2. Адміністративна процедура та адміністративні послуги: зарубіжний досвід і пропозиції для України / авт.-упор. В.П. Тимощук. К.: Факт, 2003. 496 с.

3. Адміністративне право України: підручник / Т.О. Коломоєць, Ю.В. Пиріжкова, Н.О. Армаш та ін.; за заг. ред. Т.О. Коломоєць. К.: Істина, 2009. 480 с.

4. Коломоєць Т.О. Управлінські послуги в контексті взаємовідносин особи й органів місцевої влади в Україні: концептуальний і нормативний аспекти. Актуальні проблеми державного управління. 2002. Вип. 7. С. 178–182.

5. Про заходи щодо впровадження Концепції адміністративної реформи в Україні: Указ Президента України від 22 липня 1998 р. № 810/98 / Президент України. URL: http://zakon4.rada.gov.ua/laws/show/810/98.

6. Про схвалення Концепції розвитку системи надання адміністративних послуг органами виконавчої влади: Розпорядження Кабінету Міністрів України від 15 лютого 2006 р. № 90 / Кабінет Міністрів України. URL: http://zakon4.rada.gov.ua/laws/show/90-2006-р.

Rudoi K.M.,
Candidate of Juridical Sciences, Associate Professor,
Professor at the Department of Administrative Law and Procedure,
Odessa State University of Internal Affairs

Shpak M.O.,
Second Year Cadet of Faculty № 2,
Odessa State University of Internal Affairs,
Odessa

JURISDICTIONAL AND NON-JURISDICTIONAL PROCEEDINGS IN ADMINISTRATIVE PROCEDURE

Summary

The article analyses the main concepts of administrative procedure. The specific features of jurisdictional and non-jurisdictional proceedings are investigated by the virtue of the general approaches of theory of administrative procedure law to the classification of administrative proceedings. The paper considers the main concepts of administrative procedure in order to define types and special aspects of jurisdictional and non-jurisdictional proceedings. It is characterized the common and distinct features of administrative proceedings of jurisdictional and non-jurisdictional nature. The main elements of the structure of administrative procedure in general and administrative proceedings in particular are noted. The article analyses scientific approaches to the definition of jurisdictional and non-jurisdictional activity in order to substantiate the classification of administrative proceedings. It is pointed out the main and additional stages of administrative

proceedings, the stages of jurisdictional and non– jurisdictional proceedings are emphasized.

Introduction. General theory of law defines the terms of legal process as a procedure for activity of competent public authorities, which is regulated by procedural standards, manifesting in the system of their procedural actions on preparation, adoption and registration of legal decisions of a general and individual nature. One of the types of legal procedure, along with a criminal procedure, civil, economic etc., is administrative one. Since the Soviet times, N.H. Salishcheva has distinguished the terms «administrative procedure» and «administrative proceeding» defining administrative procedure as a narrower concept in comparison with proceeding, and has equated its content to the concepts «civil procedure» and «criminal procedure». Today, there are several approaches to the comprehension of the content of administrative procedure.

Thus, the first approach considers administrative procedure in a narrow and broad sense. In a narrow sense, administrative procedure is understood as a rule of exclusively jurisdictional activity, which has kind of a «negative nature». In other words, administrative procedure is comprehended as a way which is regulated by the rules of administrative law to settle public disputes in the sphere of public administration.

A broad approach is related to the understanding of administrative procedure as an order of the activity of public administration bodies regarding the adoption of regulatory acts and the application of legal rules in the sphere of public administration, as well as the order of administrative courts activity. Thus, administrative procedure mediates not only the jurisdictional – «negative» – activity, but also «positive» – day-to-day activities of public administration bodies in solving various issues in the legal form (issuance of licenses, registration of business entities, etc.), as well as execution of justice by administrative courts [1, p. 13-14].

The second approach considers administrative procedure in three concepts: jurisdictional, judicial and managerial.

Within the framework of a jurisdictional concept, administrative procedure is considered as the activity, which is regulated by the law, in resolving disputes between the parties of administrative legal relations that are not connected by the official subordination, as well as activities concerning the application of administrative enforcement.

Jurisdictional representation of the content of administrative procedure has the following features:

– administrative procedure is the activity applying measures of administrative enforcement. In fact, controversies arise in the course of managerial cases;

– administrative procedure covers exclusively non-official sphere of administrative relations, in reality, official and non-official conflicts and the way of their solution may be the same in their nature and content;

– legal procedure exists only where there is a conflict over the law. However, in Ukrainian jurisprudence there is a tendency for the generation of such types of legal

coercion as legislative, budget, economic, etc., which are characterized by features confirming their managerial nature.

The judicial concept of administrative procedure was based on the statement that any procedural activity is the exclusive prerogative of judicial authorities. As well as the followers of jurisdictional concept, they build their conception of administrative procedure based on the analogy with two «traditional» types of legal procedure: criminal and civil. However, if the first sees such analogy in a «conflict» nature of legal cases that are subjected to procedural resolution and the second acts on the basis of an idea of their mandatory judicial jurisdiction.

The managerial concept of administrative procedure lies in the fact that administrative procedure shouldn't and can't be limited by the role of organizational and legal «regulator» of juridical conflicts. A special procedural form is typical for a whole law enforcement activity of public authorities, and not only for its separate aspects, which are directly related to the application of coercive measures. Thus, the limits of the functioning of administrative procedure, besides jurisdictional sphere, cover the whole diversity of managerial cases. Administrative procedure, according to this concept, is an activity of the subjects of authoritative powers which implement a statutory order for the application of correspondent substantive rules of law.

In accordance with the third approach, the term of administrative procedure is connected with a scholarly discussion of the interpretations of administrative process, which researchers still have been continuing to «adjust» to the artificially developed model, to any ideal example of understanding of the administrative process in a «narrow» and «broad» sense of the executive and administrative activities of public authorities, and all researches focus on the classification and determination of the position of administrative proceedings in administrative process and their typological groups [2, p. 63-66].

General characteristic of jurisdictional and non-jurisdictional proceedings

The common features of jurisdictional and non-jurisdictional proceedings:

− administrative proceedings are aimed at identifying and realizing tangible relations;

− they are staged: procedural actions performed in a certain sequence, in addition, any further action can't begin earlier until the previous one ends;

− concern resolution of a certain juridical case;

− administrative proceeding of jurisdictional and non-jurisdictional nature are characterized by the regularities, similar to other branch forms of procedural law, which are connected it with substantive sphere;

− they are regulated by procedural rules;

− all procedural mechanisms, peculiar to administrative procedure, are internal, special mechanisms of legal system;

− procedural actions are filled out by virtue of individual legally valid acts;

− they are regulated by procedural time frames [3, p. 62-63].

Among the mentioned features staging has a central importance. It is typical not only for process but also for proceeding. Due to this fact there is a need to draw line between the categories «process» and «proceeding». The structure of administrative

process includes jurisdictional and non-jurisdictional proceedings, and some scholars determine the term of administrative procedure which is interpreted as statutory rules, order and conditions (sample) of performance of procedural actions towards consideration and solution of a particular administrative case in the public sphere.

According to N.H. Salishcheva administrative proceeding covers all aspects of the state apparatus activities, from preparation and issuance of governance acts to material and technical actions. It embraces a wide range of social relations in the sphere of public administration and can be divided into three types due to its content:

− proceeding connected with tasks execution of internal organization of executive office;

− proceeding which mediates relations of the state apparatus with other government bodies, establishments, enterprises that are not a part of its system;

− proceeding in cases connected with the relations between citizens or non-governmental organizations and executive authorities.

The difference between process and proceeding lies in the fact that the latter is regulated by means of the organizational rules which compose a certain group of rules of substantive administrative law [4, p. 9].

Important organic elements characterizing administrative proceeding are stages, phases, procedural actions.

The stage is considered as a relatively independent part of consecutive procedural actions, which along with the general tasks, has unique targets and peculiarities that relate process participants, their rights and obligations, duration of procedural actions and nature of procedural documents which are executed [5; 171].

Procedural stage is relatively individual, time separated and logically linked set of procedural actions aimed at achieving a certain goal and solving the corresponding tasks of a particular administrative proceeding which is characterized by a range of subjects and enshrined in procedural acts [6, p. 192].

The following stages of administrative proceeding can be determined:

– stage of case analysis in the course of which the legal assessment of gathered information is given, the materials of the case are fully and thoroughly investigated in order to establish an objective truth, a concrete decision is made;

– stage of appealing or protesting of case decision that has a non-binding nature;

– stage of judgment execution in the course of which activities on administrative case are logically finished [7, p. 65].

Every stage of administrative proceeding or administrative procedure can have own phases and actions. Thus, at the phase of proceeding breach in a case of administrative infraction, it is identified the phase of termination of an offense and the application of appropriate measures ensuring proceeding in the case, for example, administrative detention.

Stages exist in any administrative proceeding. Each kind of administrative proceedings has its own, which does not duplicate in other types. Stages of some types of proceedings are fixed in a statutory order, and others are not fixed and constitute a specific result of generalization of the current rules in a particular sphere [8, p. 331].

For example, proceedings for the issuance of regulatory acts of governance consist of five stages:

– identification of the purpose of issuance of a regulatory act (at this stage, information about the state of affairs is gathered, situations that require a regulatory adjustment are found);

– preparation of a draft act (executors are determined, it is agreed the draft (it is vised), its creation, the terms of development etc.);

– bring a draft up for the discussion by a governing body (the draft is evaluated by the governing body, and an ideal decision is approved);

– decision-making on a draft (the draft is considered as adopted or not adopted);

– publication of the act (informing officials of it). [9, p. 32]

In the proceeding for establishment, re-organization and liquidation of organizational structures in the sphere of public administration, the following stages are distinguished:

– collection and initial study of information about the need for organizational changes;

– substantiation of changes;

– selection and analysis of the rules to be applied;

– consideration of a case by the competent authority;

– making a decision [10, p. 98].

In the proceeding for completing institutional structures in the sphere of public administration, there are the following stages:

– study of information;

– harmonization of employment agreement terms;

– implementation of the necessary organizational measures;

– choice of rules which should be applied;

– consideration of the case;

– making a decision.

The obligatory stages of this proceeding include: a) administrative investigation and distribution of materials under jurisdiction: b) consideration of a case by the competent authority (official) and the resolution adoption; non-binding: c) appeal and protest against the resolutions, their review; d) absolute execution of case-related decision [11, p. 171].

Non-jurisdictional proceedings

Before discussing the essence of non-jurisdictional proceeding, it is necessary to determine the approach to the basic notion of non-jurisdiction activity and the availability of the grounds for its perception from the procedural point of view.

On the basis of the purpose of non-jurisdiction proceedings, namely the satisfaction of the legitimate interests of natural and legal entities, and taking into account their tasks, in particular the resolution of individual cases, it is possible to distinguish a number of features, this type of proceedings is corresponded to. It will permit them to reflect them fully in defining the notion of administrative non-jurisdictional proceedings.

Non-jurisdictional activities (or activities of non-jurisdictional nature) arise in the course of executive and administrative activities of state bodies and is aimed at solving cases of a positive nature [12, p. 503]. An address to the scientific achievements of scholars makes it possible to outline the distinction between jurisdictional and non-jurisdictional activity.

S. Aleksieiev defined a jurisdiction as the activities of the competent bodies authorized to consider legal cases (of specific life situations in relation to which the law is applied) and to make binding decisions [13, p. 116]. However, that sort of the definition does not give grounds for differentiating these activities. The most precise definition of administrative jurisdiction is given in the textbook on administrative law prepared by the authors' team in 2004 under the general editorship of V. Averianov. According to their point of view, administrative jurisdiction includes activities which resolve, in a legally-authoritative nature, a legal case, carry out legal protection of violated or disputed interests, and decide on the application of a corresponding legal sanction, renewal of a violated right [14, p. 492].

The scientific best practices on administrative law in relation to the definition of administrative jurisdiction can be conditionally divided into two large groups: those that justify so-called broad approach and those that adhere to a «narrow» meaning of administrative jurisdiction. «Broad» approach is similar to the understanding of a jurisdiction expressed by S. Aleksieiev. That is, administrative jurisdiction covers all government and administrative activities of the competent authorities relatively resolution of legal disputes (issues) of individual significance that arise in law.

Compared to administrative jurisdiction, legal protection is not carried out in the process of administrative non-jurisdiction, and authoritative decision is not connected with the application of a legal sanction or implementation of law enforcement activities. At the same time, such decision, although related to the solution of individual cases, but its subject does not concern an offense or dispute over issue of law. Taking into account one direction of non-jurisdiction activity, it is appropriate to raise the issue of the possibility of its consideration as such that is carried out through the implementation of a set of certain actions and procedures, that is, in procedural form.

V. Kolpakov describes administrative proceeding as a special type of administrative activity in solving a certain category of cases based on the general and special procedural rules. [16, p. 337-338]. From the procedural point of view, it is defined the essence of administrative proceeding as a part of administrative process, which unites a group of entire procedural relations, for consideration and resolution of which a certain procedure is established which leads to the registration of obtained results in the relevant documents. N. Salishcheva stressed on the coverage of the whole activities of the state apparatus by administrative proceedings, from the preparation and issuance of governance acts and to material and technical actions. The scholar identified three types of administrative proceedings depending on their content:

a) proceeding related to the implementation of the tasks of internal organization of the management apparatus;

b) proceeding that mediates the relationship of the state body with other government bodies, institutions, enterprises that are not a part of its system;

c) proceeding in cases related to the relations between citizens or non-governmental organizations and executive and administrative bodies [17, p. 19].

Actually, the highlighted proceedings are procedural forms of different directions – internal and external – of administrative (management) activities. For this reason, it is expedient to accept the author's conclusions as such that have a general nature.

On the basis of refined theoretical foundations relatively the essence of administrative proceeding, it is possible to identify its features:

a) it is a homogeneous group of organizational-administrative and procedural actions;

b) these actions are carried out in order to implement separate material administrative-legal norms and are task-oriented;

c) it is a part of administrative process;

d) administrative proceeding is completed by the execution of a procedural act.

Taking into account the distinction between jurisdictional and non-jurisdictional activities as well as the marked features of administrative proceeding, one can formulate the concept of administrative non-jurisdictional proceeding. This is a procedural form of the implementation of homogeneous, organizational-administrative and procedural actions, which do not relate to legal protection or the resolution of issue of law, aimed at making a legally-authoritative decision and are committed in connection with the resolution of an individual administrative case [18, p. 32-34].

The major part of proceedings, which constitute the structure of administrative process, is aimed at solving cases concerning so-called positive, namely non-jurisdictional, nature arising in the course of executive and administrative activities of state bodies. The scope of these proceedings is much broader in comparison with jurisdictional proceedings. This is due to the specifics of management activity in the various spheres of society, the diversity and specialization of government bodies, their powers.

Non-jurisdictional proceedings include the following types of proceedings:

- for preparation and adoption of regulatory legal acts;
- for preparation and adoption of individual regulatory legal acts;
- for conclusion of administrative agreements;
- for consideration of citizens' proposals and applications;
- registration and permissive;
- institution;
- for implementation of supervisory and control powers;
- executive;
- for office management;
- for privatization of state and public property;
- for land, ecological, financial-budget, tax and some other matters [19, p. 75].

Jurisdictional proceedings

During solving a legal case, implementing a legal protection of violated or challenged interests a legally-authoritative decision is made regarding the application

of the corresponding legal sanction, renewal of violated right. This activity is called «administrative jurisdiction», which is typical for administrative procedure.

Therefore, some of proceedings in the structure of administrative process are characterized as jurisdictional and administrative proceedings. They include:

− proceedings in cases of administrative offenses;

− proceedings for consideration of citizens' complaints;

− disciplinary proceedings against civil servants, etc.

Proceedings relatively the application of administrative coercive measures, in particular administrative caution and administrative termination, hold an intermediate position between the non-jurisdictional and jurisdictional proceedings [20, p. 256].

The following features are typical for administrative-jurisdictional activity.

1. The existence of a legal dispute (or offense). Consideration and resolution of legal cases caused by positive circumstances are not covered by jurisdictional activities. Jurisdiction arises only when it is necessary to resolve an issue of law or in connection with the violation of existing legal rules. As for administrative jurisdiction, such disputes arise between the parties of public relations, which are regulated by administrative-legal rules, obtaining the nature of administrative-legal disputes.

2. Administrative-jurisdictional activity due to its social significance requires a proper procedural and legal regulation. Establishment and proof of events and facts, their legal assessment is carried out within the framework of a special procedural form, which is important and obligatory for the jurisdiction. Administrative jurisdiction differs significantly from other types of jurisdictional activities existing within the framework of criminal and civil proceedings. It is a less detailed procedural activity.

Consideration of administrative legal disputes is carried out on the basis of the relevant regulatory legal acts, which establish the procedure for consideration of complaints about unlawful actions or passivity of bodies and officials, which violate the rights and legitimate interests of citizens. As for administrative torts, the procedural order for consideration of such cases is fixed in the procedural part of the Code of Ukraine on Administrative Offences.

3. Administrative-jurisdictional, as other types of jurisdictional activity, stipulates a competitive nature in considering cases. It means that the parties to an administrative-legal dispute, which are guilty of commission of an administrative offense, are not passive observers of solving a case by the jurisdictional bodies. They are endowed with sufficiently broad procedural rights and it enables them to defend their interests actively, present evidence, make a petition, and deny presented evidence of the commission of an administrative offense. In addition, administrative-jurisdictional bodies, their officials are obliged to facilitate the implementation of these procedural rights.

4. Binding nature to make a decision in the form of a legal act is an important feature of jurisdictional activity. As a way to resolve legal conflicts, jurisdiction includes a binding nature for a final decision – an act of application of the rules of law to a particular case. Jurisdictional act of a particular administrative case means, in fact, the resolution of a legal dispute [21, p. 103].

If it concerns an offense, then such an act may provide legal sanctions, and their application is one of decision options made by administrative and jurisdictional authorities. Other options may include, for example, the decision of proceedings termination or the application of influence measures to a minor.

As it is known, a proceeding in an administrative case is considered complete, when the decision on it is fulfilled in full extent. In this case, the legislator provides a relevant guarantee of the reality of decisions adopted by the administrative-jurisdictional body. In particular, the judgment on an administrative offense is a mandatory for state and public bodies, enterprises, institutions, organizations, officials and citizens.

5. Variety of subjects of administrative jurisdiction. First of all, it is due to the possibility to appeal against actions and decisions of bodies and officials which violate the rights of citizens. That is, any supreme authority is obliged to consider such appeal and to make a corresponding decision.

At the same time, the peculiarities of offenses in various branches of management lead to the availability of a significant number of bodies (officials) authorized to consider them and decide on merits. In the vast majority of cases, the consideration of cases of administrative offenses is entrusted to bodies whose the main task, along with the exercise of jurisdictional functions, is the exercise of executive and regulatory powers in various branches of public administration.

Administrative-jurisdictional functions are also carried out by the bodies which are specially established for the consideration of cases of administrative offenses. These are administrative commissions under the mayor's office of raion, city, and district city councils.

6. Courts hold a special place in the system of administrative and jurisdictional bodies. It is necessary to keep in mind in that the court proceedings on administrative violations cannot be recognized as a separate, independent form of justice, as the court applies measures of administrative responsibility under the same rules as the executive authorities and according to the same law – the Code of Ukraine on Administrative Offences. In this case, the court carries out administrative jurisdiction «by analogy» with the administrative procedure for prosecution for administrative offenses. With that in mind, the court, when deciding cases on administrative offenses, acts as a body of administrative jurisdiction, and not as an administrative justice body [22, p. 65-68].

Consequently, jurisdictional proceedings consist in the consideration of administrative-legal disputes, cases of administrative violations (and in relation to civil servants – disciplinary offenses) in the statutory administrative-procedural form established by specially authorized bodies (officials) which have the right to consider such disputes and impose administrative penalties.

At the same time, an understanding of the place and role of a citizen as a participant of these proceedings is important for the general characteristic of administrative proceedings of any kind. The possibilities of a citizen to participate in administrative proceedings as a party and to act as the subject of administrative process are determined by the content of his administrative-procedural status.

In general, it is possible to distinguish the following outstanding characteristics of jurisdictional proceedings:

– they arise in order to resolve a dispute over issue of law arising from the rules of administrative law or with the application of measures of administrative coercion;

– they take place both in the activity of courts (consideration of cases of administrative offenses, cases concerning appeal of decisions, actions or inactivity of the subjects of power authorities) and in the activities of public administration bodies (consideration of cases of administrative offenses, licensing, accreditation, attestation, other cases of a positive nature);

– a representative of the state (court or public administration body) is the obligatory subject of jurisdiction proceedings;

– the result of the proceedings is the decision due to which a legal conflict is settled or measures of administrative coercion are applied (not applied) [23, p. 96].

Based on the above types of jurisdictional administrative proceedings, we will consider the essence of the main ones.

1. Proceedings in cases of administrative violations are the procedure for the activities of bodies (officials) regulated by the law to bring offenders to administrative liability. The importance of jurisdictional proceedings related to administrative offenses is explained, at least, by the following fact: administrative offences rank first in number among other types of offenses.

2. Proceedings in administrative courts are a trial concerning the appeal of decisions, actions or inactivity of the subjects of authoritative powers. This type of proceedings takes place in the activity of administrative courts – relatively new type of legal proceedings of Ukraine. The activity of administrative courts in resolving cases of administrative jurisdiction is regulated by the rules of the Code of Administrative Judicial Procedure of Ukraine.

3. Disciplinary proceedings are cases consideration, which is regulated by administrative law, concerning persons who have committed disciplinary misconducts and aimed at establishing objective truth and bringing the perpetrators to disciplinary responsibility.

4. Proceedings for the complaints of citizens are cases consideration, which are regulated by administrative legislation, on the renewal of rights and protection of legitimate interests of citizens violated by actions (inactivity), decisions of bodies of public administration, enterprises, institutions, organizations, groups of citizens, officials.

Conclusions

Thus, the activity of public administration bodies always requires the consideration and resolution of issues of managerial or jurisdictional nature in relation to specific individuals or legal entities. These activities are called administrative cases. To resolve an administrative case, it is necessary to apply the substantive administrative law to a particular individual case or a particular life situation. The administrative-legal norms are applied with the observance of certain statutory procedures (rules). These rules are enshrined in regulatory legal acts as administrative procedural rules – mandatory rules governing the procedure for

resolving administrative cases of various categories. Joined in the institutes, they form administrative procedural law. The resolution of various administrative cases based on administrative procedural rules is called administrative procedural activity, which is carried out by the executive and regulatory bodies and their officials. The complex of administrative procedural actions (activities) within a specific administrative case is called administrative proceeding. In the theory of administrative procedural law, administrative proceedings are classified into jurisdictional and non-jurisdiction, which depends on the definition of their place in administrative process, criteria of classification, correlation of such concepts as process, procedure and proceedings. A contemporary scientific thought doesn't have a single approach to this issue, as the definition of the concept of administrative proceedings depends on what content is put into the concept of administrative process by scholars and supporters of what concept they are. The aforementioned issue requires, first of all, a theoretical substantiation of the notion of administrative jurisdictional and non-jurisdictional proceedings. Taking into account the distinction between jurisdictional and non-jurisdictional activity as well as the distinctive features of administrative proceedings, it is possible to formulate the concept of administrative non-jurisdictional proceedings. This is a procedural form of implementation of homogeneous organizational-administrative and procedural actions, which do not relate to legal protection or the resolution of an issue in law, aimed at making a legally-authoritative decision and are committed in connection with the resolution of an individual administrative case. In turn, jurisdictional proceedings consist in considering administrative-legal disputes, cases of administrative offenses (and cases of disciplinary offenses in relation to civil servants), in the statutory administrative-procedural form, by specially authorized bodies (officials) who have the right to consider such disputes and impose administrative penalties.

On the basis of a defined concept, a further scientific search can be carried out in order to distinguish the types of administrative non-jurisdictional proceedings, which may be in a significant quantity taking into account the diverse nature of management activity. In the future, it is advisable to pay attention to the problem of unification of procedural actions and acts adopted in the process of implementing various types of administrative non-jurisdiction proceedings.

References:

1. Ківалов С.В., Картузова А.О., Осадчий А.Ю. Курс адміністративного процесуального права України. Загальна частина: підручник. О.: Фенікс, 2014. 324 с.

2. Шпак М.О., Рудой К.М. Адміністративний процес: поняття та принципи. Реформування законодавства України та розвиток суспільних відносин в Україні: питання взаємодії: матер. міжнар. наук.-практ. конф. (Ужгород, 11–12 травня 2016 р.). Ужгород: Ужгородський національний університет, 2018. С. 63–66.

3. Адміністративне право України. Академічний курс: підручник: у 2 т. / за ред. В.Б. Авер'янова. К.: Юридична думка, 2004. Т. 1: Загальна частина. 584 с.

4. Салищева Н.Г. Административный процесс в СССР. М.: Юридическая литература, 1964. 163 с.

5. Адміністративне право України. Академічний курс: підручник: у 2 т. / за ред. В.Б. Авер'янова. К.: Юридична думка, 2007. Т. 1: Загальна частина. 592 с.

6. Кузьменко О.В. Теоретичні засади адміністративного процесу: монографія. К.: Атіка, 2005. 352 с.

7. Великий енциклопедичний юридичний словник / за ред. Ю.С. Шемшученка. К.: Юридична думка, 2007. 992 с.

8. Завальний М.В. Місце адміністративно-деліктного провадження в адміністративному процесі. Форум права. 2008. № 1. С. 140–146. URL: http://www.nbuv.gov.ua/e-journals/FP/2008-1/08zmvvap.pdf.

9. Стеценко С.Г. Адміністративне право України: навч. посібник. К.: Атіка, 2008. 624 с.

10. Салищева Н.Г. Гражданин и административная юрисдикция в СССР. М.: Наука, 1970. 163 с.

11. Селіванов А.О. Адміністративний процес в Україні: реальність і перспективи розвитку правових доктрин. К.: ВД «ІнЮре», 2000. 52 с.

12. Спільник З. Співвідношення понять «адміністративний процес» і «адміністративне провадження». Вісник Львівського університету. Серія «Юридична». 2001. Вип. 36. С. 502–505.

13. Алексеев С.С. Право: азбука – теория – философия. Опыт комплексного исследования. М.: Статут, 1999. 712 с.

14. Авер'янов В.Б., Андрійко О.Ф., Битяк Ю.П., Голосніченко І.П., Ківалов С.В. Адміністративне право України: Академічний курс: підручник для студ. юрид. спец. вищ. навч. закл.: у 2 т. К.: Юридична думка, 2004. Т. 1: Загальна частина. 584 с.

15. Стеценко С.Г. Сутність адміністративного процесу: теоретичний погляд. Право України. 2011. № 4. С. 39–46.

16. Колпаков В.К. Адміністративне право України: підручник. К.: Юрінком Інтер, 1999. 736 с.

17. Салищева Н.Г. Гражданин и административная юрисдикция в СССР. М.: Наука, 1970. 163 с.

18. Мельников Ю.И. К вопросу о соотношении «юридического процесса» и «юридической процедуры». Актуальные проблемы юридического процесса в общенародном государстве. 1979. № 1. С. 13–15.

19. Битяк Ю.П., Зуй В.В. Административное право Украины (Общая часть): учеб. пособие. Х.: ООО «Одиссей», 1999. 224 с.

20. Спільник З. Співвідношення понять «адміністративний процес» і «адміністративне провадження». Вісник Львівського університету. Серія «Юридична». 2001. Вип. 36. С. 502–505.

21. Бахрах Д.Н., Боннер А.Т. Административная юстиция: развитие и проблемы совершенствования. Советское государство и право. 1975. № 8. С. 13–21.

22. Коломоєць Т.О., Кукурудз Р.О. Апеляція в адміністративно-юрисдикційному процесі: питання теорії та практики: монографія. Запоріжжя: Запорізький національний університет, 2010. 254 с.

23. Коломоєць Т.О., Нікітенко Н.П. Відвід (самовідвід) в адміністративно-юрисдикційному процесі: питання теорії та практики: монографія. Запоріжжя: Запорізький національний університет, 2011. 211 с.