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Public law disputes in the field of public service: Interdisciplinary approaches to prevention and settlement

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Abstract. The relevance of this study was conditioned by the need to improve the legal regulation of service disputes in the civil service system against the background of public administration reforms. The purpose of this study was to determine the legal nature of service disputes, their specific features, and the procedure for their resolution within the administrative process. The methodological framework of the study was formed by comparative legal, formal-logical, dialectical, historical-legal, and analytical approaches, which enabled a comprehensive investigation of the legal framework, modern scientific approaches, and practices of resolving service disputes. The study examined the essence of service disputes and their legal nature and found that they represent a type of public law disputes arising in the field of public service. The study analysed the legal grounds and parties to disputes, specifically, disputes related to disciplinary sanctions and termination of civil service contracts. The study found that service disputes arise due to unresolved disagreements between a civil servant and a public authority or its representative regarding the legality of decisions or actions that violate the rights of the employee. Such disputes often concern both the validity of disciplinary sanctions and the legality of dismissal. The study analysed the mechanisms for consideration of such

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disputes stipulated by administrative legislation and identified the key stages and procedural forms of resolution of such disputes, including disciplinary proceedings. The study identified key procedures that should ensure fair consideration of disputes, as well as the possibility of appealing against decisions of disciplinary commissions. The analysis revealed that the effectiveness of consideration of service disputes depends heavily on compliance with procedural rules and ensuring access to justice for civil servants. Based on the findings, the study concluded that service disputes have their unique law enforcement specifics within the administrative process and are a significant tool for legal protection of the rights of civil servants. The practical value of the study lies in the possibility of applying the findings to improve the mechanisms for resolving public law disputes in the field of civil service, which will contribute to the efficiency of functioning of public authorities

Keywords: civil servant; legal conflict of a public nature; service relations; service dispute; labour dispute; state body; dispute about a right

Introduction

The relevance of the subject related to the reform of the civil service in Ukraine according to the requirements of the Association Agreement with the European Union is determined by the critical need to adapt national standards to European ones. Considering the dynamic changes in the political and economic spheres observed in Ukraine, the study of this topic is crucial for 2024. The implementation of the planned reforms will not only affect the efficiency of public administration but will also help to increase public trust in state institutions. The transition to new standards requires a systematic approach covering all aspects of the civil service. Changes in the civil service are directly related to the functioning of public administration, and therefore their proper implementation should be a key to Ukraine's stable development in the context of European integration. Successful adaptation to European norms will help improve the quality of public services, which will ensure transparency and efficiency in public administration. The Association Agreement (2014) set the task of reforming the civil service institution in Ukraine to bring it in line with EU standards. One of the institutions of service law is a service dispute (Order of the Cabinet of Ministers of Ukraine No. 831, 2021).

Changes to the legislation governing the civil service should be accompanied by concrete steps to improve the mechanisms for resolving service disputes. Without this process, it is unrealistic to hope for positive outcomes of the reforms. Notably, even minor changes in legal regulation can have far-reaching consequences. Therefore, it is necessary to constantly monitor and evaluate the effects of innovations on civil service practice to promptly adjust the course of reforms based on the data obtained and feedback from the participants in the process. Thus, a comprehensive analysis of the institution of service disputes in Ukraine will be a significant step towards the modernisation of the civil service, which will contribute to the country's stable development in the context of European integration. The findings of the present study can serve as a basis for formulating practical recommendations aimed at improving legal regulation in the field of public administration.

The analysis of the civil service institution in Ukraine in the context of its reform requires a comprehensive consideration of the existing problems and challenges faced by this area. In the modern environment, when the country is at the stage of active European integration, there is a need not only to introduce new standards, but also to change the very approaches to management practices. Specifically, it is important to create conditions for the proper functioning of civil servants who must meet modern requirements. Civil service reform, as B.V. Kovalenko (2020) pointed out, positively affects the development of public institutions and the strengthening of democracy. Increasing the level of professionalism of civil servants, as well as ensuring their rights and freedoms, are key elements for the implementation of effective governance.

Furthermore, when developing mechanisms for protecting the rights of civil servants, it is vital to consider international practices, which shows that transparency and accountability in public administration are the basis for building trust between citizens and the state. For example, in European countries, where the adaptation of the civil service to European standards has been more successful, there has been an increase in trust in public authorities and an increase in the efficiency of public service delivery. In Ukraine, there is also a need to introduce new forms of work, such as electronic services and open data, which ensure greater transparency of public authorities. Estonia's practices show that e-governance not only improves the quality of public service delivery but also contributes to public trust in the state and reduces corruption, which is especially significant for Ukraine in the context of European integration processes (Volik *et al.*, 2019).

Numerous studies, such as V. Davydenko's (2023), focus on the implementation of European standards in Ukraine's national policy. The researcher emphasised that the adaptation of the civil service system is a key element in the European integration, as it affects all aspects of public administration. This creates conditions for improving the efficiency of government functions. In the context of studying the reforms, O. Fendo (2021) emphasised the significance of professional development of civil servants, noting that their professional level directly affects the quality of public services. V. Lypkan and O.H. Movchun (2017) pointed out that insufficient attention to legal mechanisms for resolving service disputes can be a serious obstacle to implementing effective changes in the civil service system. This indicates the need to develop a corresponding legal framework. However, T. Pletnova (2023) did not address the issue of integrating novel approaches to the legal regulation of public service relations, which indicates the need for further exploration of this aspect. Thus, there is a clear need for a comprehensive approach to reform covering all levels of the civil service, considering the European practices and national needs.

The purpose of the present study was to provide a comprehensive investigation of the institution of a service dispute within the framework of reforming the civil service system, with a special focus on determining its legal nature and mechanisms for protecting the rights of civil servants. During the analysis, the study examined the specific features of service disputes and their role in ensuring fairness

and legality in the activities of state bodies. The objectives of the study were to investigate in detail the new requirements for the civil service arising in the context of European integration processes; to systematically analyse the legal mechanisms governing the procedures for resolving service disputes; to develop recommendations for improving the legislative acts regulating activities in the field of civil service. This will contribute to the development of effective tools for protecting the rights of civil servants and improving the overall quality of management processes.

Literature review

Public law dispute in the field of civil service has been the subject of investigations by many researchers. In the context of European integration, the principles of service law in the countries of the European Union have been considered. The dictionary by T.O. Kolomoets and V.K. Kolpakova (2017) presented the terminology of service law of Ukraine in a systematic manner. I.E. Chernyahovych (2019) identified the specific features of public law disputes in the field of public service relations based on the development of modern concepts of public administration. The researcher noted that the defining feature of a public law dispute in the field of public service relations as a subject matter is the scope of its occurrence – legal relations aimed at developing the public service system or maintaining it in an up-to-date state. N. Kaida (2024) analysed the concept of mobbing in the public service, focusing on the specifics of determining the jurisdiction of the dispute. The study emphasised that the significance of a clear delineation of jurisdictional powers is critical for the effective resolution of mobbing cases. The researcher pointed out that imperfect legislation and the lack of adequate remedies can lead to major complications in resolving workplace harassment disputes. The principal conclusion is that to ensure fairness in relations between civil servants and state bodies, it is necessary to improve the legal framework and develop clear procedures for handling such cases.

N.T. Pak and I.A. Verzun (2022) investigated the features of conflicts in public administration and characterised their types. T. Kalenichenko *et al.* (2021) revealed the primary theoretical issues of conflicts and their management, analysed the specifics of conflicts in the public service. The researchers reviewed the best practices of conflict management in the public service of other countries, as well as the key approaches to conflict resolution according to the current legislation of Ukraine.

M. Bruns and T. Steen (2007) analysed the legal regulation of service disputes in the context of effective public administration in the public sector of the European Union and Canada. The researchers focused on the mechanisms for protecting the rights of civil servants, emphasising that proper legal regulation is essential to ensure transparency and fairness in governance. The researchers examined the specific features of administrative procedures relating to service disputes and concluded that effective settlement of such disputes contributes to increasing public trust in government agencies. J. Bourgault (2011) analysed international practices in the regulation of service relations, pointing out the significance of adapting European standards to national practices to improve the quality of public services. These studies emphasised that for the successful functioning of public administration, it is necessary to create a clear legal framework governing service disputes.

I.V. Kolosov (2018) explored the concept of a service dispute as a type of public law dispute. The researcher considered a service dispute as a type of legal conflict. I.V. Kolosov (2018) found that the subject matter of a service dispute is to establish the legality of the parties to the dispute's behaviour in public service relations. The researcher examined the differences between administrative and labour relations in the context of the problem of procedural settlement of public service disputes. R.B. Braams *et al.* (2022) examined in detail the mechanisms for resolving service disputes in the context of civil service reform. R.B. Braams *et al.* (2022) focused on the analysis of legal mechanisms for resolving conflicts between civil servants and public authorities, emphasising that clear legal regulation underlies the effective functioning of the public administration system. The researchers examined the effects of public sector reforms on the resolution of service disputes, emphasising the significance of integrating novel approaches to ensure transparency and accountability in government structures.

O.G. Sereda and Yu.M. Burnyagina (2023) pointed out the need to perceive civil servants in a holistic manner, primarily as employees. Such an approach will lead to the humanisation of the civil service, the content of which is an effective and socially oriented civil service management system. The researchers noted that improvement of the civil service should be aimed at creating conditions for effective performance of labour functions by civil servants. O.I. Mykolenko and O.M. Mykolenko (2021) revealed current trends in the field of legal liability of public servants and service law of Ukraine. The researchers pointed out that the inconsistency and incompleteness of national legislation on public service issues adversely affects the effectiveness of legal liability of public servants.

Materials and methods

The analysis of Ukrainian legislation regulating administrative procedures played a key role in shaping the legal framework of this study. The primary focus was on the new Law of Ukraine No. 2073-IX (2022), which defines the procedure for consideration of administrative cases and lays the foundation for fair settlement of conflicts in the civil service. The law establishes the principles of openness, proportionality, and objectivity in administrative decision-making, which ensures a balance between the rights of citizens and the powers of administrative bodies. Furthermore, the study used materials of the Supreme Administrative Court of Ukraine. These materials helped to understand the specifics of law enforcement and the effectiveness of mechanisms for protecting the rights of civil servants and emphasise the significance of adapting national standards to European ones (Information letter of the Higher Administrative Court No. 753/11/13-10, 2010). Thus, the research sources formed a comprehensive approach to the analysis of service disputes in the context of reforming the civil service system in Ukraine. The work with the current administrative procedure legislation and the practice of implementing the regulatory provisions under consideration necessitated the use of the analytical method of research. The hermeneutical method was employed to interpret the different content concepts of "service dispute". The method of legal-technical analysis helped to put forward proposals for improving the administrative procedural legislation relating to the service dispute under consideration. The

statistical method was employed to formulate and substantiate the conclusions on the research topic.

The methodological framework and information and legal framework for the study of a public law dispute in the field of civil service in Ukraine were formed by general scientific and special methods of cognition, which included formal-logical, historical-legal, socio-legal, comparative legal, dialectical, statistical, as well as intersectoral, interdisciplinary, and systemic methods. The logic of their use was based on the need to integrate the methodology of using such branches of law as constitutional, administrative, labour, and information law, which are used in the legal regulation of the civil service, formation of the legal status of civil servants and officials, and endowment with relevant rights, legitimate interests and duties in the performance of official functions. The formal logical method was actively used in analysing the definitions of a service dispute, procedural remedies, and criteria for assessing a service dispute presented in science; and in formulating an approach to the problematic issues of the research topic.

The comparative method was used to compare a service dispute with administrative and labour disputes, as well as international practices in resolving such disputes, primarily in the European Union. The historical legal method helped to explore the evolution of the formalisation of public service relations at distinct stages of development of legislation and legal science. The systemic-structural method enabled the investigation of the structure of a service dispute, helped to identify its primary elements and show the objectively existing relationship between them. Specifically, this approach helped to determine the interaction between the parties to the dispute, the mechanisms of conflict emergence and their stages of development. It also facilitated the analysis of the legal rules governing service disputes and their effects on the outcome of the settlement. This approach provided a holistic understanding of the legal nature of disputes and possible ways to resolve them, which is significant for improving the legal framework and increasing the efficiency of the dispute resolution process. The systemic method helped to consider the term "dispute" in the field of public service relations in the system of justice; to investigate the procedural means of ensuring the above requirement as a separate system of various types of preventive and compensatory procedural means. Using the method of system-structural analysis, the study gained knowledge about the essence and content of the resolution of a service dispute at various stages of the administrative process.

The axiological approach was employed to investigate the value of the analysed procedural means, which is a synthesised category which includes elements of law and morality. The instrumental and technological approaches were employed in analysing procedural means from the standpoint of their activity-useful nature. The application of these methods and methodological approaches helped to perform a comprehensive analysis of the subject matter of the study, to examine the elements of a service dispute in their interrelationships and interdependencies, to identify certain trends, and to draw generalisations and conclusions. In exploring the complex of problems raised in the study, the study made extensive use of primarily general scientific methods, among which a special role was played by systemic, structural-functional, dialectical, and historical methods. The relevance of these methods was conditioned by the breadth of cognitive possibilities they offer for solving the research tasks. In the aggregate of the general philosophical approaches to cognition applied, the dialectical-materialist approach was the leading one, which helped to interconnect various manifestations of the properties of the administrative process in relation to disputes in the field of civil service, the balance of ensuring public and private interests and other regulatory institutions; substantive and formal aspects of the issues under study, etc.

Results and discussion

Key features of service disputes. In relations associated with admission to, performance of, and termination of civil service, disagreements may arise between the parties to the relationship due to different understandings of subjective rights, obligations, legally significant interests, and ways of their implementation. If the disagreement cannot be resolved by the disputing parties, it is referred to the competent authorities for resolution through the procedures established by law. In civil service legislation, the term "dispute" first appeared in Law of Ukraine No. 889-VIII, 2015). The legislator mentions only individual service disputes. The previous Law of Ukraine No. 3723-XII "On Civil Service" (1993) did not contain special rules governing dispute resolution in the civil service, and therefore the rules of labour and civil procedure legislation applied to these relations.

Service disputes have the characteristic features of a legal dispute: a specific subject of disagreement, which is the scope of legal rights of participants in concrete social relations; resolution or settlement of relevant disagreements in formalised procedural and legal forms or legally binding or recommended procedures. Some researchers argue for the validity of recognising a service dispute as an independent form of administrative legal dispute, arguing that disagreements between representatives of official legal relations regarding the violation or termination of service in case of a real or alleged violation of the rights of one party to an official contract by the other party during the period of its validity are determined by the level of failure to define the public functions of a state body within its administrative competence.

Service disputes arise as a result of the settlement of legal relations in the field of public administration, i.e., from relations of authority and subordination, where the participation of a state body or its authorised representative is mandatory. In legal science, the term "service dispute" is the subject of research mainly by specialists in the field of administrative law. There are differing points of view in the literature on service disputes in the civil service. However, overall, a service dispute is considered as a type of administrative legal dispute, as it arises from public law relations of the civil service. The Strategy of State Reform Administration of Ukraine for 2022-2025 (2021) states that one of the key conditions for the successful development of the civil service is ensuring the integrity of civil servants. It is planned to continue developing and implementing modern tools that help minimise the risks associated with unethical behaviour of civil servants and abuse of office.

The current situation regarding the duality of procedural orders for resolving service disputes in the practice of local general courts, different scientific approaches to understanding the essence and legal nature of disputes related to public service, and the legislator's attention to improving service and administrative procedural legislation

necessitate the investigation of the concept and content of service disputes. To summarise, service disputes arise as a result of differences in the understanding of rights and obligations between civil service entities. Such disputes have the characteristic features of a legal conflict, as they are resolved through formalised procedures, including with the involvement of competent authorities. The concept of a service dispute was officially introduced into Ukrainian legislation in 2015 and is considered a type of administrative legal dispute arising from public law relations. This underscores the significance of ensuring the proper resolution of such conflicts in the public administration sector.

Administrative dispute resolution procedures. A systematic approach to the understanding of a service dispute leads to the need to identify various aspects of the concept under study, which can be considered as a legal institution, legal relationship, and legal phenomenon. The institution of a service dispute is a complex legal institution which includes the provisions of service law, which is a sub-branch of administrative law, and the provisions of labour law, civil procedure law, and administrative procedure law governing relations related to consideration and resolution of service disputes. Considering an individual labour dispute as a legal category, it is advisable to note that it contains two types of legal relations: procedural and judicial.

The procedural legal relationship arises in relation to the settlement of differences between the parties to a disputed legal relationship either through direct negotiations independently or with the participation of representatives. A judicial legal relationship arises in connection with an application by an interested person to the relevant jurisdictional body to resolve an individual labour dispute. These legal relations develop in a certain sequence, are aimed at achieving a single legal outcome, form a single whole, and constitute a certain system. This suggests that the content of an individual labour dispute is a legal procedure (Yanyuk, 2022). The legal relationship that constitutes the content of an individual labour dispute has a structure analogous to any legal relationship, with a subject, object, and content. A legal fact precedes the emergence, modification, or termination of a dispute. A service dispute represents a new, protective legal relationship derived from a disputed substantive legal relationship.

A service dispute is a protection legal relationship arising from a factual or alleged violation of the rights and failure to perform the obligations of the subjects of service legal relations, characterised by the emergence of rights and obligations of these subjects that did not exist before the offence. The exercise of these rights and obligations is a way of implementing a security legal relationship. As a result of the implementation of the protection legal relationship through the negotiation and resolution of an official conflict, the offender may lose certain rights or be imposed with a duty that did not exist before, with the termination or preservation of the duty that previously arose from the regulatory service legal relationship.

Following the conventional understanding of legal relations in the theory of law, a service dispute as a legal relationship will be defined as a social relationship arising during the consideration and resolution of service disputes by the rules of administrative, labour, civil procedural, and administrative procedural law. A dispute is based on a complex legal structure, which includes a set of the following legal facts: disagreements on the subject matter of the dispute; failure to resolve them; and the fact of applying to the authorities for consideration of internal disputes. The subjects of legal relations are not only the parties to a service dispute, but also the dispute resolution bodies, and other persons involved in dispute resolution. The object of legal relations is to resolve a service dispute and settle the differences that gave rise to it. The content of legal relations is the rights and corresponding obligations of the parties to legal relations.

The primary issue that arises is the question of understanding a service dispute as a legal phenomenon. The task of defining a service dispute is in organic connection with the need to establish its content, since the definition must contain an indication of all the essential features of the substantive side of the concept being disclosed. Service disputes are defined through categories such as “legal dispute”, “contradiction”, “controversy”, “conflict”, etc. In this case, it is necessary to establish which of the terms is the most suitable. The term “dispute” itself, as noted in the scientific literature, is interpreted in two ways in explanatory dictionaries:

- in the everyday sense, it is understood as “a verbal competition, a discussion of something in which everyone defends their opinion”;
- in a special legal sense, it is perceived as “a disagreement resolved by a court” or as “a mutual claim to possession of something that is resolved by a court” (Kolomoets & Kolpakova, 2017).

Therefore, a systematic approach to the resolution of service disputes requires considering these disputes as legal relations and procedural phenomena. Service disputes can be resolved through a procedural negotiation process between the parties or by appealing to the competent jurisdictional authorities. These procedures are aimed at resolving differences in legal relations related to official duties. Disputes are governed by a set of legal rules, including administrative, labour, and procedural law. The primary purpose of dispute resolution procedures is to achieve a legal result – restoration of violated rights and performance of obligations arising from the conflict.

Conflict as a legal phenomenon. Some researchers, such as O. Movchun (2014), believe that a service dispute is a type of legal conflict arising from disagreements between subjects of public law relations related to the performance of service duties. This opinion is based on an analysis of the legal nature of service disputes and their place in the system of administrative legal relations. Conflicts between the parties to a service relationship may arise for various reasons, grounds, and at any stage of the service relationship. Conflict is not always considered synonymous with the legal term “service dispute”. Many service conflicts may exist in a public body for years without manifesting themselves externally or be resolved by agreement between the head or representative of the head of the relevant body and the civil servant.

Often, civil servants refuse to bring disagreements between them and the head or representative of the head of the relevant body to the bodies authorised by the state to resolve service disputes. Only when the parties unwilling to accept the existing situation, having failed to resolve the problems through mutual concessions, apply to special bodies for resolution, does an official conflict turn into a service dispute. Agreeing with this position, I. Chernyahovych (2019) defined service disputes as legal conflicts arising between the head or representative of the head of the relevant body and a civil servant or citizen who enters the civil service or has

previously been in the civil service due to a violation of the applicant's service rights, subject to administrative or judicial review at the request of one of the parties. In this case, I. Chernyahovych (2019) proposed to consider the term "service dispute" as a separate type of service conflict, the difference between which is its legal nature and the potential possibility of resolution in the procedures established by law. As a result, the terms "service dispute" and "service conflicts" (which includes not only legal but also other official conflicts) are correlated as part and whole, type and genus.

The above opinion is somewhat imperfect, for instance, in terms of indicating the administrative procedure for resolving legal conflicts, which may be applicable for other types of civil service, but not fully for the civil service, since disputes in the civil service may be considered by the Disciplinary Commission for Disciplinary Cases (Service Disputes), and the nature of this body is not sufficiently administrative. At the same time, the conflict approach to understanding the essence of service disputes does not cause fundamental rejection.

The definition of a service dispute through the generic concept of an official conflict, among other drawbacks, has one seemingly simple but essentially a substantial drawback: the term "conflict", derived from the Latin *conflictus*, itself requires a detailed interpretation and a strictly doctrinal definition (Kaida, 2024). The Law of Ukraine No. 2759-IX (2022) does not use this term. Mobbing (harassment) introduced in the current legislation does not fall under the concept of a service dispute. The concept of a service dispute is a type of disagreement that requires further consideration, as a result of which the question of what the conflict is about is answered – in disagreement. This suggests that the interpretation of a service dispute as a disagreement deserves attention, with the disagreement being understood as the essence of the dispute, not the form of its objectification or the reason for it. The definition of a dispute as a disagreement covers all cases of internal disputes, while the form of their objectification is a difference, distinction, or opposition of the legal positions of the parties. The best term used to define a service dispute is "contradiction".

The next fundamental issue that must be resolved concerns the inclusion of the adjective "unresolved" in the concept of an internal dispute in relation to disagreements. There are differing opinions in the legal literature as to whether this term should be used. For example, N. Pak and I.A. Verzun (2022) interpret the issue of disagreements as objectionable. As arguments, the researchers cite the provisions formulated in the science of labour law: the existence of a disagreement between the parties to legal relations means the existence of a dispute; disagreements can be settled.

Thus, a service conflict is an integral part of the interaction between subjects of public law relations. It arises from varying interpretations of official duties, rights, or interests. Conflicts can exist without overt signs for a long time or be resolved internally through compromises or agreements between the parties. However, when the situation becomes critical and a compromise is not possible, the conflict becomes a service dispute, which is resolved through legal procedures. Thus, an official conflict and a service dispute are related phenomena, where the former can develop into a legal one if no other settlement is reached.

Dispute and conflict: Differences in concepts. When describing a legal dispute, the term "unresolved" should be applied not to its main attribute – disagreements – but to the attitude towards its subject matter – a range of unresolved issues on which these disagreements arose. The emergence of certain issues, their unresolved nature, and lack of regulation give rise to disagreements. In turn, the existence of disagreements is expressed by the presence of certain unsettledness, including imbalances, inconsistencies in rights and obligations, inconsistencies in the actions of actors, and contradictions in regulations.

The authors of the manual Conflict Management for the Public Service question the reference in departmental regulations to the entities competent to resolve service disputes in the definition of service disputes. The Ukrainian legislation on the resolution of interpersonal conflicts and disputes in the public service can be described as limited, unstructured, and unsystematic. A series of laws on state bodies, internal regulations on central government bodies, model regulations and, using the analogy of law, the Labour Code of Ukraine partially and indirectly regulate dispute resolution (Kalenichenko *et al.*, 2021). This is indicated by the Information Letter of the Higher Administrative Court of Ukraine No. 753/11/13-10 (2010).

The absence of the need for such an indication is conditioned by a series of circumstances: a legal dispute as a disagreement about rights and obligations can be resolved without a jurisdictional body by settlement by the parties or with the participation of an intermediary (conciliator), if such procedures are established by law; the bodies competent to resolve a legal dispute are not signs of this dispute, but of a procedural form of protection of violated rights. These bodies are not part of the subject matter of the dispute and cannot characterise its properties. When formulating the definition of an internal dispute, it is not expedient to indicate that the dispute is resolved in certain legal forms, such as legal procedures. Without entering into a purely theoretical debate and considering that the institution of internal disputes is more of a judicial than a substantive legal institution, it is advisable to set out some basic provisions.

To distinguish between the terms "dispute" and "disagreement", which are similar in meaning, and one of which determines the other, it is necessary to use the term "unresolved disagreement" in the definition of a service dispute. From the standpoint of judicial legislation, a dispute should be recognised only when the disagreement has not been settled by the parties to the dispute, provided that the disagreement has been reported to the body (or person) authorised to consider service disputes. Disagreements may have the following dynamics: the emergence of a disagreement in the presence of a certain reason and basis; development that involves several options – a direct appeal by one of the parties to the other party to the disagreement, which may result in its resolution to the satisfaction of all participants. In this case, there is a fact of settlement of the disagreement, but it is clear that in reality it existed. For example, if a civil servant is denied annual paid leave for years of service, the employee may apply directly to the head of the relevant body. The latter, after consulting with the HR and civil service department and the legal department of the body, may recognise the legitimacy of the civil servant's claims and issue an order to grant the leave. The disagreement was resolved through direct negotiations.

Applying for direct settlement of disagreements may result in a refusal to satisfy the stated claims, which entails

the following options: applying to the bodies for consideration of service disputes (or to a superior), in which case the unresolved disagreements become a service dispute. In the above example, after the head of the relevant body refuses to grant a leave to a civil servant, the latter may file an application with the commission on service disputes or with the court, considering the Law of Ukraine No. 2136-IX "On the Organisation of Labour Relations under Martial Law" (2022); recording the situation at the level of unresolved disagreements without applying to the bodies authorised to resolve service disputes, since the subject of the dispute did not consider it possible and necessary to file claims in this manner. Such a situation may be conditioned by various reasons, including complications in relations with the other party to the disagreement, which implies that such an appeal is futile. In such a case, the disagreement stays unresolved and becomes an internal dispute. However, the situation may change, and a party may file a claim by applying to the internal dispute resolution bodies. This practice is widespread when civil servants make claims for payment of, for instance, salary arrears after leaving the civil service; applying to the internal affairs bodies without first directly contacting the other party. In this case, in the absence of an obligation to directly settle the dispute in the current legislation, the disputant does not make such attempts and simultaneously applies to the dispute resolution bodies; "dissipation" of the dispute without attempts to settle it. An analogous situation may arise for the reasons described in relation to the second option. The civil servant, making no attempt whatsoever to resolve the disagreement, leaves the situation of the alleged violation of their rights unchanged. However, the situation may change, and the civil servant may take legally significant actions designed to settle the disagreement and resolve the dispute.

A service dispute involves the presence of mandatory features: unresolved disagreements; the fact of applying to the bodies for resolving service disputes (or to an authorised superior). In terms of the content of a service dispute, researchers' positions are quite similar in terms of understanding the elements that make up such content. For example, it is believed that the content of an internal dispute is a legal construct that includes three key elements: parties (subjects), subject matter, and grounds. This construction is based on a fundamental study of the legal construction of administrative disputes by N. Kovalenko (2021), who started from the conceptual understanding of the content of a claim and identified three key elements of a legal dispute: parties, subject matter, and grounds.

The allocation of these elements is substantiated by practical purposes: the elements of a legal dispute should include such parts that would enable settlement or resolution (Shulha, 2022). The elements of a legal dispute should be analogous to the elements of a claim, since the content of the dispute objectively conditions and largely determines the elemental composition of the claim, through which the dispute is submitted to the jurisdictional authority (Malykhina, 2021). The construction of a legal dispute should be based on current legislation, which to some extent embodies the legal experience of cognition and legal regulation of the forms of its resolution (Georges *et al.*, 2022). There is no legal definition of a legal dispute in the legislation, nor is there a special definition of its constituent elements. However, such elements are distinguished due to the need to address a series of practical issues. The point is that the elements of a dispute determine their identity.

One can distinguish three components of identity: persons (parties), subject matter, and grounds, consolidating the essential practical significance of these three elements and indirectly defining them as the fundamental components of a legal dispute. The parties to a service dispute are a civil servant and an official acting on behalf of a public authority, state body, or military administration body. As for the first subject of a service dispute, according to the Law of Ukraine No. 889-VIII (2015), a civil servant is a citizen who performs professional service activities in a civil service position and receives a salary from the state and local budget. Based on the definition of a civil servant, the key features of this entity can be identified as follows: Ukrainian citizenship, professional service, holding a civil service position, and receiving a salary from the relevant budget. At the same time, a civil servant is named as a party to a service dispute only in Article 31 "Contract on Civil Service with a Person Appointed to a Civil Service Position" (Law of Ukraine No. 889-VIII, 2015), which stipulates that the subject of the dispute is a civil servant.

The primary subject of a service dispute in the civil service is a civil servant, in connection with whose appeal regarding an actual or alleged violation of rights the relevant body considers a service dispute. Therewith, as mentioned above, a citizen who is entering the civil service or has previously been in the civil service may be a party to such a dispute. For example, according to Article 28 of the Law of Ukraine No. 889-VIII (2015), an applicant for a civil service position who is not determined as the winner of the competition is entitled to appeal the decision of the competition commission. The reference to the subject of a service dispute who was previously in the civil service is logical, since it is fair to provide citizens dismissed from the civil service with the opportunity to appeal against what they consider to be an unlawful dismissal or to make other claims against the other party to the dispute.

As for other types of civil service, the relevant laws do not name civil servants as subjects of service disputes. The laws on types of civil service do not use the term "civil servants"; instead, it is replaced by such terms "police officer (policeman, public servant)", "employees, officers and commanders of civil protection service", "customs officer", "specialist, employee, officers and commanders of the penitentiary service", "state bailiff, private bailiff", "prosecutor", "officers and commanders, civil servants of the State Bureau of Investigation".

The Procedure for Concluding a Contract for Police Service (2017) stipulates that the subjects of service disputes arising in the police are a police officer or a citizen who enters the service of the National Police. All disputes that arise, including when a police officer is at the disposal of the central executive body in the field of internal affairs and the National Police, its territorial body or unit, on a business trip, or in full-time training as a cadet or trainee, are considered to be service disputes.

A service dispute in the police is an official legal relationship of a complex substantive and procedural nature, expressed in the presence of unresolved disagreements between the parties caused by a conflict of interest in the field of civil service in the police or a difference of opinion on the legality and validity of the application of regulations in

the field of internal affairs and contracts, headed by a state executive body or authorised manager.

In terms of other types of civil service, which used to be commonly known as law enforcement service, the issue of determining the first party to an internal service dispute should be resolved analogously. The subject of a service dispute is a "police officer (policeman, public servant)", "employee, rank and file of the civil protection service", "customs officers", "specialist, employee, officers and commanders of the penitentiary service", "state bailiff, private bailiff", "prosecutor", "officers and commanders, civil servants of the State Bureau of Investigation", and a citizen who is entering or has previously been in service.

When defining the parties to service disputes in military service, it should be noted that the legislation on military service does not use the concept of service disputes and only refers to the right of a servicemember to appeal against unlawful actions. Article 19 of the Law of Ukraine No. 2011-XII "On Social and Legal Protection of Military Personnel and Members of their Families" (1991), titled "The Right of a Servicemember to Appeal Against Unlawful Decisions and Actions", states that servicemembers are entitled to protect their rights and legitimate interests by applying to court according to the procedure established by laws and other regulations of Ukraine.

Unlawful decisions and actions (inaction) of military command and control bodies and commanders may be appealed by war veterans according to the procedure prescribed by laws. The Law of Ukraine No. 3551-XII (1993) defines the rights of war veterans, including the possibility to appeal against actions of military authorities and commanders that affect their rights. The Code of Administrative Procedure of Ukraine (2005) regulates the procedure for appealing against decisions, actions, or inaction of state bodies, including the military; Statutes of the Armed Forces of Ukraine (Drozd *et al.*, 2024) include provisions that define procedures for military personnel who intend to appeal against decisions of commanders; other regulations may contain specific rules or procedures related to military operations.

Military personnel, citizens called up for military training and citizens in the military reserve of the Armed Forces of Ukraine (in cases stipulated by laws and other regulations of Ukraine), as well as former military personnel and citizens who have expressed a desire to enter military service under a contract may be recognised as subjects of service disputes arising in connection with military service. Having revealed the substantive aspect of service disputes in terms of their subjects and having established that one of such parties is a civil servant, it is natural to turn to the study of the status of the other party to service disputes. In this regard, the legislator has taken a fundamentally different approach to defining the other party to a service dispute. In civil service disputes, a party is the head or a representative of the head of the relevant state body, public local authority, a person holding a public office, or a representative of the head or a person exercising the powers of the head of the relevant body on behalf of Ukraine.

I. Kolosov (2018) believes that the representative of the head of the relevant body is an independent subject only of the employment relationship arising based on an employment contract. They can be a party only to a service dispute that arose over the conditions of service in that particular public authority. Apart from disagreements over the application of the service contract, the subject matter of a service dispute may include disagreements over the application of laws and other regulations on the civil service; unlawful refusal to enter the civil service; and discrimination in the civil service. Civil service legislation is complex and includes provisions of varying content, such as conditions of professional activity, social guarantees, and procedural rules. In this regard, disagreements in the civil service may arise not only over the conditions of professional service, such as granting leave, establishing working hours, payment of salaries, and the exercise of other rights that constitute the legal status of a civil servant (Prisyazhnyuk, 2024), specifically, health insurance for civil servants and their family members, compulsory state insurance in case of illness or disability, protection of civil servants and their family members from violence, threats, and other unlawful acts.

I. Kolosov (2018) concluded that an individual service dispute arises from a breach of obligations of the official labour relations, to which the head of the relevant body is a party, and public service relations, to which the state as such is a party. R. Braams *et al.* (2022) noted that an individual service dispute may be related to any element of the legal status of a civil servant. Depending on the nature of the dispute, the other party, the head or representative of the head of the relevant body, or the state as such should be identified. The researchers pointed out that by signing a service contract with a representative of the head of the relevant body, an employee enters into public law relations directly with the head of the relevant body (Ukraine). The representative of the head of the relevant authority has their own official legal personality.

The state acts on the side of the governmental subject of service relations, while on the other side is the head or representative of the head of the relevant body (in disputes over the legality of civil service regulations, the state body or official who issued the disputed act). The state cannot be a public-law party to a service dispute. Such a party may be a particular official (head, representative of the head of the relevant body – in disputes over subjective law) or a state body or official (in disputes over objective law). Based on the results of considerations on the expediency of designating a particular official as a public party to a service contract, N. Kovalenko (2021) concluded that it is more logical to designate the state body in which the official carries out their professional activities as a party. Service disputes as unresolved disagreements may arise between a civil servant and a particular person acting on behalf of the head of the relevant body. It is expedient and necessary to preserve the name of the head or representative of the head of the relevant body as a party to a service dispute in the form of a legislative provision, since they act in official relations not on their own behalf but on behalf of the state. The state itself cannot be a party to a dispute. Otherwise, one must assume that a dispute arising with the state will be resolved by it. It is axiomatic that all state bodies act on behalf of and in favour of the state.

A state body is a certain structure in the mechanism of the state. It is not impersonal. A public authority includes positions filled by officials, some of whom are authorised to act on behalf of this public authority, and in a broader sense on behalf of the state. Within the framework of official relations, all legally significant actions in relation to civil servants are performed by the head or representative of the head of the relevant body.

Disagreements on the application of laws, other regulations on civil service, and the service contract may arise between a civil servant and their supervisor, not with the state body itself or with a person acting on its behalf. Disputes about objective law do not fit into the concept of service disputes, they extend beyond them. Such disputes are administrative cases, which are no different from administrative disputes where civil servants are not the subjects. Therefore, the head or representative of the head of the relevant body where the civil servant works should be considered a party to a service dispute. However, the issue of a state body as a subject of these legal relations should be resolved not within the framework of considering the content of the term "service dispute", but from the standpoint of the judicial procedure for resolving service disputes.

In case of classification of service disputes as administrative cases to be resolved through administrative proceedings, it is advisable to consolidate in Part 4 of Article 46 "Parties" of the Code of Administrative Procedure of Ukraine (2005), as one of the specific features of proceedings in this category of administrative cases, the provision according to which the relevant body where the official, civil servant, or local self-government official performs their duties is involved as a second defendant in an administrative case on appealing a decision, action (inaction) of an official, civil servant, or local self-government official.

In this case, the head or representative head of the relevant body acts as a party to the service dispute, who will be the defendant in the administrative proceedings, and the relevant state body must be involved as a second defendant. Returning to the question of the difference in legislative approaches to establishing the subjects of service disputes arising in different types of civil service, let us consider the analysis of the legislation on military service, which allows naming such subjects as military administration bodies and commanders (chiefs).

The indication of commanders (chiefs) as independent subjects of service disputes stems from the unity of command, which is one of the basic principles of the Armed Forces of Ukraine, leadership and relations between servicemembers. Unity of command means that the commander (chief) has full authority over their subordinates and is personally responsible for all aspects of the life and activities of the military unit, subdivision, and each servicemember. The sole authority is manifested in the right of the commander (chief) to make decisions unilaterally, based on a comprehensive assessment of the situation, and to give orders following the procedure established in Section 2 "General Duties of Commanders (Chiefs)" and Section 3 "Duties of Officials and Private Servicemen" (Law of Ukraine No. 548-XIV, 1999). Military regulations establish the obligation of subordinates to obey orders of their superiors without question. Therewith, it is possible to appeal against an order executed by a servicemember if one disagrees with it. Military regulations do, admittedly, establish the obligation of subordinates to obey orders without question, but they also prescribe the possibility of appealing against illegal or unlawful orders: "The Disciplinary Statute of the Armed Forces of Ukraine (1999) states that "the right of the commander is to give orders and instructions, while the duty of the subordinate is to execute them, except in the case of a manifestly criminal order or instruction". The Statute of the Internal Service of the Armed Forces of Ukraine (1999) also emphasises that a superior is entitled to give orders to a subordinate, while a subordinate shall be obliged to carry them out, unless these orders are clearly criminal. Thus, servicemember may appeal against orders if they consider them unlawful, but this does not relieve them of their obligation to carry out orders until they are appealed or cancelled.

Parties to an internal service dispute related to military service are military command and control bodies, commanders (chiefs), who are granted independent powers to make decisions and issue orders. In other types of civil service, for instance, in the police, the subject of a service dispute is represented by the head of the police or the head's authorised representative, a direct supervisor, or a direct superior. This situation is explained by the intermediate position of other types of civil service.

To conclude the discussion of the subjects of a service dispute, one can make a preliminary conclusion that the parties to a service dispute are a civil servant (a person who has previously held civil service, a person who is entering civil service), and a superior authorised to act on behalf of a public authority, other state body, or military administration body where the civil service is performed.

The definition of the range of subjects of service disputes does not allow for a precise definition of the concept of service disputes. To solve this task, it is necessary to answer the question of the subject matter of a service dispute. The subject matter of a service dispute as an object of research has been ignored by researchers. The specific object of an administrative legal service dispute is the relations associated with the admission to the civil service of Ukraine, its performance and termination, and the determination of the legal position (status) of a civil servant. This definition arguably suffers from a lack of in-depth theoretical analysis of the concepts under study and is characterised by a simple list of areas where service disputes may arise.

While acknowledging the expediency of prescribing the universal category of the subject matter of a service dispute in the definition of a service dispute in the civil service legislation, the main question to be answered is why disagreements between the parties to the dispute may arise. Disagreements may arise from decisions, actions, or inaction of one of the parties to the disputed legal relationship. Any decision, action (or inaction), whether lawful or unlawful, made during a service relationship (as well as relations preceding or following a service relationship) may be the subject of a service dispute.

Such a universal understanding of the subject matter of a service dispute can cover all possible disputes. Both when there has been a violation of the rights of one of the parties to the dispute and when such a violation is only alleged. For instance, disagreements over the admission, performance, or termination of civil service related to the establishment of the facts of the presence or absence of rights, obligations, and responsibilities of subjects of service relations, mediated by the application of civil service regulations and service contracts, organically fit into the proposed definition of the subject matter (Suray, 2021).

This content of the subject matter of a service dispute includes situations regarding the need for mandatory judicial control over the observance of human and civil rights and freedoms in the implementation of certain administrative power requirements for civil servants, for instance, when holding civil servants liable for material damage or in

proceedings on materials on disciplinary offences when military personnel are subjected to arrest with detention in the brig.

O. Sereda and Yu. Burnyagina (2023), considering the specific features of legal regulation of civil servants' employment relations in modern conditions, noted that the administrative legal approach and the labour law approach to the regulation of civil servants' work, the content of civil service relations are determined by the forms that mediate them, and not by "forms of determining the content". Legal relations related to the civil servants' fulfilment of the requirements of officials and special officials, including compliance with the law and official discipline, are public law relations. Therefore, disputes over them, as well as over the legality of issuing administrative acts in connection with civil service and determining the status of an employee, are of a public law nature. A service dispute about the validity and legality of a disciplinary investigation, about the application of measures to ensure disciplinary proceedings, is ultimately the basis for a form of administrative, managerial dispute, security legal relations, a procedural category, and a type of judicial and procedural activity. O.I. Mykolenko and O.M. Mykolenko (2021) believe that a general analysis of the national legislation on public service shows internal inconsistencies in its regulations, which clearly indicates that the reform of the public service system in Ukraine is incomplete.

In terms of official tort legal relations, the fault of a civil servant may violate the established regime of activity of an official body, legal rights, and legal public interests of a legal entity, have negative consequences for the state, and undermine the authority of the government. This establishes special requirements for the official behaviour and discipline of employees and their security service specialists as representatives of the state, which is not the case with violations of labour discipline.

The nature and content of service disputes have different specifics, and the issues and regulation of their consideration are mediated primarily by the legislation on services. This is confirmed by the provisions of the Law of Ukraine No. 889-VIII "On Civil Service" (2015). The legal status of a civil servant, including restrictions, obligations, rules of official behaviour, liability, and the procedure for resolving conflicts of interest and service disputes, are established by the relevant law on the type of civil service.

The proposed understanding of the subject matter of a service dispute, together with the established circle of subjects of service disputes, allows identifying the situations that should be regarded as service disputes. A service dispute always has as its subject matter a decision expressed in various administrative acts, an action (inaction) of a subject that may be taken in various forms but must be committed by one of the parties to the dispute. The subject matter of a service dispute is the disputed decision, action (or inaction) of a party to the service dispute. The grounds for an internal dispute are those on which the dispute is based, i.e., the legality (illegality), validity (unreasonableness) of the disputed decisions, actions (inaction). A service dispute is caused by an actual or alleged violation of the rights of one of the parties as a result of the actions of the other party.

As a legal category, a service dispute is an unresolved disagreement between a civil servant and a manager (superior) caused by a belief that the employee's rights and legitimate interests have been violated in the process of issuing acts, performing legally significant actions, different understanding of business, or a dispute over one's rights. A dispute is a procedural category in which it arises, progresses, and finds its resolution. It does not exist outside the procedure. A service dispute as a judicial category is an unregulated disagreement between the parties to a service relationship that is referred to an authorised body, official, or court for resolution.

An interdisciplinary approach to the resolution of public law disputes in the field of civil service allows for in-depth analysis and coverage of all aspects of this complex issue. It is based on the integrated use of knowledge and methods from various branches of law, such as administrative, labour, and constitutional law, which helps to ensure a comprehensive resolution of conflicts between civil servants and public authorities. This approach involves not only legal interpretation, but also sociological, psychological, and management research, which gives a better understanding of the context of conflicts, their root causes, and the motivations of the parties involved.

Administrative law clearly regulates the procedural aspects of civil service, labour law defines the rules of interaction between employees and employers, and constitutional law establishes the basic principles of the functioning of state bodies and guarantees of employees' rights. The combination of these approaches creates a broad legal framework for dispute resolution. Sociological research helps to uncover the social factors that influence conflicts, such as organisational culture or group dynamics, while psychological methods help to understand the emotional aspects of conflict situations and suggest ways to resolve them peacefully.

Managerial approaches enable a more efficient organisation of work processes, reduce the risk of disputes, and improve the quality of interaction between public authorities and their employees (Prisyazhnyuk, 2024). The interdisciplinary approach also opens opportunities for borrowing international practices, specifically European Union standards, which enables the adaptation of best practices to Ukrainian legislation and ensures legal protection of civil servants at the highest level. This creates a comprehensive system aimed at fairly resolving disputes and improving the efficiency of public administration.

The cooperation of specialists from various fields, such as lawyers, sociologists, human resources specialists and psychologists, ensures a multifaceted approach to resolving disputes arising in the civil service. Such interdisciplinary interaction enables a detailed analysis of both legal and personal aspects of conflicts. Lawyers provide a legal assessment of the situation and formulate legal solutions, while sociologists investigate social factors that may cause conflicts, such as the culture of the organisation or social relations between employees. Psychologists study the personal and emotional aspects of the conflict, which allows them to better understand the behaviour of the parties to the dispute, while human resources specialists help to find management solutions to prevent analogous situations in the future. This is especially true for employees working in stressful environments, such as law enforcement. Studies show that the ability to self-regulate and focus on loss prevention are key factors that determine the success of professional activities in crisis situations (Shvets *et al.*, 2024).

Integration of international practices, specifically European Union standards, is a significant element of this approach. European standards for conflict management and

the regulation of service disputes provide effective tools for improving national legal mechanisms (Kalenichenko *et al.*, 2021). This contributes not only to the modernisation of legislation, but also to the improvement of administrative procedures that enable faster and more efficient dispute resolution.

International approaches include methods of preventive conflict resolution, such as mediation and arbitration, which can be successfully integrated into the Ukrainian public administration system (Deineha, 2022). This helps to protect the rights of civil servants, reduce the number of conflicts, and improve the overall climate in public institutions more effectively. This integrated approach ensures the stability and efficiency of the civil service, which positively affects the functioning of public authorities.

Thus, an interdisciplinary approach to the resolution of public law disputes in the civil service enables a comprehensive approach to conflict resolution. It is based on a synthesis of knowledge from various branches of law, including administrative, labour, and constitutional law, as well as sociological, psychological, and management studies. This enables a deeper analysis of the causes of disputes, considering them from both a legal and a personal perspective, which contributes to more effective conflict resolution. Integration of international practices, such as European Union standards, is particularly relevant, as it helps to improve national legal instruments and ensure the protection of civil servants' rights.

Conclusions

Summarising the discussion of the theoretical foundations, regulatory framework, and specific features of public law disputes, including service disputes, several key conclusions can be drawn. A service dispute is a special type of public law dispute that arises in the field of public administration and has its specific features, which are determined by the legal relationship between a public servant and public authorities. Like any other public law dispute, a service dispute is characterised by a conflict of legal positions of the parties and a procedure for resolving it through the judiciary or special bodies dealing with official matters.

The primary purpose of this study was to examine the nature of service disputes and their legal regulation in Ukraine. The analysis helped to establish that a service dispute is essentially a conflict between a civil servant and the relevant authority or head of the civil service. The subject matter of such a dispute is the legality of decisions, actions, or inaction that arise within the scope of official duties. In this sense, service disputes cover a wide range of administrative legal relations and considerably affect the functioning of public administration.

After analysing all aspects, service disputes can be said to arise due to the misinterpretation of legal provisions or their incorrect application in relation to the rights of civil servants. The specific feature of these disputes is that they arise in specific legal conditions where one party to the dispute – a state body or its representative – is vested with power. This creates a certain imbalance in legal relations that requires special legal mechanisms to ensure fairness and equality of the parties in the dispute resolution procedure.

One of the key components of this study is an analysis of the legal mechanisms employed to resolve service disputes. The study found that Ukrainian legislation contains certain provisions regulating the procedure for resolving such disputes, but they need to be further improved. This is especially true in terms of developing clearer procedures to ensure that the rights of civil servants are adequately protected and that conflicts related to management decisions are avoided.

An interdisciplinary approach to resolving service disputes is necessary and significant, as it allows conflicts to be considered not only from a legal standpoint, but also in the context of social, psychological, and managerial aspects. The interaction of lawyers, sociologists, psychologists, and HR specialists contributes to a comprehensive analysis of the causes of the conflict, which helps to identify more effective solutions. This approach provides a deeper understanding of the motives of the parties to the dispute and their behaviour, which ultimately helps prevent similar situations in the future. The integration of international practices also contributes to the improvement of legal mechanisms and helps to adapt best practices to the national context, increasing the efficiency and fairness of the dispute resolution process.

The findings of the present study underline the significance of further developing the legal framework for regulating service disputes, specifically through harmonisation with European standards. This will enable more effective protection of civil servants' rights and ensure transparency in the dispute resolution process. In summary, the development of new procedures and standards that factor in the international practices is a promising area for further research.

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Conflict of interest

The authors of this study declare no conflict of interest.

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Публічно-правові спори у сфері державної служби: міждисциплінарні підходи до попередження та врегулювання

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Анотація. Актуальність дослідження зумовлена необхідністю вдосконалення правового регулювання службових спорів у системі державної служби на фоні реформ державного управління. Метою роботи було визначення правової природи службових спорів, їх специфічних ознак і порядку їх вирішення в межах адміністративного процесу. Методологічну основу дослідження склали порівняльно-правовий, формально-логічний, діалектичний, історико-правовий та аналітичний підходи, які дозволили всебічно вивчити нормативно-правову базу, сучасні наукові підходи та практику вирішення службових спорів. Було досліджено сутність службових спорів та їх правову природу, встановлено, що вони є різновидом публічно-правових спорів, що виникають у сфері державної служби. Проаналізовано юридичні підстави, сторони спорів, зокрема спори, пов'язані з дисциплінарними стягненнями та розірванням договорів про державну службу. Встановлено, що службові спори виникають через неврегульовані розбіжності між державним службовцем та державним органом чи його представником щодо правомірності рішень чи дій, що порушують права службовця. Такі спори часто стосуються як обґрунтованості застосування дисциплінарних санкцій, так і правомірності звільнення з посади. Було проаналізовано механізми розгляду таких спорів, передбачені адміністративним законодавством, і виділено основні етапи та процесуальні форми вирішення цих спорів, які включають дисциплінарні провадження. У результаті дослідження визначено ключові процедури, які мають забезпечити справедливий розгляд спорів, а також можливість оскарження рішень дисциплінарних комісій. Аналіз показав, що ефективність розгляду службових спорів значно залежить від дотримання процесуальних норм і забезпечення доступу до правосуддя для державних службовців. На основі дослідження зроблено висновок, що службові спори мають свою правозастосовну специфіку в межах адміністративного процесу та є важливим інструментом правового захисту прав державних службовців. Практична цінність дослідження полягає у можливості застосування результатів для вдосконалення механізмів вирішення публічно-правових спорів у сфері державної служби, що сприятиме підвищенню ефективності функціонування державних органів

Ключові слова: державний службовець; юридичний конфлікт публічного характеру; службові відносини; службовий спір; трудовий спір; державний орган; спір про право