;
- b) implementing HR technologies, aimed at improving the system of selecting public servants to fill public service positions exposed to corruption risks;
- c) forming a reward system and promoting compliance of public servants with the anti-corruption standards of conduct.

Conclusion

Thus, the procedure for resolving conflicts of interest in the public service has certain characteristics, which are based on the priority of the rights and freedoms of man and citizen, and the public nature of power relations. This order cannot be static and should consist of legal tools used depending on the structure and characteristics of a conflict, its intensity and spheres of occurrence and other criteria.

The use of any mechanisms to regulate the conflict in the public service depends on how ready both parties to the conflict are. Ultimately, the main subject to a conflict is always a real person who interacts in the conflict, acting as a member of a social community – a party of the conflict.

Therefore, a person able to recreate her/his behaviour is an essential condition for a positive resolution of the conflict in the public service. This, in turn, presupposes that the person aims at lawful behavior, a high level of moral and legal socialization, and mature sense of justice.

On the whole, conflict management in the public service is a conscious activity in relation to it, carried out at all the stages of its appearance, development and completion by the parties to the conflict or a third party. It is important not to block the development of the contradiction in the public service, but to strive to resolve it in unconflictive ways.

Therefore, we can conclude that the conflict in the public service is not only of a destructive character. Sometimes, with the help of the conflict it is possible to find out the reasons for failure and the cause of tense relations, and sometimes a conflict may result in subsequent improvement.

Determining a type, causes and stages of a conflict helps, conflict management.

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