

## JAPAN'S CIVIL SERVICE: CURRENT PROBLEMS AND SOLUTIONS

<sup>1</sup>B. Akyn, <sup>2</sup>K. Abdurazakova

### ABSTRACT

This article analyses the changes in the relationship between politics and bureaucracy in post-war Japan from the perspective of administrative organisations and the associated public law system. Abrupt changes in the legal system or legal reform can sometimes undermine the true purpose of policy and its implementation. Thus, it cannot be unequivocally said that bringing political leadership into administrative decision-making bodies is the best or the worst. However, the way in which political leadership is exercised varies from country to country. In considering the style of power distribution required in Japan, we need to understand how to avoid the abuse of power. In this regard, creating a stable bureaucratic system and maintaining and providing administrative expertise in governance have been ways to stop the abuse of administrative and executive power in Japan. Through analysing these developments, the institutional basis of the current phenomenon of increasing enforcement and administrative power is presented. In conclusion, this article examines the requirement of power sharing in Japan and possible ways to address the increasing influence of political leadership on administrative power. At the same time, it can be concluded that the cadre organisation should maintain its independence, not to implement the rigid policy of the prime minister and not to restrict the executive power.

**Key words:** Bureaucracy, Civil Service, Change, Political Leadership, Liberal Democratic Party, Meiji.

<sup>1</sup> Al-Farabi Kazakh National University, Almaty, Kazakhstan

<sup>2</sup> Alisher Navo'i Tashkent State University of the Uzbek Language and Literature, Tashkent, Uzbekistan

*Corresponding author:* Akyn B.K., [aqbaqd@gmail.com](mailto:aqbaqd@gmail.com)

*Reference to this article:*  
Akyn B., Abdurazakova K. Japan's Civil Service: Current Problems and Solutions // Adam Alemi. – 2024. – No.3 (101). – P. 81-87.

### Жапонияның мемлекеттік қызметі: өзекті мәселелері мен оларды шешу жолдары

**Аңдатпа.** Осы мақалада Жапонияда әкімшілік органдармен және қоғамдық құқық жүйесімен байланысты тұрғыдан екінші дүниежүзілік соғыстан кейін орын алған саясат пен бюрократия арасындағы қатынастардағы өзгерістер талданады. Құқықтық жүйедегі күрт өзгерістер немесе құқықтық реформа кейде саясат пен оны жүзеге асырудың шыннайы мақсатына кері әсерін тигізуі мүмкін. Сондықтан, саяси басшылықты әкімшілік шешім қабылдайтын органдарға тарту жақсы не жаман деп кесіп айту қиын. Дегенмен, саяси көшбасшылықты жүзеге асырудың жолдары әр елде әртүрлі болады. Жапонияда талап етілетін билікті үлестіру стилін қарастырған кезде біз билікті теріс пайдаланудан қалай аулақ болу қажеттігін түсінудіміз қажет. Осыған байланысты, тұрақты бюрократиялық жүйені құру және басқарудағы әкімшілік сараптаманы сақтау және қамтамасыз ету Жапониядағы әкімшілік және атқарушы билікті теріс пайдалануды тоқтатудың жолдары болды. Осы өзгерістерді талдау арқылы заң қолдану және әкімшілік биліктің қазіргі болмысының институционалды негізі ұсынылған. Мақала соңында Жапониядағы билікті бөлу талабы және саяси басшылықтың әкімшілік билікке артып келе жатқан ықпалының мәселелерін шешу жолдары қарастырылған. Сонымен бірге кадрлық ұйым өз дербестігін сақтап, премьер-министрдің өрескел саясатын жүргізбей, атқарушы биліктің мүмкіндіктерін де шектемеуі тиіс деп қорытындылауға болады.

**Түйін сөздер:** бюрократия, мемлекеттік қызмет, өзгерістер, саяси басшылық, Либералды-демократиялық партия, Мэйджи.

## Государственная служба Японии: актуальные проблемы и пути ее решения

**Аннотация.** В данной статье анализируются изменения в отношениях между политикой и бюрократией, происходящие в Японии в послевоенное время, с точки зрения административных организаций и связанной с ними системы публичного права. Резкие изменения в правовой системе или правовая реформа иногда могут подорвать истинную цель политики и ее реализацию. Таким образом, нельзя однозначно сказать, что привлечение политического лидерства в органы, принимающие административные решения, является лучшим или худшим. Однако способы осуществления политического лидерства различаются в зависимости от страны. Рассматривая стиль распределения власти, требуемый в Японии, нам необходимо понять, как избежать злоупотребления властью. В этом отношении создание стабильной бюрократической системы, а также поддержание и обеспечение административного опыта в управлении были способами остановить злоупотребления административной и исполнительной властью в Японии. Посредством анализа этих изменений представлена институциональная основа нынешнего явления усиления правоприменительной и административной власти. В заключение в данной статье рассматривается требование разделения власти в Японии и возможные пути решения проблемы возрастающего влияния политического руководства на административную власть. В то же время можно сделать вывод, что кадровая организация должна сохранять свою независимость, не проводить жесткую политику премьер-министра и не ограничивать возможности исполнительной власти.

**Ключевые слова:** бюрократия, государственная служба, изменения, политическое руководство, Либерально-демократическая партия, Мэйджи.

### Introduction

The relationship between politicians and bureaucrats in Japan has undergone notable transformation over the past two decades. Reforms and amendments to legislation have been implemented with the objective of enhancing political leadership and facilitating civil service reform. The manner in which power is exercised has also undergone change, but the specific forms of political leadership employed may differ from one country to another. In contemplating the optimal configuration of the separation of powers in Japan, it is imperative to refrain from the exploitation of authority. The establishment of a stable bureaucratic system and the provision of administrative expertise have been identified as methods of preventing such abuse. It is essential to assess the impact of the shift in political leadership on the distribution of administrative power in the post-war era.

It is of the utmost importance that there is transparency in the implementation of policy in a democratic government. Bureaucrats are instrumental in effective governance when they possess a comprehensive grasp of the prevailing circumstances and the capacity to implement public policy. In Japan, the civil service is traditionally recruited through a merit-based evaluation system, which serves to ensure political neutrality. The limited influence of the

cabinet in the parliamentary cabinet system, particularly under the one-party dominance of the Liberal Democratic Party, has permitted the exercise of administrative power by the bureaucracy.

This article examines the historical changes in the relationship between politics and the bureaucracy in Japan, focusing on administrative organisations and public law systems. It also analyses the current situation and the impact of legal reforms on the implementation of policies. The article explores the country's bureaucratic system in its historical context, discussing the institutional framework that has led to the expansion of administrative power. It highlights the constraints and challenges of democratic legitimacy in policy making, political leadership coordination, and the provision of administrative expertise.

In conclusion, the paper discusses the need for separation of powers in Japan and proposes possible solutions to address the influence of political leadership on administrative power. The establishment of a stable bureaucratic system and transparency in policy implementation are key factors in ensuring effective governance and preventing the abuse of power. By analysing the changes in administrative power over time, this article provides valuable insights into the contemporary situation and the challenges faced by the Japanese political system.

### **Methodology**

This work is based on qualitative research methods using various tools. The study employs document analysis and expert interviews as the primary method of data collection and analysis. In particular, to examine the most effective international experience in the field of public service system development, data from open sources were analyzed. The study analyzed a comprehensive range of data from scholarly articles on research topics in Japan.

A variety of scientific and real-world problem-solving methods were employed to analyze data from recent studies. The research involved a comparative analysis of different concepts and notions. Additionally, the research utilized observation, analysis, and comparison methods. This analysis facilitates the understanding of complex socio-economic and political phenomena and enables the prediction of subsequent processes.

### ***The formation and issues of the civil service***

The formation and issues of the Japanese civil service are addressed in Article 15 of the Japanese Constitution, which states, «The people have the right to elect and remove their public officials. All public officials are servants not of any group but of the whole society». This constitutional principle also encompasses two key concepts: (1) popular sovereignty, which refers to the principle of democratic control over public officials, and (2) the conformity of public officials to the role of «servants of the whole society».

The Japanese bureaucracy is regarded as a continuation of the civil service system that existed prior to the war. Firstly, with the establishment of the cabinet system prior to the war, the system of appointing civil servants was replaced by the official system [1, p. 368]. The «General Regulations for Each Ministry of Government,» enacted in 1886, delineated the organizational structure and authority of each ministry, while also establishing the roles and responsibilities of civil servants. The

content of these Regulations constituted the foundation for the employment examinations, as well as the unspecified obligations of discipline and integrity among civil servants. Subsequently, in 1893, the Civil Service Appointment and Civil Service Examination Rules were established, effectively transforming the civil service hiring process into a modern competitive examination system. This marked a significant shift from the previous system, which had granted certain advantages and preferences to graduates of Tokyo Imperial University. Until this reform, graduates of the Imperial University could secure employment without examination on favorable terms.

One of the defining characteristics of the civil service system that existed prior to the war was that its officials were referred to as «civil servants of the emperor», a concept that was formally enshrined in the Meiji Constitution.

Prior to the war, no ministry was tasked with the centralized management of personnel. The system was structured in a manner that facilitated the separation and processing of personnel according to their respective administrative expertise, with the legal bureau assuming responsibility for its overall management. The Ministry of Finance was responsible for the administration of salaries, the Examination Commission for the organization of qualification examinations, and the Restriction Commission for the dismissal of employees.

In the aftermath of Japan's defeat in 1945, the General Staff (General Staff, Supreme Commander of the Allied Powers) initiated a series of institutional reforms. The reforms pertaining to the civil service and the civil servant system gave rise to a substantial alteration in the institutional framework. The General Staff introduced a system designated as 'indirect rule', which resulted in the dissolution of the military government and zaibatsu (large Japanese business conglomerates). However, the bureaucracy remained intact, assuming the role of primary implementer of postwar reform. The most significant distinction between the pre- and post-World War II bureaucratic systems was the transition of

the civil service's foundation from imperial decree to National Assembly legislation. This shift was formalised in 1947 with the enactment of the National Civil Service Act.

In 1948, the National Civil Service Act was revised, resulting in the Personnel Committee becoming a distinct entity responsible for personnel administration. Furthermore, Secretaries to Ministers were appointed to general posts, rather than being classified according to the volume, complexity and experience of duties, as provided for in the earlier Act on the post classification plan. Furthermore, the legislation was amended to remove the provision that permitted the impeachment of civil servants. The same advisory group recommended that job classifications be selected on the basis of comprehensive job descriptions. Despite the recommendation of the advisory panel, the labour law provision was never enforced for over half a century and was ultimately repealed in 2007.

By 1948, a basic foundation of civil servants had been established in the aftermath of the war. The structure remained largely unchanged for over sixty years. The primary transformation from the pre-war period to the post-war period was the democratisation of the bureaucracy, which entailed civil servants aligning with political decisions.

The work of officials is contingent upon the National Personnel Administration maintaining a high level of independence. The National Personnel Administration is tasked with ensuring the fairness and impartiality of personnel administration in a range of areas, including employment tests, salary recommendations that strike a balance between the public and private sectors, civil service training, accident compensation, impartial examinations, and, since 2000, civil service ethics, with appropriate review bodies.

The actual appointment of personnel was left to the discretion of each ministry, and the involvement of the National Personnel Administration in individual personnel matters was limited. Furthermore, the authority to oversee a fixed number of officials within each ministry was granted to an administrative body (i.e., the Ministry of Internal Affairs and Communications) as

opposed to a personnel committee (i.e., the National Personnel Administration). The National Personnel Administration saw its control over personnel matters across the country erode, with the human resources of civil servants being transferred to the structural units of each ministry.

Given that the reform of the civil service system was undertaken relatively recently, it can be said that the universal bureaucracy was preserved for a considerable length of time [2, p. 38].

*Analysing the system of limiting political appointments and administrative reform efforts employed by the Liberal Democratic Party (LDP).* Following the Second World War, Japan appeared to become a fully democratic state, based on the principles of constitutionalism, democracy and the rule of law. Nevertheless, the LDP-dominated one-party system endured for an extended period. In terms of legitimacy, legal and judicial powers, as well as administrative management capabilities, were frequently employed by the bureaucracy. The scope of administrative functions was broadened in order to facilitate post-war reconstruction and economic growth.

The relationship between the ruling party and the cabinet in the policymaking process in Japan is reflected in the structure of dual power. Under the LDP's one-party system, the Cabinet was required to obtain the approval of the ruling party before giving its personal endorsement. Concurrently, through dual power, the administrative bureaucracy was able to effectively suppress the political efforts of the ruling party, thereby ensuring that the Cabinet remained a mere follower of party and bureaucratic policies.

The National Personnel Administration granted each ministry and agency the authority to select personnel within their respective organisations. The political appointments of the bureaucracy were subject to significant restrictions until the post-war reforms of the political system and the LDP's lengthy period of political dominance up until the 1990s. The appointment of senior bureaucrats on the basis of the National Personnel Act was regarded as a distinct exception. Furthermore, it was uncommon for the

minister to select officials or appoint individuals as political officials.

The responsibility for personnel matters was borne by each ministry, and the issue of re-employment in the private sector after retirement was included in the personnel file of each ministry. Furthermore, the rate of staff turnover between different ministries and departments has been reduced. Nevertheless, as each political party has hitherto supported a Cabinet that centralises personnel matters, a Cabinet Personnel Office was established in 2014.

Attempts at bureaucratic reform were made on several occasions during the post-war period [3, p. 67]. The reforms that were implemented following the amendments to the Constitution introduced a parliamentary cabinet system, a civil service system and a system of local autonomous governance. However, the bureaucratic system itself was not significantly affected by the involvement of bureaucrats in the process of its reform.

In the course of the reform, changes were aimed at ensuring that the National Parliament adopted a requirement for strict compliance with civil service rules. Following the initial success of this initiative, the subsequent focus was on enhancing the influence of the cabinet and the prime minister.

In 1962, a special research organisation was established under the Cabinet, under the leadership of Ikeda, to address the issue of responding to new administrative requirements, including those related to water source development and mega-city development. As part of the administrative reform, the aforementioned institution put forth a proposal to enhance the role of the Cabinet, transfer budget formulation authority from the Ministry of Finance to the Cabinet Office, establish a Management and Coordination Agency, and regulate coordination, competition, and other pertinent matters. Among these issues, it was recommended that overall civil servant management be improved. However, there were no personnel transfers or pay cuts, and the decentralised personnel system of ministries and agencies was maintained. At this time, Japan, which was experiencing high economic growth, recognised the need to support such a bureaucratic system.

Following the year 1980, a special research organisation published a baseline report that identified areas of change in order to respond to change, facilitate and improve efficiency, and ensure reliability. This was in relation to the issues encountered by public officials. Nevertheless, the implementation of bureaucratic and personnel reform was not a significant undertaking until the late 1990s [4, p. 21].

This is not to suggest that no efforts were made to reform the civil service. In the 1980s, a number of reform initiatives were proposed by special research organisations, and attempts were made by politicians to implement such initiatives. However, the public service system demonstrated internal resistance to reforms such as privatisation, reorganisation, decentralisation and disclosure.

The implementation of reforms was challenging due to the lack of consensus among government officials and the difficulty in planning and executing reform initiatives. Furthermore, a meritocratic bureaucratic system was dependent on the decisions of elected politicians, which were legally binding. Following public criticism of the law on civil servants' ethics, its reinstatement demonstrated that the political authorities had substantial public support.

Upon the formation of the Hosokawa Cabinet in August 1993, the Third Interim Administrative Reform Support Council sought to enhance the capabilities of the cabinet secretariat, establishing a special agency in the capacity of an assistant (consultant).

The proposal of the Prime Minister's assistant system gave rise to impassioned debate and controversy concerning the extent of its authority. Presently, the official assistant system has been established in a manner that equates the post of assistant with that of chief cabinet secretary.

It is evident that the present assistant system is markedly distinct from that which was previously implemented. To illustrate, a Member of Parliament may opt to utilise the aide system in the course of their duties. Concurrently, the selection of assistants serves to establish the equilibrium of power between the factions within the political party. Concurrently, the Cabinet has no intention of

modifying the system of secretary general, deputy secretary and secretariat with the implementation of this system.

The final report of the Administrative Reform Council (3 December 1997), which formed the basis of the Central Government Reform Act, was designed to streamline the civil service system. In a review of the 'fragmented public administration', the number of ministries and departments was significantly reduced. The powers of the Prime Minister were strengthened and the discretionary (ad hoc) powers of the bureaucracy were reduced. The Prime Minister's reputation was enhanced by the reorganisation of ministries and agencies.

The administration of Junichiro Koizumi, which commenced in 2001, served to reinforce the role of the prime minister. This was influenced by alterations to the electoral system that were implemented in 1996. These changes introduced a combination of single-member districts and proportional representation. This system proved an effective one for the major political parties. The administrative reforms that were adopted in 2001 were reflected in the general postal elections that took place in 2005.

Meanwhile, the Koizumi administration facilitated coordination with bureaucrats by appointing ministry officials to the cabinet secretariat. Nevertheless, the Koizumi administration has made only limited progress in reforming the bureaucracy itself.

The legislative amendments introduced during the Koizumi administration reinforced the political authority of the cabinet. In 2008, a bill to revise the Civil Service Law was enacted. The objective was to reinforce the authority of the political leadership through the implementation of political appointments, the selection of political officials, and the provision of support for the exchange of public and private personnel. The proposed legislation sought to establish the Cabinet of Ministers' Personnel Department as the primary administrative body for the management of senior officials.

The subsequent reform of the civil service system, initiated in 2013. Following two changes of political leadership, the National Staff document, entitled 'On Reforming

the Civil Service System in the Future', was published on 28 June 2013. The document should rectify the deficiencies in political leadership and elucidate the functions of «politics» and «bureaucracy.» It should also delineate the concept of political leadership in general terms. In addition, the specific reforms proposed were as follows: (a) unified management of the appointment of top officials; (b) the process of training candidates for leadership positions; (c) establishment of a cabinet for personnel matters; and (d) development of a system related to national strategic personnel and political personnel.

### **Conclusion**

Бюрократиялық жүйені жетілдіру нәтThe enhancement of the bureaucratic system did not result in the enactment of several legislative documents, including those pertaining to the formation of political leadership. During Abe's second term, the cabinet was subject to the influence of the political leadership of the Prime Minister's Office.

It appears that the influence of the bureaucracy and the tendency to exercise political leadership or administrative law are particularly pronounced. The expansion in the number of individuals involved in the policy-making process at any given meeting has resulted in an increase in the number of political workers. Concurrently, the bureaucratic leadership is no longer able to shape its policies through the ministries. This is due to the fact that the Bureau of Personnel of the Cabinet is responsible for approximately six hundred senior positions. Those officials who aspire to successfully complete their tenure and advance their careers find it advantageous to be under the direction of the Prime Minister's Office.

In Japan, those employed in the civil service in ministries and agencies are engaged in the preparation of responses to questions posed in parliament. A significant number of officials are responsible for drafting legislation for a variety of ministries. This practice has remained unchanged [5, p. 234]. The deputy minister and the parliamentary secretary may

attend meetings held in ministries, such as councils. These meetings are considered to be influential in the policy-making process within a democratic system.

Empowering the executive may be a necessary change that partly justifies a sense of control by the bureaucratic organisation. However, sometimes it is necessary to suppress executive power from an institutional point of view, especially in cases of abuse of power, this measure should be used. The state system should support the competence and autonomy of bureaucratic organisations. Thus, clear rules and decision-making process on personnel matters should be defined.

As mentioned above, the organisation of policy-making meetings close to the cabinets where specific policy decisions are made can be described as an important aspect of political leadership in recent years. This can be appreciated as a move away from 'unfair decision-making' and 'bureaucracy from unreasonable decision-making'.

With this in mind, an organisational mechanism that respects the freedom of action and expression of administrative officials needs to be established, and expertise needs to be institutionalised in the balance between bureaucracy and political

power. Also, the personnel organisation should maintain its independence, should not pursue a rigid prime ministerial policy, should not limit the executive's capabilities, and its personnel requirements should be reviewed.

### **Funding**

*The preparation of this article was made thanks to financial support from the Ministry of Science and Higher Education of the Republic of Kazakhstan (grant funding "Young Scientist" № AP14972382).*

### **References**

- 1 Kettl D. F. Public Bureaucracies. – Oxford University Press. 2009. – Pp. 367-376.
- 2 Weber Max. Max Weber on the methodology of the social sciences. – Glencoe, Illinois: Free Press. 1949
- 3 Nakamura A. Japan's Civil Service System Needs Reform: Human Resource Development in Transition. – Tokyo, Meiji University, 2004.
- 4 Pempel T. Bureaucracy in Japan // Political Science and Politics. – 1992. – Vol. 25. – №1. – Pp. 19-24.
- 5 Kanayama Bunji. Sei'iki no okite: Kanryodo no kenkyu [Laws of a Sanctuary: A Study of the Ways of Bureaucrats] // Chuo koron. – 1978. – P. 234. (in Japan)

### **INFORMATION ABOUT AUTHORS**

*Bakdaulet Akyn*

Leading Researcher, al-Farabi Kazakh National University, Almaty, Kazakhstan, email: aqbaqd@gmail.com, ORCID ID: <http://orcid.org/0000-0003-4641-5925>

*Kamolakhan Abdurazakova*

Senior Lecturer, PhD, Alisher Navoi Tashkent State University of the Uzbek Language and Literature, Tashkent, Uzbekistan, email: kamola.abdurazakova@gmail.com

*Бақдаулет Калиахметұлы Ақын*

жетекші ғылыми қызметкер, Әл-Фараби атындағы Қазақ ұлттық университеті, Алматы, Қазақстан, email: aqbaqd@gmail.com, ORCID ID: <http://orcid.org/0000-0003-4641-5925>

*Абдуразакова Камолахан Юсуповна*

аға оқытушы, PhD, Әлішер Науаи атындағы өзбек тілі және әдебиетінің Ташкент мемлекеттік университеті, Ташкент, Өзбекстан, email: kamola.abdurazakova@gmail.com

*Бақдаулет Калиахметұлы Ақын*

ведущий научный сотрудник, Казахский национальный университет имени аль-Фараби, Алматы, Казахстан, email: aqbaqd@gmail.com, ORCID ID: <http://orcid.org/0000-0003-4641-5925>

*Камолахан Юсуповна Абдуразакова*

старший преподаватель, (Ph), Ташкентский государственный университет узбекского языка и литературы имени Алишера Навои, Ташкент, Узбекистан, email: kamola.abdurazakova@gmail.com