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Hladii O. V.
candidate of legal sciences, doctoral student of the department of public and private law
University of Customs and Finance

CHARACTERISTICS OF ADMINISTRATIVE PROCEDURAL RELATIONS

Formulation of the problem. Establishing the signs of an administrative procedural legal relationship makes it possible to increase the effectiveness of resolving disputes regarding the determination of subject jurisdiction for disputes involving a subject of power. One of the signs of administrative-procedural legal relations is their implementation in the sphere of public-administrative legal relations. At the same time, unified comprehensive approaches to understanding the sphere of public administration and its differences in comparison with the sphere of public administration have not been developed.

The state of scientific development of the problem. Establishing the content and system of administrative procedural legal relations is an extremely pressing issue that concerns both practitioners and scientists. It is advisable to highlight the scientific publications of such scientists as V. B. Averyanov [1], Yu. P. Bityak [2], R. A. Kalyuzhny [3], Yu. O. Leheza [4], etc. At the same time, diversity is observed approaches to understanding the category of "administrative procedural legal relations", which makes it difficult to study their content, but does not exclude such possibilities.

The purpose of the article is to characterize the administrative procedural legal relationship.

Presentation of the main material. Within the framework of domestic legal science, a number of approaches to understanding the content of the category "public management" are identified. In particular, in the scientific publications of V.B. Averyanov does not separate public-administrative relations as an area of legal relations, but at the same time he justifies the author's approach to understanding the concept of "management". Thus, scientists defined management as a certain system-forming complex influence of authorities on the activities of persons who are in subordinate relationships with the former [5, p. 243; 6, p. 14–15]. Thus, public administration in the early 2000s was the only category used to understand the content of administrative procedural legal relations [7, p. 14–15]

In fact, this approach was inherited from the Soviet era and did not correspond to the principles and principles proclaimed in the Concept of Administrative Reform of 1998 [8].

The signing of the Association Agreement with the European Union has updated the issue of understanding the idea of state development based on administrative serviceability [9]. The idea of administrative service directly corresponds to the concept of public administration and, accordingly, public-administrative relations. S.T. Goncharuk determines that the imperative element of public management legal relations is the subject of power [10, p. 191–198].

An attempt to determine the differences between public and state administration was made in the scientific publications of Yu. A. Legese. The scientist notes that the concept of "public administration" is associated with the imperative influence of the mechanism of state bodies on other social persons; public administration is characterized by the development of relationships in the sphere of implementation of the competence of state bodies and local governments on the basis of coordination, equality and transparency, which, in particular, can be achieved through the implementation of the idea of digitalization of public legal relations [11, p. 61-62]. The idea

of public administration and the establishment of its legal foundations is also supported in the research of R. S. Melnik, but at the same time, scientists highlight as its characteristic the political nature of public administrative legal relations, which, although it should not affect the exercise by officials of their competence, but also at the same time, it determines the functioning of the political public service [12, p. 10].

The effectiveness of legal regulation of administrative and administrative-procedural legal relations has quantitative and qualitative indicators, which should be the basis of a system of criteria for the effectiveness of the activities of the system of state authorities and local self-government.

The features of administrative-procedural relations include a special system of legislation regulating public-administrative legal relations. So, one of the signs of administrative procedural relations is a special system of legal regulation, in particular, these are codified acts - the Code of Administrative Procedure of Ukraine, the Code of Ukraine on Administrative Offenses, the Law of Ukraine "On Administrative Procedure", the Law of Ukraine "On Administrative Services" .

The second sign of administrative procedural legal relations is their nature. The nature of the relationship is expressed in the dominant meaning of public interest as the content between the state and society, between the state and social participants. Consequently, public interest should be defined as the functional goal of interaction between the state and society.

The next feature of administrative procedural relations is the specificity of their subject composition. As a rule, one of the parties to public-administrative legal relations is the subject of power, including the subject of delegated powers.

It should be emphasized that before the reform of administrative procedural legislation in 2017, it was the sign of subject composition that was defined as the only possible sign. The introduction of changes to the Code of Administrative Procedure and the reform of the system for resolving management disputes showed the expediency of not only highlighting the subjective characteristics of the case, but also establishing its subject, which is based on public interest.

The uniqueness of public-administrative relations requires the use of special procedures for settling administrative procedural cases, which provides for the specifics of the implementation of judicial procedural discretion and other features of the procedure.

The system of administrative procedural legal relations makes it possible to build it according to the areas of disputes or cases. Thus, according to the contents of the Unified Register of Court Decisions, the following are distinguished: disputes in the field of administration of taxes and fees; disputes regarding the functioning of authorities, courts, notaries; disputes in the field of environmental protection; disputes in the implementation of state economic and financial policies; disputes in the field of regulation of urban planning and land use; disputes in the field of education, science and culture; electoral disputes; disputes regarding ensuring public order and safety; disputes in the field of corruption prevention; disputes over the protection of political and public rights; disputes regarding enforcement of court decisions; public service disputes; disputes about the status of people's deputy and deputies of local councils.

Thus, in the modern understanding, administrative procedural legal relations are gradually acquiring the character of service, abandoning the dominant influence of the state. In particular, O.V. Nikanorova substantiates the need to refuse to characterize administrative-legal and administrative-procedural relations from the sign of state coercion [13, p. 207]. In addition, the scientist substantiates an even more radical approach to establishing the characteristics of administrative procedural relations, where it is necessary to abandon the use of such characteristics as the subject composition and participation of a state authority or local government in such relations [13, p. 208]. It

is impossible to completely agree with such proposals of the scientist, because even if an administrative dispute is devoid of such a feature as the participation of a state authority or local government body, this means that a private person is the bearer of the powers delegated to him by the state.

Conclusions. Thus, administrative procedural legal relations can be classified according to a number of criteria, in particular: by content; by subject composition; by area of implementation; behind the functional direction, etc. In particular, according to the scope of application, administrative-procedural relations are: in the field of administration of taxes and fees; in the field of ensuring the functioning of authorities, courts, notaries; in the field of environmental protection; in the field of implementation of state economic and financial policies; in the field of regulation of urban planning and land use; in the field of education, science and culture; electoral disputes; disputes regarding ensuring public order and safety; in the field of corruption prevention; disputes over the protection of political and public rights; in the field of enforcement of court decisions; in the field of public service; things like that.

The signs of an administrative procedural legal relationship must be distinguished: the specific basis for their occurrence, change and termination; subject composition of such disputes and cases; functional content requiring satisfaction of public interest as their priority; a system of normative grounds for their settlement.

Thus, an administrative-procedural legal relationship is a set of social relations that arise in the event of an offense or dispute in the field of management relations, characterized by their construction on the basis of transparency of the settlement, satisfaction of the priority of public interest and the dominance of administrative service.

Summary

The purpose of the article is to characterize administrative procedural legal relationship. Referred to as signs of administrative procedural legal relations, their implementation in the sphere of public administrative legal relations. It has been established that the administrative procedural legal relationship can be classified according to a number of criteria, in particular: by content; by subject composition; by area of implementation; behind the functional direction, etc. According to the scope of application, administrative-procedural relations are systematized into relations: in the field of administration of taxes and fees; in the field of ensuring the functioning of authorities, courts, notaries; in the field of environmental protection; in the field of implementation of state economic and financial policies; in the field of regulation of urban planning and land use; in the field of education, science and culture; electoral disputes; disputes regarding ensuring public order and safety; in the field of corruption prevention; disputes over the protection of political and public rights; in the field of enforcement of court decisions; in the field of public service; things like that. The following are identified as signs of administrative procedural legal relations: the specific basis for their occurrence, change and termination; subject composition of such disputes and cases; functional content requiring satisfaction of public interest as their priority; a system of normative grounds for their settlement. The author's definition of administrative procedural legal relations is substantiated as a set of social relations that arise in the event of an offense or dispute in the sphere of management relations, characterized by their construction on the basis of transparency of settlement, satisfaction of the priority of public interest and the dominance of administrative service.

Key words: administrative-procedural legal relationship, signs, concept, public administration, public interest, social management.

Гладій О. В. Характеристика адміністративно-процесуальних правовідносин

Метою статті визначено здійснення характеристики адміністративно-процесуальних правовідносин. До ознак адміністративно-процесуальних правовідносин їх реалізацію в сфері публічно-управлінських правовідносин. Встановлено, що адміністративно-процесуальні правовідносини можуть бути класифіковані за рядом критеріїв, зокрема: за змістом; за суб'єктним складом; за сферою реалізації; за функціональним спрямуванням тощо. За сферою застосування адміністративно-процесуальні відносини систематизовано на відносини: у сфері адміністрування податків та зборів; у сфері забезпечення функціонування органів прокуратури, суду, нотаріату; у сфері охорони навколишнього природного середовища; у сфері реалізації державної економічної та фінансової політики; у сфері регулювання містобудівної діяльності та землекористування; у сфері освіти, науки та культури; виборчі спори; спори забезпечення громадського порядку та безпеки; у сфері запобігання корупції; спори з питань захисту політичних та громадських прав; у сфері примусового виконання судових рішень; у сфері публічної служби; тощо. Виділено у якості ознак адміністративно-процесуальних правовідносин: специфічну підставу їх виникнення, зміни та припинення; суб'єктний склад таких спорів та справ; функціональний зміст, що вимагає задоволення публічного інтересу як їх пріоритету; система нормативних підстав їх врегулювання. Обґрунтовано авторську дефініцію адміністративно-процесуальними правовідносинами як сукупності суспільних відносин, що виникають у разі виявлення правопорушення чи спору у сфері управлінських відносин, що характеризуються їх побудовою на засадах прозорості врегулювання, задоволення пріоритету публічного інтересу та домінування адміністративної сервісності.

Ключові слова: адміністративно-процесуальні правовідносини, ознаки, поняття, публічне управління, публічний інтерес, соціальне управління.

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