

THE ESSENCE OF THE CONCEPT OF «ADMINISTRATIVE JUSTICE» AS AN ELEMENT OF THE STATE OF LAW

Nadiya A. Halaburda, PhD in Legal Sciences, Associate Professor, Department of Law, Alfred Nobel University (Ukraine)

E-mail: future19@ukr.net

DOI: 10.32342/2709-6408-2020-1-1-15

Key words: *administrative justice, the legal system, dispute, administrative judicial reform, the proceedings.*

Theoretically justified and this lawyerscience interpretation of the concept of „administrative justice“, defines its essence and features. Connection elucidated the factors that determine the existence of the institution of administrative justice and the need for its further development. The integration of Ukraine into the European legal protest requires a greater restructuring of the legal system at the level of principles and standards, which should be formed at the pan-European level. Public administration reformers are seeking to create international standards, theoretical elements, doctrines, and positive world practices. Administrative and judicial reforms have been developed in Ukraine, creation of administrative courts in the Ukrainian systems, and a system of administration of the legislative body of judicial legislation has been developed, which are performed using international standard administrative services. After all, they continue to use it to integrate Ukraine into the European legal space, as well as to designate the legal state. The presence of various bodies protecting the rights and freedoms citizens, creates a mechanism without which it is impossible to function rule of law. The judicial mechanism for the protection of human rights, which allows to eliminate arbitrariness on the part of the authorities, provides carrying out in life the principle of responsibility of the authorities for their activity before the person is called „administrative justice.“

Administrative justice is one of the components of modern administrative law, an integral institution of the rule of law, is intended to protect the subjective rights and legitimate interests of public administration, as well as administrative-legal disputes. It serves as one of the important safe guards legality of administrative activity. Administrative justice is a prerequisite for the existence of administrative law, namely administrative law cannot be imagined without administrative law legal proceedings. Establishment of a full-fledged administrative institute Justice is a very important step in the administrative and judicial environment of the ongoing reform in our country. Ukraine, as a state, which is in the active phase of the European integration processes, carries out reforms in virtually all sectors of state activity. Do not bypass this process and the adaptation of the legislation regulating administrative justice, which is now essentially at the stage of its formation, and therefore requires special attention from scientists in order to develop concepts and approaches for increase of efficiency of its functioning.

Administrative justice is an indispensable element of external control of legality of actions of public authorities and their officials in parts of acts adopted by them or committed actions (inaction) that violate legal rights of natural or legal persons, provided that the system of judicial organs in accordance with administrative procedure. The introduction of administrative justice in Ukraine is dictated by the objective need to address the problems of reforming the administrative law of Ukraine, change its subject matter and updating of the institutional system, the development of new legal and administrative theoretical constructs. After all, the improvement of means of protection of the rights and freedoms of citizens of Ukraine is not only an integral part of the overall process of formation of legal state, but also an important condition to ensure the protection of subjective rights of citizens in the sphere of Executive power and local self-government. In terms of objective conditionality of growth regulatory masses legislation significantly and progressively increases the necessity of improving the administrative justice system and wider system to resolve conflicts and disputes between private parties (citizens and organizations), on the one hand, and bodies of state power and administration, on the other, and between the various state bodies.

Reference

1. Zelencov, A.B. (2011). *Uchebno-metodicheskiy kompleks i metodicheskiye rekomendatsii po izucheniyu kursa "Administrativnaya yustitsiya"* [Educational and methodical complex and methodical recommendations for studying the course "Administrative Justice"]. Moscow, RUDN, p. 2.
2. Dems'kij, E.F. (2008). *Administrativne procesualne pravo Ukrainy* [Administrative process law of Ukraine]. Available at: <http://studies.in.ua/adminstrativne-procesualne-pravo-ukrainu> (Accessed 18 April 2020).
3. Shemshuchenko, S. (2003). *Yurydychna entsyklopediia* [Legal encyclopedia]. Kyiv, Ukr. Encyclopedia, 736 p.

4. Bahrah, D.N. (2005). *Administratyvne sudochynstvo y administratyvna yustytsiia*. [Administrative justice and administrative justice]. *Suchasne pravo* [Modern law], no. 5, p. 39.
5. Bojcova, B.B. (2009). *Administratyvna yustytsiia v Bilorusii: dyskusii pro zmist* [Administrative Justice in Belarus: Discussions on Content]. *Derzhava i pravo* [State and law], no. 5, pp. 43-46.
6. Starilov, Ju.N. (1998). *Administratyvna yustytsiia. Problemy teorii* [Administrative justice. Problems of theory]. Vinnytsia, Vinnytsia State University Publishing House, 185 p.
7. Salishheva, N.G., Hamaneva, N.Ju. (2002). *Administratyvna yustytsiia, administratyvne sudochynstvo* [Administrative justice, administrative proceedings]. *Derzhava ta pravo* [State and law], no. 1, pp. 5-11.
8. Chechot, D.M. (1973). *Administratyvna yustytsiia: teoretychni problemy* [Administrative justice: theoretical problems]. Lviv, University Press, 133 p.

Одержано 17.04.2020.