

SECTION 3. CONTRIBUTING AND INTERFERING PUBLIC ADMINISTRATION: PROBLEMS OF THE CONTENT AND FORM

DOI: <https://doi.org/10.30525/978-9934-588-67-9.9>

ADMINISTRATIVE PROCEDURES: ESSENCE AND VARIETIES

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INTRODUCTION

Public administration as a kind of public authoritative activity, aimed primarily at the implementation of executive power and local self-government, is the closest to meeting human needs – through relations with public administration, citizens are given the opportunity to exercise most of the rights granted by the Constitution and the laws of Ukraine, as well as to discharge their duties. It is clear that the main part of actions aimed at performing the functions of public administration, entail legal consequences in the form of the adoption of legal, in particular, administrative acts, the conclusion of administrative agreements and so on.

In the domestic science of administrative law, the issue of legal regulation of the order of the implementation of legal forms of public administration for a long time used to be associated with the discussion around such a category as «administrative process». Without going into a detailed analysis of the existing approaches to understanding the content of this category, which have their roots in the Soviet doctrine of administrative law, it should be noted that at one time, even in the absence of unity in understanding the administrative process, relevant theoretical groundworks played a significant role in ensuring the lawfulness in the governing bodies' activity through the awareness of the need to establish the legal order of the implementation of their actions and determine the order of these actions in the relations between the authority and the citizen¹. However, in modern political and legal realities, considering the functioning of an independent judiciary, the administrative process is associated with administrative justice

¹ Каргузова І.О., Осадчий А.Ю. Адміністративно-процедурне право: навч.-метод. посіб. Одеса: Юрид. л-ра, 2008. С. 21.

as a form of justice in the field of public legal relations. Attribution to the content of the administrative process the order of public administration in its legal forms as well, leads to «blurring» of the notion of «administrative process», i. e. the loss of unambiguity and certainty. In addition, taking into account that the terminology of legal science and the terminology of law and legal practice are common, it should be also taken into consideration the adverse consequences that will occur as a result of such «blurring» of terminology in the legislation and legal practice².

Given approach to understanding the administrative process, linking it with justice, at the same time does not preclude the need for further theoretical substantiation and legal regulation of the order of implementation of legal forms of public administration. Largely due to the perception of the judicial concept of administrative process to denote the legal order of public administration in the literature (as well as in numerous regulations³) are increasingly used the terms «procedures», «administrative procedures».

However, at the doctrinal level the essence of this legal phenomenon is still insufficiently clarified, the scholars express different views on the content of the category «administrative procedures», its relationship with other basic categories of administrative law, there are no stable approaches to their systematization and classification, which is a necessary prerequisite for proper legal regulation and ensuring the effectiveness of administrative procedures in the mechanism of legal regulation. Thus, the purpose of this article is to study the essence of administrative procedures and consider modern scientific approaches to their classification.

1. The essence of administrative procedures

The functions of public administration are implemented in specific actions of the subjects of public administration, which are embodied in certain forms of public administration. The practical significance of the forms of public administration is that through their use the powers of the subjects of public

² Каргузова І.О., Осадчий А.Ю. Адміністративно-процедурне право: навч.-метод. посіб. Одеса: Юрид. л-ра, 2008. С. 21–22.

³ Див., наприклад: Закон України «Про внесення змін до деяких законів України щодо вдосконалення процедури проведення фінансової реструктуризації» від 19.09.2019 р., Закон України «Про внесення змін до деяких законів України щодо підлеглості релігійних організацій та процедури державної реєстрації релігійних організацій зі статусом юридичної особи» від 17.01.2019 р., Закон України «Про внесення змін до деяких законодавчих актів України щодо удосконалення процедури реабілітації жертв репресій комуністичного тоталітарного режиму 1917–1991 років» від 13.03.2018 р., Постанова Національної комісії, що здійснює державне регулювання у сферах енергетики та комунальних послуг «Про затвердження Порядку здійснення процедури сертифікації оператора газотранспортної системи» від 14 квітня 2016 р. та ін.

administration are realized, the realization of the rights of citizens and legal entities is ensured, etc. It is clear that the main part of the activities of public administration is embodied in the legal forms of public administration – the adoption of regulations and administrative acts, the conclusion of administrative agreements, the commission of other legally significant actions.

The decision of the subject of public administration within its competence of certain specific issues through legal forms of public administration requires conducting an action to establish the existing facts, clarify the position of persons whose interests are related to the solution of the issue, proper assessment of the situation, etc. This usually takes some time. It is clear that the completeness of clarification of all aspects of a particular life situation that needs to be addressed by the subject of public administration and the timeliness of such actions greatly affect the end result. Therefore, an important guarantee of proper performance of these actions is the provision in legal norms of a clear procedure for their implementation, namely – the grounds for these actions and their sequence, rights and responsibilities of all stakeholders, deadlines for certain actions and for addressing the issue in general as well, requirements to registration of the received results, etc. Establishing the order of the activity of the subjects of public administration to address issues within their competence through the adoption of regulations and administrative acts, the conclusion of administrative agreements, other legally significant actions (i.e. through the implementation of legal forms of public administration) is fully consistent with the requirements of part 2 Article 19 of the Constitution of Ukraine⁴, according to which public authorities and local self-governments, their officials are obliged to act not only on the basis, within the powers, but also in the manner prescribed by the Constitution and the laws of Ukraine.

Careful regulation of the procedure for legal action is an urgent task in many branches of law. From this point of view, it is quite reasonable to construct a generalizing theoretical category of «legal procedure», which covers all types of legal regulation of ongoing legal actions⁵. Thus, the legal (juridical) procedure (from the Latin *procedo* – to ensure the promotion of something, the established order of actions) is defined by the legal norms order of actions, which is aimed at achieving a certain legal result (including the adoption of legal acts, negotiation of the agreement). Legal procedures are used in the mechanism of legal regulation of both private and public relations. Public legal

⁴ Конституція України від 28.06.1996 р. Дата оновлення: 01.01.2020 р. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>.

⁵ Алексеев С.С. Социальная ценность права в советском обществе. Москва: Юрид. лит., 1971. С. 122–123.

relations, in contrast to private legal, are characterized by juridical inequality of subjects, one of which is usually a state body, local self-government, their official or other subject to which the public authority of the state or local self-government is delegated. Taking into account such feature of these legal relations, legal procedures play a special role in the public law. They establish the most optimal in terms of achieving the end result model of public law entities not only in terms of cost-effectiveness and efficiency of the issue, but also in terms of ensuring a balance of interests between governmental and non-governmental entities of such legal relations, thus guaranteeing proper implementation of public authority functions while respecting the rights of non-governmental entities whose interests will be affected by the implementation of the relevant powers. Hence, it can be argued that the «procedureization» of legal relations is an immanent feature of public law.

Public administration is not the exception to this rule. Public legal relations in this sphere are ensured by appropriate legal procedures. Public administration procedures, acting as a kind of legal procedure, are usually referred to as administrative procedures. However, the category of «administrative procedure» is sometimes understood in a narrower sense, which does not cover all legal procedures of public administration⁶. This is primarily due to the development of a draft law on administrative procedure, the development of which in one form or another has been going on for over twenty years. The draft law is called to regulate the relations between the executive bodies, local self-governments, their officials, other subjects that are legally authorized to perform public administration functions, and individuals and legal entities with regard to the adoption of administrative acts and their implementation. The draft law considers the administrative procedure as an order of the activity of the subject of public administration to ensure the implementation and protection of the rights and legitimate interests of individuals or legal entities, as well as its performance of legal obligations, culminating in the adoption and, if necessary, implementation of the adopted administrative act. The scope of the draft law does not cover, in particular, the rule-making activities of the subjects of public administration (should be regulated by a separate law on regulations), internal organizational activities in public administration. Also, and this is explicitly stated in the draft law, certain procedures involving citizens and legal entities are excluded from its scope. These are, in particular, procedures for consideration of proposals for the formation of state,

⁶ Бойко І.В., Зима О.Т., Соловйова О.М., Школик А.М. Адміністративна процедура: навч. посіб. Харків: Право. 2019. С. 7.

regional and local policies, regulation of public relations, improvement of regulations, procedures for proceedings in cases of administrative offenses.

Undoubtedly, in regulating perhaps the most significant and large array of public administration procedures, which mediate most of the relations of public administration with individuals and legal entities, the approach proposed by the draft law to the understanding of administrative procedures seems to be appropriate. However, this does not in any way negate the procedural nature of the activities of the subjects of public administration to adopt regulations, implement measures of administrative responsibility, law enforcement activities of internal organizational nature, etc., which does not fall within the scope of regulation of the proposed draft law. All these legal procedures have a common nature, due to their belonging to the sphere of public administration, are combined with common principles and laws. Therefore, the inclusion in the content of administrative procedures only a certain part of public administration procedures, in the absence of clear criteria for distinguishing them from other public administration procedures, including the subject composition, will lead to loss of this category of unambiguity, certainty, inability to identify those specific features which allow to achieve the coordination of the conceptual apparatus of legal science. In addition, the purely lexical phrase «administrative procedures» quite accurately indicates their connection with the public administration in general, and not just with part of it. Thus, we will talk about administrative procedures as an order for implementing the forms of public administration, covering both external and internal organizational activities of public administration, which regulate both the order for adopting regulations of public administration and the implementation of other legal forms.

Consequently, the exercise of the powers of the subjects of public administration mostly takes place in a procedural form. This form of exercising the powers of the subjects of public administration should not be confused with the legal forms of their activities, the guarantee of the proper implementation of which is precisely the relevant legal procedures. Taking this into account, legal procedures are a form of internal organization (existence) of public administration, aimed at the implementation of its legal forms as an external result of power. Compliance with the procedural requirements ensures the formation of the proper content of the relevant legal form as a result of the activities of the subject of public administration. This does not mean, however, that in all cases the implementation of legal forms of public administration requires a procedural form. The need for normative establishment of the order of the decision of either, one or another questions which consideration is carried

to the competence of the subject of public administration can be caused by various factors. First of all, the scope and complexity of establishing all the circumstances to be clarified to properly address the issue (in particular, the significant amount of factual composition required for the subject of public administration to apply the law to a particular life situation), the number of stakeholders and the importance of this issue for them, the duration of the relevant actions. In today's reality, the availability of new technical capabilities for receiving, storing and transmitting information in many cases greatly simplifies the establishment of the necessary circumstances to address a particular issue (for example, due to the ability to provide prompt access to public administration to a large array of data from various electronic registers, creating the possibility of automatic exchange of information between such registers). This simplifies many administrative procedures, or even the ability to gather the necessary information and resolve the issue immediately during the application of the person concerned, without the participation of other entities (due to the lack of need to contact them to establish certain circumstances). In the last case, the procedural form virtually ceases to play the role of guaranteeing the proper exercise of powers in public administration and ensuring the rights of stakeholders, and thus loses its necessity. However, the mentioned possibility of «deprocedurization» of certain legal relations of public administration in no way means abandoning its procedural form, underestimation and neglect of which will lead to improper implementation of public administration functions, violation of the rights of stakeholders in public administration relations.

In order to carry out their functions, the subjects of public administration influence public relations in all spheres of society by establishing appropriate rules of conduct and resolving various issues concerning particular entities on a daily basis, thus ensuring the realization or protection of their rights and exercising the responsibilities. To implement such functions, a large number of administrative procedures have been established, which take into account the specifics of the issues for which they are intended, the specifics of a particular public authority, and so on. Such administrative procedures may differ significantly from each other. It is clear that the procedure for issuing, for example, a permit for the acquisition, storage and carrying by citizens of Ukraine of hunting smoothbore weapons, ammunition to it is different from the procedure for registration of residence of an individual or the procedure for bringing a state servant to disciplinary responsibility.

Unlike the adoption of regulations, other legal forms of public administration are related to addressing the issues concerning the rights and responsibilities of certain individuals in specific life circumstances.

The set of life circumstances (legal facts) that are subject to establishment by the subject of public administration to ensure the implementation and protection of rights, legitimate interests, performance of duties of particular entities in legal forms of public administration is called an administrative (individual) case. Hence, the decision of the subject of public administration on the rights, legitimate interests and responsibilities of a particular entity in legal forms means the resolution of its administrative case, which ends with the adoption of an administrative act, the conclusion of an administrative agreement, other legally significant actions. Prominent among such legal forms is the adoption of administrative acts. The conclusion of administrative agreements, the commission of other legally significant actions in the doctrine of administrative law and in the practice of public administration are ancillary, which precede or are a consequence of the adoption of an administrative act. Thus, for example, the conclusion of an administrative agreement as a rule is preceded by the adoption of an administrative act in accordance with the established procedure⁷.

Administrative procedures are mainly determined by the rules of administrative law. This does not mean that they cannot be regulated by the norms of other branches of law (for example, norms of financial law). This is explained by the fact that public administration is in organic unity with law in general, with the whole system of its branches, but the dominant importance for the regulation of public administration relations, including administrative-procedural, has the public law, especially administrative law. In this case, since the procedural form ensures the adoption and implementation of legal norms that define the powers of public administration, the possibility of acquiring rights and responsibilities of individuals and legal entities, etc., respectively, and the norms that determine administrative procedures are derived from the norms, implementation of which is provided by them. Thus, the norms that determine administrative procedures are inseparably linked with those legal institutions, the implementation of the instructions of which in the relevant legal forms of public administration they are aimed at. These rules are so closely intertwined in the mechanism of legal regulation that their separation from each other is considered not just impractical but also impossible⁸. Aforecited determines the specific place of such norms in the system of administrative law as a legal institution, which is formed as

⁷ Картузова І.О., Осадчий А.Ю. Адміністративно-процедурне право: навч.-метод. посіб. Одеса: Юрид. л-ра, 2008. С. 16.

⁸ Картузова І.О., Осадчий А.Ю. Адміністративно-процедурне право: навч.-метод. посіб. Одеса: Юрид. л-ра, 2008. С. 24.

a result of interaction with relatively independent procedural institutions, which are interconnected, but have strong links with legal institutions and norms, at which specific administrative procedures are aimed. In this case, administrative procedural law, as a set of relevant rules, has a cross-sectoral nature, because as shown above contains not only administrative legal norms.

2. Approaches to the classification of administrative procedures

Due to the large number and variety of administrative procedures, it is necessary to classify the scope of this category. In order for a classification to fulfil its tasks, it is necessary to choose the most significant and scientifically and practically important features (criteria), the specifics of which require appropriate legal regulation of certain groups of administrative procedures, as a basis for distinguishing types of administrative procedures. At the same time, administrative scholars offer various approaches to the classification of administrative procedures, in particular, depending on the content, direction and boundaries of the procedures, the subject on whose initiative the administrative proceedings are initiated, the presence or absence of legal dispute between the participants, etc.

It appears that the greatest theoretical and practical value has the division of administrative procedures in content – depending on which of the legal forms of the activity of the subjects of public administration they mediate. The analysis of such forms allows us to conclude that the main ones are the adoption of regulations and administrative acts (administrative lawmaking and administrative law enforcement). Compared to other types of administrative procedures, the administrative law-making procedures have significant features and differences. This is due to the fact that such procedures regulate the preparation and adoption by the subjects of public administration of a special kind of legal acts, namely regulations. Procedures of administrative law-making, in turn, can be classified according to various criteria: depending on the subject of law-making, on a way of acceptance of regulatory legal acts, on their forms. Thus, O.I. Mykolenko includes the following procedures in administrative law-making procedures: adoption of normative acts of the Cabinet of Ministers of Ukraine; on the issuance of regulations by central executive bodies; on the issuance of decisions of local state administrations; proceedings for the issuance of regulations by local self-governments⁹.

Administrative law enforcement procedures are aimed at the application by the subjects of public administration of legal norms in relation to

⁹ Миколенко О.І. Теорія адміністративного процедурного права: монографія. Харків: Бунд Книга, 2010. С. 168.

particular subjects and particular life circumstances (legal facts) and are expressed in the issuance of legal acts of individual action – administrative acts. This group of administrative procedures is related to the resolution of administrative cases (specific life circumstances), by determining the extent of possible or necessary behaviour of an individual in a particular situation. Administrative law enforcement procedures are represented in the activities of public administration entities by a large number of procedures, which are heterogeneous in content and require, in turn, classification according to additional criteria. In the special literature various offers concerning classification of law enforcement procedures are expressed. In particular, the emphasis is placed on the possibility of dividing administrative law enforcement procedures depending on the nature of the administrative case into administrative-organizational and administrative-jurisdictional procedures. This criterion of classification is to some extent borrowed from the German doctrine of administrative law in which, depending on the conflict in the relationship between public administration and private individuals and the allocation of certain activities of administrative bodies are divided into undisputable (non-litigious) and disputable (litigious)¹⁰.

Administrative and organizational procedures regulate the order of consideration of administrative cases that arise in the process of exercising executive and administrative influence by the subjects of public administration so called positive in nature, i. e. related to the regulatory impact on certain social relations. The resolution of such cases is aimed at meeting the legitimate needs, rights and interests of individuals and legal entities. Decisions made by the subject of public administration in these cases are not related to the application of legal sanctions or the implementation of law enforcement activities. Such procedures, depending on their content, in turn are divided into: procedures for the provision of administrative services, control and supervision; incentive, etc. Administrative jurisdictional procedures mediate the jurisdictional activities of the subjects of public administration. In general, such activities of public administration entities is composed of legal disputes resolution by assessing the behaviour of individuals in terms of their legality or illegality, the adoption of a law enforcement act and the application of coercive measures, i.e. has a law enforcement effect on public relations. In the special literature there are a number of features of such procedures, in particular, the presence of a legal dispute; characterize the order of activity of jurisdictional bodies;

¹⁰ Зеленцов А.Б. Контроль за деятельностью исполнительной власти в зарубежных странах: учеб пособие. Москва: изд-во РУДН, 2002, С. 54.

characterized by a high level of legal regulation; variety of jurisdictions authorized to consider individual administrative cases, etc¹¹. Among the above group there are the following procedures: procedures for proceedings in cases of administrative offences, disciplinary administrative procedures, procedures for the application of measures of administrative warning and termination; administrative appeal procedures, etc¹².

When further classifying administrative law enforcement procedures, it should be noted that they can be divided depending on the subject on whose initiative the proceedings in the administrative case are initiated into applying and interfering. This classification of administrative procedures is followed, in particular, by V.M. Bevzenko, who supplements it with another variety – procedures of applying and interfering nature, i. e. such procedures are initiated on the applications of persons, as a result of which the subject of law enforcement body – the subject of authoritative power – exercises its administrative powers¹³.

To begin the application procedure, it is necessary to express the will of the person who is interested in the results of the administrative case. Applying administrative procedures mainly regulate the provision of administrative services. The right of an individual to apply to a public administration subject corresponds to the obligation of this body to take certain actions, consider the application and make decisions that will satisfy the rights of private individuals. The grounds for initiating administrative proceedings in such procedures are: 1) a request (in the form of an application) for the realization of the rights, freedoms and interests of a person who is interested in the results of the administrative case; 2) a request (in the form of a complaint) with an appeal against decisions, actions or inaction of the subject of public administration.

Interfering procedures begin on the initiative of the subject of public administration in the presence of the need to protect both state or public interests, as well as ensuring the rights and legitimate interests of private individuals. Proceedings in interfering procedures may be initiated independently by the subject of public administration, but in the presence of legal and factual grounds defined by the law. The grounds for initiating administrative proceedings in the interfering procedures are: 1) adoption of a decision by public administration bodies, their officials or functionaries

¹¹ Братель С.Г. Класифікація адміністративних процедур. *Наукові праці НУ ОЮА*. Одеса, 2014. Вип. 14. С. 215.

¹² Бандурка О.М., Тищенко М.М. Адміністративний процес: підручник для вищих навч. закладів: Київ: Літера ЛТД, 2001. С. 193.

¹³ Бевзенко В.М. Процедури реалізації повноважень учасників земельних відносин. *Адміністративне право і процес. Земельне адміністративне право*. 2014. № 9. С. 61.

in order to perform their tasks and functions in accordance with the law, the implementation of which requires measures relating to the rights and legitimate interests of individuals; 2) violation of the rights and legitimate interests of individuals and / or legal entities, or other violation of legality or public interests, identified by public administration bodies, their officials or functionaries. Administrative proceedings in the interfering procedure may also be initiated in other cases directly provided by law¹⁴.

By-turn, interfering procedures by the nature of legal consequences for an individual can be divided into positive and negative¹⁵. Positive or facilitative procedures are not restrictive in nature, i.e. the subject of public administration makes decisions that do not impose any obligations on the individual. Negative or aggravating procedures are restrictive in nature, i.e. when making a decision, the subject of public administration to some extent restricts the rights and legitimate interests of individuals and imposes obligations on them. The implementation of such procedures requires clear legal regulation due to the threat of negative consequences for an individual who usually does not want that the appropriate measures will be conducted and is not ready for them. The division of administrative procedures into applying and interfering ones is of great practical importance, first of all, in order to develop general procedures for the relations between the subjects of public administration and individuals.

Depending on the direction and limits of implementation, administrative procedures are divided into internal (internal-organizational) and external (external-organizational)¹⁶. After all, administrative procedures are implemented both in the internal activities of the public administration and in its relations with other subjects. Internal organizational procedures have all the main features of administrative procedures, but their specificity is determined due to the fact that they ensure the implementation of legal forms of the activity of the subjects of public administration in relation to their subordinate bodies, officials and functionaries. Such procedures are carried out within the bodies or their system and are aimed at ensuring the functioning of the body or system of public administration bodies. External administrative procedures ensure the implementation of administrative lawmaking and administrative law enforcement in relation to private individuals who are not subordinated to the subjects of public administration. Administrative procedures of internal organizational

¹⁴ Каргузова І.О., Осадчий А.Ю. Адміністративно-процедурне право: навч.-метод. посіб. Одеса: Юрид. л-ра, 2008. С. 35.

¹⁵ Лагода О.С. Адміністративна процедура: теорія і практика застосування: автореф. дис. ... канд. юрид. наук: 12.00.07. Ірпінь, 2007. С. 8.

¹⁶ Адміністративна процедура та адміністративні послуги. Зарубіжний досвід і пропозиції для України: автор-упорядник В.П. Тимошук. Київ: Факт, 2003. С. 34.

orientation differ from other administrative procedures by the peculiarities of procedural regulation carried out at different levels of legal regulation. Most administrative procedures of internal organizational activities are formed within the functioning of the public service, for example, a competitive procedure for staffing the public service. External organizational administrative procedures ensure the implementation of administrative lawmaking and administrative law enforcement in relation to individuals who are not subordinated to the subjects of public administration. Examples of such administrative procedures are procedures for issuing licenses for certain types of economic activities, administrative procedures for administrative offences and many others.

Quite close to the above classification of administrative procedures is the division by their functional purpose into functional and organizational¹⁷. Functional procedures include all procedures involving non-subordinate private individuals. The main purpose of organizational procedures carried out within the public administration is its organization (preparation of administrative acts, procedures for relations with subordinate organizations, as well as with other authorities)¹⁸.

When classifying administrative procedures, such a criterion as the degree of restriction of the rights of individuals is also used. According to this criterion, administrative procedures are divided into permitting and notification. Permitting administrative procedures are defined as a legally established order of actions carried out by an individual and permitting bodies during the review, execution and submission of conclusions and receipt of permit documents, without which the individual cannot carry out its activities. The essence of the notification procedure, respectively, is the fact of notification of the administrative body about certain facts, which in turn does not directly affect the administrative and legal status of an individual¹⁹.

In addition to the considered classifications, in the special literature others classifications that have some theoretical and practical value are described. Thus, depending on the focus on achieving the ultimate goal, administrative procedures can be divided into macro-procedures and micro-procedures that relate to each other as a whole and its parts²⁰. Depending on the number of

¹⁷ Силайчев М.В. Правовая теория и практика административной процедуры: дис... канд. юрид. наук: 12.00.14. Москва, 2009. С. 51–53.

¹⁸ Галіцина Н.В. Класифікаційний розподіл адміністративних процедур. *Вісник Запорізького національного університету*. 2010. № 3. С. 55.

¹⁹ Галіцина Н.В. Класифікаційний розподіл адміністративних процедур. *Вісник Запорізького національного університету*. 2010. № 3. С. 57.

²⁰ Картузова І.О., Осадчий А.Ю. Адміністративно-процедурне право: навч.-метод. посіб. Одеса: Юрид. л-ра, 2008. С. 33.

procedural actions that make up the administrative procedure, it can be distinguished the complex and simple administrative procedures²¹. It is also proposed to classify administrative procedures according to the level of their settlement into ordinary and simplified, or they are also called formal and informal. The usual (formal) procedure is a typical variant of the administrative procedure, which in a clearly defined form has all the necessary structural elements (stages, steps, actions), compliance with which is a necessary condition for the legality of the decision of the subject of public administration. Simplified (informal) procedure allows to make a decision in an administrative case in a manner that does not go beyond the law, but is characterized by a minimum number of elements of administrative procedure²².

CONCLUSIONS

Summarizing all the above, it should be noted that in the Ukrainian doctrine of administrative law there is a sustainable approach to understanding the essence of administrative procedures and the criteria for their classification. Under administrative procedures it is offered to understand the order of realization of legal forms of public administration defined by the law. Among their characteristic features that allow to distinguish administrative procedures from other legal procedures the following could be distinguished:

- ensure the implementation of such a type of public activity as public administration;
- streamline the implementation of legal forms of public administration, thus acting as a form of its internal organization (existence);
- provide both normative regulation of public relations by the public administration, i.e. the adoption of regulations and its resolution by the subjects of numerous specific life situations in relation to certain persons (administrative cases);
- cover both external and internal organizational activities of the subjects of public administration;
- act as a guarantee of formation of the proper content of legal forms of public administration and realization and protection of rights and interests, fulfillment of duties of subjects of public legal relations in the field of public administration;
- take place with the participation of subjects of public administration as holders of relevant powers;

²¹ Адміністративна процедура та адміністративні послуги. Зарубіжний досвід і пропозиції для України: автор-упорядник В.П. Тимошук. Київ: Факт, 2003. С. 26.

²² Кононов П.И. Административное право. Общая часть: курс лекций. Киров, 2002. С. 98.

– defined by the norms of public law, especially the norms of administrative law.

The number and variety of administrative procedures determine the application of various criteria for their classification, among which the most scientific-theoretical and practical importance has the classification of administrative procedures depending on their content. However, others listed in the criteria for classification of administrative procedures allow to reveal in more detail the specifics of their individual groups. In this case, any classification is relative. With the development of social relations, legal doctrine, it is clarified, supplemented, replaced by a new one, which is more adequate to reality, more accurately reveals the links between the legal phenomena that are classified.

SUMMARY

The article is devoted to the disclosure of the essence and approaches to the classification of administrative procedures. This category is relatively new to Ukrainian administrative law. Therefore, at the doctrinal level it still remains insufficiently studied. There is a lack of consensus on the understanding of the concept of administrative procedures and stable approaches to their systematization and classification, which is a necessary prerequisite for proper legal regulation and ensuring the effectiveness of administrative procedures in the mechanism of legal regulation. It is proposed to understand under the administrative procedures the defined by the law order of actions for implementing legal forms of public administration. Their characteristic features are identified, which allow to distinguish administrative procedures from other legal procedures. The main scientific approaches to the classification of administrative procedures are also studied. It is determined that the greatest theoretical and practical value has the division of administrative procedures by content – depending on which of the legal forms of the activity of public administration bodies they mediate.

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