



INCENTIVE MECHANISMS IN THE CIVIL SERVICE: THEORY, LAW AND PRACTICE

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ABSTRACT

This article examines the concept, types, and legal foundations of incentives in the civil service. It analyses classical scholarly classifications, including moral, material, legal, and mixed incentives, as well as distinctions between formal and informal forms of encouragement. The study also compares incentive systems in Uzbekistan, Kazakhstan, Russia, and Lithuania, highlighting the role of state awards, privileges, and performance-based recognition. Furthermore, the article explores structural problems in labour regulation within the civil service of Uzbekistan, noting persistent issues such as excessive workload, informal practices, and reduced attractiveness of public service among youth. Drawing on international experience, the paper proposes modern approaches—such as flexible work arrangements, remote-work mechanisms, and strengthened social guarantees—to improve efficiency and motivation in the public sector.

There exist diverse scholarly views regarding the concept of incentives within the civil service, which in turn has given rise to considerable debate concerning the classification and types of such incentives. This section of the research analyses the theoretical and legal foundations of the various forms of incentives applied in the civil service.

In legal literature, incentives in the civil service are commonly divided into absolute and relative administrative incentives, based on the substantive grounds for their application. The basis for an absolute incentive is an objectively positive act — for instance, the successful performance of an exceptionally important or complex task, rescuing a drowning person, or apprehending a dangerous criminal. A typical example of a relative incentive is the early removal of a disciplinary sanction, a practice widely used within the military service system.



According to D.D. Babaev, incentives in the civil service may be classified as individual or collective, and by their content as material, moral, or mixed forms of encouragement¹.

From the perspective of their legal basis, administrative incentives are classified as formal and informal. Incentives regulated by legal acts are considered formal. The grounds, types, and general rules for awarding incentives are determined by legislation governing the civil service. The application of an incentive measure to an employee is formalized through the issuance of an individual legal act (an order or directive of the head of the institution). Informal incentives, on the other hand, are not regulated by legal documents, yet they are widely used in the field of public administration².

N.A. Gushina, who examined incentives from the perspective of legal norms, classifies them into four categories: complex, sectoral, institutional, and substantive (actual) incentives³.

As emphasized by G.M. Petrov, incentives may be divided into two categories: preliminary incentives, which are applied to encourage the performance of a specific action, and subsequent incentives, which are awarded after such actions have been successfully carried out⁴.

Some scholars classify incentives in the civil service, based on their substantive nature, into **moral, material, legal, and complex (mixed)** administrative incentives. Expressions of gratitude, honorary certificates, and inclusion in a book of honor are cited as examples of moral incentives. Material incentives, by contrast, take the form of monetary rewards or valuable gifts. A monetary award constitutes financial encouragement, the basis for which is the attainment of certain positive results in the employee's performance of public service activities, reflected through measurable quantitative and qualitative indicators.

In terms of duration, incentives may consist of one-time, final, current, and special awards. One-time bonuses are additional payments exceeding the established salary for the successful completion of a specific task. A final award is granted for a defined period of work (such as a quarter or a year) that meets predetermined performance indicators. Current bonuses are paid in accordance with existing remuneration systems. Special awards are granted by a competent authority for particular reasons, such as the conferral of a title, issuance of a diploma, or awarding of an honorary certificate. A valuable gift represents a one-time material incentive—something that appeals to the recipient and motivates further effective performance. Legal privileges, meanwhile, are aimed at positively modifying the legal status of the incentivized individual.

From the standpoint of subject-matter composition, incentives are also divided into **external** and **internal**. External incentives involve measures applied to individuals or

¹ Administrative Law: Textbook. N.T. Ismoilov, U.Kh. Mukhamedov, A.S. Tursunov, et al. Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2015, 110 pages.

² Бахрах Д. Н. Административное право : учебник для вузов. М. : БЕК, 1997. С. 194.

³ Гущина Н. А. Поощрительные нормы российского права : теория и законодательная практика. СПб. : Юридический центр «Пресс», 2003. С. 15.

⁴ Петров Г. М. Поощрение в государственном управлении (правовые аспекты). Ярославль : Изд-во Яросл. гос. ун-та, 1993. С. 39–41.



organizations that are not in a direct public-service employment relationship with the granting authority.

Furthermore, it should be emphasized that the assessment of civil servants' professional performance must be conducted periodically, as prescribed by law, in order to determine the eligibility and appropriateness of applying incentive measures. Depending on the status of the individual, incentives for civil servants may also operate at either the national or the local level.

The classification of incentives within the public service may be structured as follows. From the standpoint of the legal status of the authority granting the incentive, privileges and awards may be conferred directly by the head of state. In practice, state awards are typically bestowed by the head of state. For example, pursuant to Article 13 of the Law of the Republic of Uzbekistan "On State Awards," the conferral of state awards is carried out by the President of the Republic of Uzbekistan⁵. According to the Law On State Awards of the Republic of Kazakhstan, state awards are conferred exclusively by the President of the Republic of Kazakhstan (Article 1). For the preliminary review and preparation of nominations for such awards, a Commission for State Awards is established by the President. The composition of this Commission, as well as the regulations governing its activities, are likewise approved by the President of the Republic of Kazakhstan (Article 7)⁶.

Classification is determined directly by the legislature, and the wording of the relevant provisions specifies which measures fall within the concept of awards and which constitute other forms of incentives. Identifying the distinctive features of such concepts is essential for examining the system of incentives within the civil service. In their analysis of the content of this classification, Yu.N. Poletaev and M.A. Klochkov note that the rewarding of civil servants may take the form of conferring appropriate badges, orders, and medals⁷.

In our view, the distinction between an award and an incentive for a civil servant may also be understood through the specific features of award-granting identified by E.V. Trofimov. First, an official award constitutes a particular form of recognition for specific categories of public service, and its application reflects the essential nature of the award-granting process. Second, the conferral of an award does not presuppose the existence of any legal relationship between the awarding authority and the recipient; the fact of awarding itself is not contingent upon such a relationship. Trofimov links the award-granting process to the formal conferment of state awards by public authorities and considers it a distinct form of incentivizing activity⁸.

According to E. Khojiev, several factors serve as the basis for incentivizing civil servants: the successful performance of assigned duties; the early completion of tasks and instructions; the employee's initiative; and the conscientious and disciplined fulfilment of

⁵ National Database of Legislative Information, 21 April 2021, No. 03/21/683/0375

⁶ Law of the Republic of Kazakhstan dated 12 December 1995, № 2676. <https://adilet.zan.kz/eng/docs/Z950002676>

⁷ Полетаев Ю. Н., Клочков М. А. Правовое регулирование труда государственных гражданских служащих : учеб. пособие для вузов. М. : Юрайт, 2020. С. 133–134.

⁸ Трофимов Е. В. Наградное право (общая часть) : электрон. учеб. пособие. СПб., 2014. С. 8.



official responsibilities. The institution of incentives for civil servants may generally be examined through two principal components: privileges and incentive measures⁹.

As a rule, privileges are established by law for particular categories of civil servants. Such privileges may include additional payments for long years of service, qualification grades, or special titles, as well as exemptions from income tax for members of the armed forces and officers of internal affairs bodies. Incentive measures, in turn, may be applied to civil servants who conscientiously fulfil their duties, demonstrate high performance, render long-term dedicated service, actively participate in social activities, or successfully complete particularly important or complex assignments. These measures may be general or special in nature. General incentive measures are prescribed by law. For example, in accordance with Article 180 of the Labour Code of the Republic of Uzbekistan, incentive measures may be applied to an employee for achievements at work. The types of incentives, the procedure for their application, and the benefits and privileges associated with them are defined in collective agreements, internal labour regulations, and other internal documents, as well as in disciplinary statutes and regulations. Remuneration, bonuses, additional payments, allowances, and other payments established by the wage system do not constitute incentive measures. Moreover, no incentive measures may be applied to an employee while a disciplinary sanction remains in force (Article 183). Employees may also be nominated for state awards in recognition of exceptional service to the state and society.

Civil servants may likewise be granted incentive measures in the form of orders and medals, qualification or honorary titles, and other forms of state awards. Pursuant to Article 93(21) of the Constitution of the Republic of Uzbekistan, the authority to award the orders, medals, and certificates of the Republic of Uzbekistan, as well as to confer qualification and honorary titles, is vested in the President of the Republic of Uzbekistan. Individuals decorated with state awards are entitled to privileges established by law and may receive a one-time monetary reward or a valuable commemorative gift. Special incentive measures are defined in normative legal acts regulating the legal status of specific categories of civil servants, such as the statutes governing military personnel or officers of internal affairs bodies. Early conferment of a qualification rank or a special title, or promotion to a higher position, are among such measures.

Overall, incentives serve not only as a formal acknowledgement of a civil servant's performance, but also as a mechanism for enhancing the efficiency of civil servants and, through them, the performance of public institutions.

In determining whether incentive measures should be applied to a civil servant, several factors are taken into account: the quality with which the civil servant performs his or her official duties; the length and unblemished nature of the service; the manner in which particularly important or complex assignments are carried out; and the overall assessment of the civil servant's efficiency and effectiveness. Consideration is also given to the civil servant's achievements in previous positions.

⁹ Khojiev, E.T., Ismailova, G.S., & Rahimova, M.A. Public Service: A Study Manual. Tashkent: Baktria Press, 2015, 79 p.



Incentive measures may not be applied to civil servants who are subject to disciplinary liability, regardless of their individual merits, for a period of one year from the date a disciplinary sanction is imposed, unless the sanction is lifted ahead of time. According to Article 55 of the Federal Law "On the State Civil Service of the Russian Federation," exemplary and effective public service may be recognized through a variety of incentive measures and awards. These include an expression of gratitude accompanied by a one-time monetary reward; the conferment of an honorary certificate of a state body together with a one-time incentive payment or the presentation of a valuable gift; and other forms of commendation issued by state bodies. Civil servants may also receive a one-time incentive payment upon retirement after long years of service. In addition, incentives may be granted by the Government of the Russian Federation or by the President of the Russian Federation, and civil servants may be awarded the state decorations of the Russian Federation¹⁰.

According to Article 35 of the Law of Kazakhstan "On Public Service," incentive measures may be applied to public servants for exemplary performance of official duties, impeccable service, the successful completion of tasks of particular importance or complexity, and other professional achievements, as well as on the basis of performance evaluation results. Public servants may be granted various forms of privileges and rewards, including a one-time monetary bonus, a declaration of gratitude, the presentation of a valuable gift, the awarding of a diploma, the conferment of an honorary title, and other forms of encouragement, including departmental awards¹¹.

According to Article 31 of the Law of Lithuania "On Public Service," a public servant may be granted incentive measures for the impeccable performance of official duties. Such incentives may be awarded by the authority empowered to appoint the servant or, where the servant was appointed by the Government or a self-government council, upon the proposal of the minister responsible for the relevant administrative sector or the mayor of the self-government. These measures are applied in accordance with the procedures established by the Law and other applicable legal acts. The incentive system for public servants includes several forms of encouragement: expressions of gratitude; the presentation of gifts; cash payments equivalent to the servant's official salary for a special personal contribution to achieving institutional objectives or for successfully completed tasks—limited to no more than twice per calendar year; the granting of five days of paid leave or a proportionate reduction in working hours; one-time cash payments provided under procedures established by the Government; and an annual payment for professional development not exceeding the amount of the servant's official salary¹².

It should be noted that the system of incentives in the civil service is diverse both theoretically and normatively. In several countries, including Lithuania, incentive

¹⁰ [Федеральный закон от 27.07.2004 N 79-ФЗ \(ред. от 30.12.2021\) "О государственной гражданской службе Российской Федерации" // http://www.consultant.ru/document/cons_doc_LAW_48601/b4571f_7a9120_979f68b264a2b4b03e06a52e0001/](http://www.consultant.ru/document/cons_doc_LAW_48601/b4571f_7a9120_979f68b264a2b4b03e06a52e0001/)

¹¹ Закон Республики Казахстан от 23 ноября 2015 года № 416-V «О государственной службе Республики Казахстан» // https://online.zakon.kz/Document/?doc_id=36786682&pos=734;-59#pos=734;-59

¹² <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/a45bb470fbd511e993cb8c8daaf8ff8a>



mechanisms also encompass measures that ensure meaningful use of rest and leave days for civil servants.

Although the notion of a “civil servant” has been formally introduced into the national legal framework, a comprehensive law regulating civil service relations has not yet been adopted. As a result, key aspects—especially labour relations—continue to be governed primarily by the Labour Code. Existing gaps regarding working-hour standards, rest entitlements, and labour protection have contributed to practices that reduce the prestige of public service, increase staff turnover, and lead to systematic non-compliance with labour legislation.

In practice, violations such as forced labour, concealment of vacancies, informal employment without contracts, and non-observance of working-hour requirements remain widespread. These factors have diminished interest in public service among youth and women. For instance, analysis of employment data shows that the share of higher education graduates entering public administration decreased from 38 percent in 2019 to 32 percent in 2020.

Persistent violations of labour norms have also adversely affected the health of civil servants. In recent years, regions such as Andijan and Bukhara have reported substantial increases in hypertension, diabetes, osteochondrosis, and gastrointestinal disorders, reflecting chronic fatigue and psychological stress among civil servants.

International experience demonstrates a different trend. Countries such as South Korea, Japan, the United States, and the United Arab Emirates have introduced flexible working hours, teleworking arrangements, free medical services, preferential access to consumer services, and public administration systems based on ISO 9001:2000 standards. These approaches have significantly improved the efficiency and attractiveness of public service.

In light of these trends, it is advisable for national legislation to establish clearer frameworks for remote work, define the functions that civil servants may perform remotely, develop secure digital platforms ensuring information security, introduce flexible working-time arrangements, and expand access to medical services and social benefits for civil servants. Incentives play a crucial role in strengthening professionalism, motivation, and accountability within the civil service. The analysis demonstrates that while many countries have developed diverse, legally structured incentive mechanisms—including awards, privileges, and performance-based rewards—Uzbekistan still faces significant challenges in regulating labour conditions, ensuring compliance with legal standards, and maintaining the attractiveness of public employment. Persistent violations of labour norms and insufficient social guarantees negatively affect both staff stability and institutional efficiency. International experience shows that modern tools such as flexible schedules, remote-work systems, digital platforms, and comprehensive social support can significantly enhance the effectiveness of civil servants. Therefore, updating national legislation and introducing innovative incentive mechanisms are essential steps toward building a more efficient and socially protected civil service system.

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