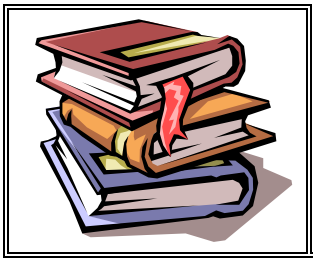

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GURZHIY Taras, Doctor of Law, head of Commercial Law Department, KNUTE

NATIONAL ADMINISTRATIVE-DELICT LEGISLATION REFORMING CONCEPTUAL BACKGROUND

The article shows the actual problems of Ukrainian administrative-delict legislation. It outlines the range of theoretical and practical issues requiring solution during the Code of Ukraine on administrative offences development. It also gives the author's view of future Ukrainian Code on administrative offence structure and content conceptual background.

Keywords: public administration, offence, delict, liability, jurisdiction.

Гуржий Т. Концептуальные основы реформирования отечественного административно-деликтного законодательства. *Освещены актуальные проблемы реформирования административно-деликтного законодательства Украины. Очерчен круг научно-практических вопросов, требующих решения при разработке проекта Кодекса Украины об административных проступках. Изложено авторское видение концептуальных основ структуры и содержания будущего КУоАП.*

Ключевые слова: публичное администрирование, правонарушение, проступок, ответственность, юрисдикция.

Background. Almost one and a half of decade ago the Code on administrative offences adoption as in the main new codified act based on the ideas of legitimacy, supremacy of law, justice, humanism, liability irreversibility and repressive measures "saving" was proclaimed one of the primary measures of administrative reform concept implementation in Ukraine [1]. Under various objective reasons these measures have not been realized yet. Because of the lack of national establishment initiative and consolidated academic circle approach absence all the steps in this area were useless. During 1998-2013 at least three drafts of the Code of Ukraine on administrative offences were submitted to the general public, however, no one of them got necessary support. In fact, the problem of new code developing and adopting is in "abandoned" condition.

The real prospects on its solution have begun to outline only recently, in the course of entering the last phase of another large-scale reform, criminal law system one. Not experiencing society's attention deficit and country's government political will, this reform takes place very dynamically. During it the Criminal Procedural Code Ukraine, and Acts of Ukraine "On free legal assistance", "On the legal profession and advocacy", "On prevention and opposition to corruption measures", were adopted and also a range of subordinate regulatory normative legal acts directed toward national criminal law organization improving and effectiveness increasing. The next long-range goal outlined by president, the Cabinet of Ministers, and the National security and defense Council of Ukraine is the Code of Ukraine on administrative offences adoption which will provide individuals' liability for minor offences of general criminal nature [2; 3].

The actuality of the goal set is caused by the present time. In spite of ongoing criminal law contents updating, from the point of view of its forming conceptual background it is still in soviet past, whereas legal consequences of minor offences accompanied a person for long years, and he or she got the offender's "brand" for all his or her life. That's why the necessity of national criminal legislation humanization by the infamies sphere limiting (confinement property, imprisonment, etc.), expunging convictions for minor delicts, suing at law procedure simplification, and in the far distant future the relevant causes transferring to magistrates.

But the first steps in this direction showed the impossibility of the established goal achieving at exclusively branch level. Under historical peculiarities of national administrative-delict legislation development it is exactly it (and not criminal law) determines the liability for considerable part of minor delicts of general criminal nature: (somebody's property pilferage (article 51 of the Code of Ukraine on administrative offences); disorderly conduct (article 173 of the Code of Ukraine on administrative offences); family violence (article 173-2 of the Code of Ukraine on administrative offences), etc. Indeed, in case of Code of Ukraine on criminal offences creation the relevant set of delicts norms will "move" in it. But, in turn, it will cause changes in valid Code of Ukraine on administrative offences structure and contents. And these changes promise to be so cardinal, that further Code of Ukraine on administrative offences existence in its traditional form won't meet practical needs.

It is impossible to provide effective putting the Code on administrative offences into operation "in isolation" from reforming administrative-delict legislation, especially, without analogous Code on administrative offences adoption. The direct this fact confirmation was President of Ukraine's order N 98/2012 from 30.05.12 creating interbranch working team on legislation about the liability for administrative and criminal offences reforming. The document mentioned has given a powerful impulse for searching optimal ways of national administrative-delict legislation development taking into

consideration constitutional provisions, international democratic norms, Ukraine's duties and responsibilities coming from its membership in European Council [4].

The latest research and publications analysis. Taking into account the problem of the Code of Ukraine on administrative offences development and adoption actualization the necessity of its conceptual background clear definition arises. This necessity has found a broad response among the national administrative and legal science representatives. The author's views on the new Code of Ukraine on administrative offences ideological orientation, contents and structure are stated in V. Averyanov, I. Golosnichenko, I. Kuliusko, I. Kolpakov, D. Lukyanets, V. Stefanyuk and other well-known scientists' works [5–11]. Nevertheless, such code holistic concept hasn't formed at present, which, on the one hand, gives evidence of great problem complexity, and from the other hand, makes the necessity of discussion on its possible solution variants continuation.

The **aim** of the article given are theoretical background of reforming administrative-delict legislation development and forming the Code of Ukraine on administrative offences conceptual contour.

Results. Taking into consideration that it is considered impossible to show all the opinions on the new Code of Ukraine on administrative offences concept within scientific article, let's discuss its most important and principal points.

The *first* such point is the new Code of Ukraine on administrative offences orientation toward opposition to delict activity in public administration sphere. Historically, in spite of its very unambiguous name the valid Code of Ukraine on administrative offences covered not only the issues of liability for delicts in public administrative sphere, but for other offences types, and in particular for the civil ones (unauthorized ground area occupation, ticketless travel, broadcasting services provision regulations violation, etc.) [12].

Similar delicts aren't referred to the public administration sphere. They don't infringe upon administrative legal relationship not within the public administration authorities jurisdiction and don't fit with the modern administrative liability paradigm. Quit obviously, liability norms for their committal should be included in the relevant branch codes (in particular, Ukraine's Civil Code and Ukraine's Criminal Code), and not in Code of Ukraine on administrative offences, where they will produce an impression of foreign element.

However, this isn't a new idea. It runs through the modern research in legal liability issues range. Nevertheless, its current understanding level by legislative initiative entities leaves much to be desired. Its object evidence is Ukraine's Act "On making changes in Ukraine's Criminal Code on criminal offences institution" draft submitted to Verhovna Rada of Ukraine of the 7th convocation [13].

In the draft law mentioned a new Criminal Code of Ukraine redaction is proposed, in accordance to which the Code Particular part is divided into two books: "On crimes" and "On criminal offences". Even a visual analysis of the second book makes to state lack of clear criteria for administrative, criminal and civil delicts distinction.

In particular, it has included norms on liability for administrative and legal delicts as separate units (electoral legislation violation, delicts in public services providing, etc.) But, a range of general criminal nature offences (as: intentional hiding of venereal disease infection source, leading an under-age person for alcoholic inebriation, gambling in public places, prostitution, etc.) haven't been included in the Book "On criminal offences". In fact, it means, that draft law authors are planning to keep these offences in Code of Ukraine on administrative offences reserving their administrative status.

By above mentioned reasons, such approach cannot be recognized well-founded. One can hope only that in course of further draft law modification its contents will get logical consistency and conceptual definiteness.

The *second* problem needed to be solved during the new Code of Ukraine on administrative offences development is fixing in its contents offences corpus delicti committed by public administration executives on duty, such as: dwelling houses and housing accommodation registration and occupation terms procedure violation, entrepreneurs' discrimination by power and administration authorities, permit document issuing procedure violation, etc.

Above mentioned offences have administrative nature. Their commitment subjects are public administration representatives, and the objects are social relations in public administration sphere, and then under formal features they could be included in the Code on administrative offences. However, from the point of view of the relevant causes subject jurisdiction this step is questionable.

Nevertheless, since 2005 in Ukraine an administrative legal proceedings system has been functioning. And it is the one that it is entrusted the task of individuals' rights, freedoms and interests, and businesses' interests in the sphere of public and legal relations protection from violations by governments and local authorities, their executives and employees, and other entities during performing their power functions [14]. Cases about such violations are tried by administrative courts, and they, as it is known, aren't involved in the range of causes about administrative offences.

In fact, the general national legal system development direction means that administrative courts competences should belong to all the subjects of public authorities offences directed against private (businesses and individuals') rights and interests including the ones provided by the valid Code of Ukraine on administrative offences. And this direction should be steadily followed in the course of administrative-delict legislation reforming during the Code of Ukraine on administrative offences development.

The future Code of Ukraine on administrative offences should define legal background of only individuals' administrative liability. But, causes and administrative delicts, committed by public power authorities subjects (both entities and executives), should come exclusively into administrative courts jurisdiction and be solved under Code of Ukraine on administrative legal proceedings.

The *third* point. The natural result of individuals' administrative offences legislative separation and concentration should become their jurisdiction review problem.

Nowadays cases about administrative offences are tried both by public administration entities and court of general jurisdiction, besides that, cases about offences of criminal type, for which penalties application analogous to criminal punishment: arrest, reformatory work, public work, confiscation, etc. is provided belong to the latter's competence.

This state of affairs essentially "discords" with general European practice, under which trying cases about administrative offences is carried out exclusively in pais. In most Western European counties (Belgium, Italy, Germany, Portugal, Switzerland, and others) general courts' authorities in administrative sphere are arranged to designate measures for procedural coercion and grievances on public power subjects' decisions. Accordingly, courts function isn't in administrative-delelict proceedings organization, but in its participants' rights, freedoms and interests' protection [15, p. 21–71].

Modern trends in administrative liability institution development state that Ukraine should just come down to such jurisdiction model. As it was mentioned above, in the new the Code of Ukraine on administrative offences exclusively administrative offences' corpus delicti, e.g. the ones impinging upon established public administration procedure and are in public administration "jurisdiction" should be concentrated. It, in particular, provides the necessity of transferring to subjects of public power (authorities and executives) responsibilities on trying many administrative cases, which are in court competence nowadays: cases about avoiding administrative prescriptions execution, cases on election campaigning rules violation, cases on limitations concerning holding down two jobs violation, etc.

The fourth point. The important direction of the national administrative-delict legislation reforming should become the implementation, and accordingly, attachment in the new Code of Ukraine on administrative offences the liability for businesses' administrative offences.

As is generally known, the valid Code of Ukraine on administrative offences "operates" by general term "an entity", without concretization what kind of entity "an individual" or "a legal entity" is said in its separate articles. Nevertheless, from the contents of the general Code of Ukraine on administrative offences provisions (articles 12–17, 20, 34) without alternative follows that, at present, the administrative offences subjects can be only individuals: the residents of Ukraine, non-residents and individuals without

citizenship status. Properly speaking it is not strange as the valid Code of Ukraine on administrative offences was developed in soviet times, when all the business had a status of public ones. At those times an idea of businesses' administrative liability seemed to be almost absurd: in fact, it could mean exercising by government administrative (including organizational) sanctions against itself. And soviet ethical doctrine could not recognize it.

Independence declaration, society democratization and economy denationalization caused a legal entity phenomena in-depth reinterpretation. In modern economic and legal life it can be any (from type and form of property) entity, established and registered in legally established order. At present in Ukraine 1. 291.000 thousand of businesses are registered, and majority of them are private ones [16].

Simultaneously with implementing in social practice an institution of private businesses for the national jurisprudence a problem of defining conceptual background of their liability for delicts in public administrative sphere has emerged. The point is, that the valid legislation (in particular, the Code of Ukraine on administrative offences) until recently associated administrative liability with administrative penalties execution, and administrative penalties execution with individuals' liability.

At the beginning of its formation post-Soviet paradigm of administrative-tort law interpreted that only individuals were subjected to administrative responsibilities (read imposition of administrative recoveries). As to juridical persons, it was tradionally considered that for breaking the law in the public-administrative sphere they were subjected to other ways of influence (which are not recoveries) and therefore other type of legal liability.

So, administrative and legal science couldn't define which type of state force and legal liability took place in this case. But the rules of responsibility of juridical persons left outside the institution of administrative responsibility. Now they are divided into great number of sectoral laws. For definition of statutory punishments for them, law maker uses such terms-substitutes: "sanctions", "method of influence", "methods of constraint" and so on. And none of laws concretizes what type of responsibility is realized in its using.

We can`t consider such situation acceptable when the origin of the whole complex of tortious legal relationships has its indefinite nature and because of its sectoral and institutional belonging. The objective conditions today give us all grounds to consider the juridical persons' responsibility for torts in publicly administrative area as the variety of administrative responsibility that must be realized and developed in the scope of the same name legal institution.

Taking into account this fact and positive international experience (integrated legislative regulation of problems concerning the administrative responsibility of individuals and juridical persons is successfully carried out by the majority of European states and by our geographical "neighbors" – Belarus, Kazakhstan, Russian Federation, the priority task of new Code of

Ukraine about Administrative Offences is to defence the public interests from all types of administrative torts without reference to who is the doer-individual or juridical person.

The fifth import point. In the light of probable imposition of juridical persons' responsibility for administrative misdemeanours, the problem of institutional attitude towards guilt become very urgent institutional attitude towards guilt becomes very urgent.

From the end of the 50-th to the beginning of the 80-th in Soviet jurisprudence the discussion concerning. The problem was what grounds – subjective or objective – the violators have to be called to administrative responsibility was being taken place.

From the end of the 50-th till the beginning of the 80-th in Soviet jurisprudence the discussion was being taken place. The problem was – on what grounds – subjective or objective – the violators had to be called to administrative responsibility. A great majority of experts stood up for the concept of objective attitude to the guilt. In accordance with it it's enough to state the objective fact of committing the wrong acts or to be inactive in order to be called to administrative responsibility. The others, a great part of lawyers took quite the opposite opinion. From their of view administrative responsibility must take place in the case of the persons' guilt is proved together with the objective signs of actions, that is (read-subjective) attitude to the performed act or inactivity that is expressed in the form of international guilt or negligent guilt.

This discussion was put to the end by the Soviet lawmaker, who firstly in the Fundamentals torts (1980) and later in the active Code of Ukraine about Administrative Torts (1984) defined guilt as the necessary condition of administrative responsibility. From this time the concept of subjective attitude to the guilt has taken place in the domestic administrative tort law.

And it dominates nowadays. For the last decades the institution of administrative responsibility hasn't been changed greatly. Today, as at the end of the 19-th century, its rules stipulate the responsibility for insignificant torts of criminal character and only individuals are recognized as subjects of administrative misdemeanours. Naturally, in such conditions the concept of subjective attitude to the guilt is an adequate to the needs of the practice.

But if the reformation of domestic administrative tort law progresses predictably this concept will be irrelevant. Firstly it can't be used for juridical persons, especially for those who have collegiate body of management.

Secondly, in the case of exemption from the Code of Ukraine about Administrative Offences, rules about misdemeanours of "no administrative" nature (criminal, civil etc.) it will stipulate the responsibility only for one type of torts-misdemeanors against established order of public administration. In our opinion, the qualification of such misdemeanours doesn't require the detailed analysis of mental state of violator with the aim of determination of

his inner attitude to his unlawful behaviour. Perpetration of misdemeanours by them are always conscious and are always guilted (except such cases which exclude the administrative responsibility of the persons. Therefore, the responsibility for them must be without reference to the assessment of mental processes on the base of statement of facts of doing by person wrongful acts or his inactivity.

Thus, in the heart of the future Code of Ukraine about Administrative Offences should be the principle of objective attitude to the guilt. In accordance with it the person is condemned in committing the administrative misdemeanour if it is proved that: a) it is this person who commits the tort; b) she could take necessary steps about maintenance of regulations and standards but she didn't do this. Violation of rules and standards is provided by administrative responsibility.

The Sixth. The obligatory aspect of reformation of administrative Tort Saw must be the revision of recovery system for administrative misdemeanours. As opposed to the majority of European countries where the list of such recoveries is rather restricted, we have more than dozen in our domestic juridical practice.

Only the main list administrative recoveries in the article 24 Code of Ukraine about administrative offences includes: warning, administrative fine, paid withdrawal of the item which was the direct object of administrative offence, money, obtained from committing administrative offence, revocation of special right given to a citizen, public works, correctional work, administrative arrest of deportation foreigners and persons without citizenship [17].

And this list isn't comprehensive. As opposed to Criminal Code of Ukraine, which doesn't allow to extend the list of criminal punishments effective Code of Ukraine about Administrative Offences stipulates other types of administrative recoveries. More over, administrative recoveries which aren't indicated in the article 24 Code of Ukraine about Administrative Offences are fixed in some article of just the same Code. For example part 3 of the article 46-1 Code of Ukraine about Administrative Offences provides for the imposition on the delinquent such recovery as confiscation of radiationally polluted object; for committing of misdemeanour provided by the article 148-1 code of Ukraine about Administrative Offences, guilty person must pay the losses made to the operator of telecommunication service and so on [18, p. 108].

So, we see that having passed the new Code of Ukraine about Administrative Offences which is directed toward the regulation of the tortious legal relationship in public-administrative area, the necessity of such cumbersome system of recoveries is disappeared. Recoveries which are identical to criminal punishments, administrative arrest, confiscation, public works, correctional work and so on should be excluded. In West European practice suck recoveries are used only in accordance with court decision and only for committing criminal punishable torts. Therefore relevant tort norms

about criminal misdemeanours are planned to insert in the Code of Ukraine and they should be used as criminal punishments.

Besides, the following points should be eliminated from the list of administrative recoveries:

- paid confiscation of the object which has become the tool of committing or the direct object of administrative tort (being ineffective and complex in using) this recovery isn't employed in majority of European countries except Moldova and Ukraine.
- replacement of the losses (this recovery has purely compensation character but in essence it is civil-legal and therefore it must be realized in the limits of civic responsibility.
- deportation of foreigners and persons without citizenship (the issue about the belonging of this enforcement measure to the system of administrative recoveries is open to question because of many reasons, but the main fact is that it hasn't had the reflection in sanctions of specific administrative-tortious norms).

At the same time it is difficult to agree with those lawyers which propose to keep only there kinds of measures: warning, administrative fine and restriction of specific right [15, p. 283]. Such action not only reduce the opportunities of administrative influence on the infringers of the law, but lower the efficiency of the institutional of administrative responsibility in the whole. It is unlikely that small administrative fines and more over warning as psychological measure will have evident influence on the people with high living standard. The restriction of specific right is not also effective.

Taking into account all this, the system of administrative recoveries shouldn't be only "compact", but also quite diverse in order to ensure the reliable protection of legal relationships which arise in the sphere of public administration.

We may propose such list of administrative recoveries to new Code of Ukraine about Administrative Offences: administrative fine, warning, temporary revocation of a specific right is given to individual.

And at last one more, the seventh problem which is under consideration is the structure of Code of Ukraine about Administrative Offense or ratio of its "material" and "procedural" parts. In scientific publication there are different thoughts about the necessity of including norms in future Code, norms which regulate the procedure of trying a case about administrative misdemeanours.

One group of scientists prefers the "scheme" according to which material and procedural norms are concentrated in one codified document. The other one takes quite the opposite view-they prove the necessity of taking out the procedural norms from Code of Ukraine about Administrative Offences. And the majority of its representatives show perfectly different view of prospects of legislative regulation of administrative-tort implementation: some people propose to develop separate Administrative-Procedural Code

similar to Criminal Procedural and Civil Procedural Code of Ukraine [19, p. 152] on the basis of appropriate norms; the others believe that these norms should be combined with regulation of active Code of Administrative Legal Procedures [20, p. 177]; somebody thinks that these norms should be the constituent of Administrative-Procedural Code, which will define the procedural principles of consideration and make the decisions of all types of administrative cases [21, p. 38].

Undoubtedly, all these approaches arouse scientific interest. But from the point of view of practical activity, the most persuasive approach is the idea of keeping the procedural part in the structure of new Code of Ukraine about Administrative Offences.

First of all predicted changes in administrative-tort area (namely the exclusion of ordinary courts from the number of parties of administrative jurisdiction, repeal of a number of irrelevant for administrative-jurisdiction recoveries and so on) substantially simplify the procedure of calling to administrative responsibility both in the part of recoveries' imposition and in the part of their fulfillment. Correspondingly, the total number of procedural norms decline. And there are no grounds for adopting separate code.

Secondly. In accordance with the analysis of the latest legislative initiatives of the government, the perspective of including the norms about administrative-tort process into future Administrative-Procedural Code will be doubtful. So, in the article 2 project of Administrative-Procedural Code which was submitted to Verkhovna Rada of Ukraine on the 3-d of December 2012 was clearly said: "The operation of this Code doesn't apply to the relations which arise during the criminal process, process in the cases of administrative offences, operation and search activity, executive process (besides execution of administrative acts), performance of notarial actions, execution of punishment, application of legislation about he defense of economic competition, tax code and tariff legislation, process which is connected with state secret (marked up by the author-T.G.].

Thirdly: the idea of exclusion the procedural "part" from the contents of Code of Ukraine about Administrative Offences causes the number of applied questions. Will it simplify the consideration and making decisions of administrative cases? Will it facilitate the search for the necessary norms quickly and unmistakably? Will it simplify the work of agents of administrative jurisdiction?

Answers to these and other similar questions are on the surface. Entirely obvious that in practical activity when it is necessary to make efficient decision it is better to use one Code than two Codes. Of course, there may be knowledge incorporation, that is creation of united collection of various regulatory enactments. But it is not reasonable firstly "to divide" the code into two separate documents and then mechanically unite them.

The list of arguments in favour of preservation "bilateral" (material and procedural) structure of Code of Ukraine about Administrative Offences may be extended.

Conclusion. Summarizing mentioned above, we may state that the modern state of reforming administrative-tort legislation made the wide set of scientific and practical issues very important: about the essence of administrative misdemeanors, their corpus delicti, problems of administrative recoveries, jurisdiction of administrative cases and jurisdictional practice and many others. That's why the key questions should be the following:

- formation of conceptual approach to administrative misdemeanour as to tort which is against social relations in the sphere of public administrative;
- taking out from administrative and legal regulation the torts of criminal-legal and civil-legal nature;
- recognition the agents of administrative misdemeanours both individuals and juridical persons;
- putting into the basis of administrative responsibility the principles of impartial attitude to a guilt;
- exclusion of common courts from a number of agents which have the power to try and decide a case about administrative misdemeanours;
- disposition about administrative misdemeanours only through administrative procedure;
- improvement the system of administrative recoveries by the following way:
  a) exclusion from it the measures of constraint inherent in criminal law and private law;
  b) including to it the recoveries eligible by the necessity of organizational influence on juridical persons.
- maintenance of traditional approach to codification of administrative-tort legislation, which provides for uniting into single Code both material and procedural norms.

It should be noted that the author of this article expresses his own opinion. He doesn't pretend to complete analysis of administrative-tort problem. In connection with it we propose to consider this problem in polemic aspect, with subsequent discussion of the issues concerning the domestic reformation of administrative-tort legislation.

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Гуржій Т. Концептуальні засади реформування вітчизняного адміністративно-деліктного законодавства.

Постановка проблеми. *Одним з першочергових заходів впровадження Концепції адміністративної реформи в Україні є кардинальне оновлення вітчизняного адміністративно-деліктного законодавства та перегляд концептуальних засад відповідальності за адміністративні проступки, що є найбільш поширеним різновидом правопорушень. Це завдання передбачає розроблення широкого спектру правових, організаційних, інформаційних та інших заходів, насамперед, формування міцного наукового підґрунтя. Адже без ґрунтовного аналізу, системного підходу і теоретичних напрацювань неможливо виробити ефективну систему дій та створити надійний механізм їх реалізації.*

Метою *статті є розбудова науково-теоретичних підвалин реформування вітчизняного адміністративно-деліктного законодавства та формування концептуального абрису Кодексу України про адміністративні проступки.*

Результати дослідження. *На сьогодні правові та організаційні засади відповідальності за адміністративні проступки визначаються Кодексом України про адміністративні правопорушення (КУпАП), який був прийнятий ще за радянських часів – у 1984 р. Це зумовлює широке коло проблем, пов'язаних із застарілістю положень Кодексу та їх невідповідністю новим реаліям суспільного життя. Регулярні спроби оновлення КУпАП мали неузгоджений і непослідовний характер, а відтак не принесли кардинальних зрушень у боротьбі з адміністративною деліктністю. Архаїчна концепція та еклектичність інституту адміністративних проступків, розпорошеність нормативного матеріалу, логіко-юридичні погрішності законодавчих положень, безсистемність законодавчих новел – усі ці проблеми, з одного боку, змушують констатувати глибоку кризу регулювання адміністративно-деліктних відносин, з іншого, – свідчать про необхідність прийняття Кодексу України про адміністративні проступки як принципово нового кодифікованого акта, що ґрунтується на засадах законності, верховенства права, справедливості, гуманізму, невідворотності відповідальності тощо.*

Висновки. *На основі здобутків адміністративно-правової науки та позитивного досвіду зарубіжних країн визначено, що в основу реформування адміністративно-деліктного законодавства (зокрема, прийняття Кодексу України про адміністративні проступки) мають бути покладені такі ідеї: винесення деліктів кримінально- та цивільно-правового характеру за межі адміністративно-правової регламентації; визнання суб'єктами адміністративних проступків як фізичних, так і юридичних осіб; об'єктивне ставлення у вину; позасудовий розгляд справ про адміністративні проступки; оптимізація системи адміністративних стягнень; максимально повна кодифікація адміністративного законодавства.*

Ключові слова: публічне адміністрування, правопорушення, проступок, відповідальність, юрисдикція.