

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
V. N. KARAZIN KHARKIV NATIONAL UNIVERSITY

**ADMINISTRATIVE PROCESS:
MATERIALS FOR SEMINAR CLASSES
AND SELF-STUDY FOR STUDENTS**

Electronic resource

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The materials for seminar classes and self-study for students include a thematic plan of the academic discipline, methodological instructions for seminar classes, materials for students' self-study, and criteria for evaluating responses during seminar classes.

Recommended for third-year students of the first (bachelor's) level of higher education at the Faculty of Law studying under specialization 293 International law.

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1. INTRODUCTION

The proposed materials for the academic discipline "Administrative Process" reflect the main forms, scope, and directions of work for students of the Law Faculty of V.N. Karazin Kharkiv National University.

The purpose of teaching the "Administrative Process" discipline is to prepare specialists with a high legal consciousness and legal culture, equipped with the necessary knowledge, skills, and abilities for the consideration and resolution of administrative cases in their professional activities.

The main objectives of studying the discipline include the formation of general and professional competencies such as: the ability to apply knowledge in practical situations; understanding the subject matter and the profession; awareness of the values of a civil (free democratic) society and the need for its sustainable development, the supremacy of the rule of law, and human rights and freedoms in Ukraine; application of the tasks, principles, and doctrines of administrative law and administrative procedural law; understanding the features of the implementation and application of norms of substantive and procedural law; ability to analyze legal issues, formulate and justify legal positions; ability to provide legal consultations, including possible ways to protect the rights and interests of clients, in accordance with the requirements of professional ethics, proper observance of norms regarding non-disclosure of personal data and confidential information; ability to logically, critically, and systematically analyze documents, understand their legal nature and significance.

According to the educational-professional program of the first (bachelor's) level of higher education, learners should achieve the following learning outcomes: assess the persuasiveness of arguments in the process of evaluating predetermined unknown conditions and circumstances; draw concise conclusions about specific factual circumstances (data) with sufficient substantiation; explain the nature and content of basic legal phenomena and processes; apply acquired knowledge in various legal situations, identify legally significant facts, and formulate well-founded legal conclusions; prepare drafts of necessary legal acts in accordance with the legal conclusion drawn in different legal situations; provide consultations on possible ways to protect the rights and interests of clients in various legal situations.

Mastery of this academic discipline is necessary for acquiring a broad professional outlook, without which a complete specialist is impossible.

2. THEMATIC PLAN OF THE ACADEMIC DISCIPLINE

Topic 1 The concept of administrative process, its content and relevance in the rule of law.

The concept and main features of the administrative process. The relevance and significance of the administrative process in the rule of law. The role of the administrative process in the legal system of the state.

Basic principles and rules of the administrative process. Relevance of the administrative process in the context of contemporary challenges and societal needs. Comparison of the administrative process with other types of legal proceedings. Practical significance and application of knowledge in the administrative process in various areas of legal activity.

Topic 2 The concept of administrative-procedural norms and legal relationships.

Content, characteristics, and types of administrative-procedural norms. Relationship between substantive and procedural norms. Specific features of administrative-procedural norms. Derivative nature of norms in administrative procedural law. Structure of administrative-procedural norms. Types of hypotheses and dispositions of administrative-procedural norms. Classification of administrative-procedural norms based on the scope of the subject matter of legal regulation. Classification of administrative-procedural norms depending on the approach to the concept of administrative process.

Administrative-procedural legal relationships. Emergence of administrative-procedural relationships. Structure of administrative-procedural relationships. Subjects of administrative-procedural relationships. Characteristics of administrative-procedural relationships. Classification of administrative-procedural legal relationships. Subjects of administrative-procedural law. Administrative-procedural legal capacity. Administrative-procedural legal competence. Classification of subjects of administrative-procedural law.

Topic 3 General provisions, content and significance of administrative proceedings.

The concept of administrative judicial proceedings, its subject matter, and structure. Principles of administrative judicial proceedings. Legislation on administrative judicial proceedings.

Types of administrative courts, composition of the court, and procedures for assigning judges. The concept and types of administrative jurisdiction. Grounds and procedural process for transferring an administrative case from one court to another.

The concept, types, and legal status of participants in a case. Representation in administrative judicial proceedings. Participation in the administrative process by entities

and individuals authorized by law to defend the rights, freedoms, and interests of others. Other participants in administrative judicial proceedings.

The concept, types, and characteristics of evidence in administrative judicial proceedings. The essence and content of evidence in administrative judicial proceedings. Evidence provision in administrative judicial proceedings.

The concept, types, and rules for calculating procedural deadlines. Types and significance of court summons and notifications. The concept and types of court costs and their distribution. Types, grounds, and procedures for applying procedural enforcement measures.

Topic 4 The concept and types of jurisdiction of the administrative cases

The concept, criteria, and types of subject matter jurisdiction of administrative jurisdiction. The concept and types of territorial jurisdiction of administrative cases. Establishing the jurisdiction of administrative jurisdiction. The system of administrative courts. Subject-matter jurisdiction. Territorial jurisdiction of administrative cases. General territorial jurisdiction, Exclusive territorial jurisdiction. Alternative territorial jurisdiction. Rules of jurisdictional competence. Consequences of violating the jurisdiction of administrative courts.

Topic 5 Basic provisions on evidence in administrative proceedings.

The concept and system of evidence in administrative proceedings. Types of evidence. The role of evidence in administrative proceedings. Relevance and admissibility of evidence.

Means of proof under the Code of Administrative Procedure of Ukraine. The prescribed legal procedure for establishing and examining factual data. Sources of evidence in administrative proceedings. Witness testimony. Statements of parties, third parties, and their representatives. Written evidence. Material evidence. Electronic evidence. Expert opinion.

The burden of proof and grounds for exemption from proving. Methods of evidence preservation. Procedure for preserving evidence in administrative proceedings.

Topic 6 Claims in administrative proceedings, content and stages.

Written statements of participants in an administrative case. Initiation of proceedings as a stage of the administrative process. Grounds and procedure for securing an administrative claim. The concept, purpose, and procedure for preparatory proceedings. Grounds and consequences of case closure and dismissal of a claim without consideration. Stages of judicial review in administrative proceedings. Preparatory proceedings. Tasks and procedure for the substantive review of an administrative case. The concept and types of court decisions in administrative cases.

Topic 7 Judicial decisions in administrative proceedings.

Court decisions: types, entry into force. Types of court decisions. The main decision of the court on the merits of the case. Resolution An interim decision that regulates procedural issues. Decree. Resolution. Entering into force. Immediate execution of decisions.

Consideration of cases according to the rules of simplified legal proceedings. The purpose of simplified proceedings is to ensure prompt and effective consideration of cases with less expenditure of time and resources. Criteria for application. Procedural features.

Consideration of typical and exemplary cases. The concept of typical cases. The concept of exemplary cases. Procedural aspects of the review. Selection of exemplary cases. Consideration of exemplary cases.

Topic 8 General principles of the review of court decisions and issues related to the execution of court decisions in administrative proceedings.

Review of decisions of administrative courts through appellate procedure. The right to appeal. The appellate complaint. Procedure for filing an appellate complaint. Stages of appellate proceedings. Initiation of appellate proceedings. Preparation of the administrative case for appellate review. Appellate review of the administrative case. Appellate review of the administrative case in a court session. Appellate review in the form of written proceedings. Consideration of an appellate complaint against the ruling of the court of first instance. Judicial decisions of the appellate administrative court.

Review of decisions of administrative courts through cassation procedure. The right to cassation appeal. The cassation complaint. Procedure for filing a cassation complaint. Stages of cassation proceedings. Initiation of cassation proceedings. Preparation of the administrative case for cassation review. Cassation review of the administrative case. Preliminary review of the administrative case. Cassation review of the administrative case in a court session. Cassation review of the administrative case in the form of written proceedings. Judicial decisions of the cassation administrative court.

Review of decisions of administrative courts based on newly discovered circumstances or exceptional circumstances. Grounds for reviewing court decisions based on newly discovered circumstances or exceptional circumstances. The right to submit an application for the review of court decisions based on newly discovered circumstances or exceptional circumstances. Deadline for submitting an application for the review of court decisions based on newly discovered circumstances or exceptional circumstances. Form and content of the application. Submission of the application (jurisdiction of the application). Stages of proceedings based on newly discovered circumstances or exceptional circumstances. Initiation of proceedings. Preparation of the administrative case for the review of the court decision. Review of the court decision. Decision of the administrative court following the review of the court decision based on newly discovered circumstances or exceptional circumstances.

Procedure for the execution of court decisions in administrative cases. Court decisions that are executed immediately. Procedure for the execution of court decisions in administrative cases. Implementation of court decisions in administrative cases. Correction of errors in the enforcement document and its recognition as unenforceable. Suspension of the execution of the court decision. Postponement and installment of execution, change or establishment of the method and order of execution of the court decision. Replacement of the party in the enforcement proceedings. Reversal of the execution of court decisions. Judicial control over the execution of court decisions in administrative cases. Features of proceedings related to decisions, actions, or inactions of the state executive service or private executor.

Topic 9 The concept and procedure for bringing to Administrative responsibility.

Concept of administrative responsibility. Grounds for prosecution. Signs, principles and tasks of administrative responsibility. Circumstances excluding administrative responsibility. Exemption from administrative liability. Separation of administrative responsibility from other types of legal responsibility

Concepts and signs of an administrative offense. Concepts and types of composition of an administrative offense. The structure of the composition of an administrative offense. The concept of administrative fines. types of administrative fines. General rules imposition of administrative fines. Proceedings in cases of administrative offenses. The right to appeal the decision in the case of administrative offenses.

Topic 10 General provisions of the administrative procedure, its principles and types.

Concepts, features and principles of administrative procedures. Types of administrative procedures (proceedings). Stages of administrative procedures.

The concept of citizens' appeals and their types. Requirements relating to citizens' appeals. Rights of citizens during consideration of their appeals. The procedure for consideration of citizens' proposals, statements and complaints. Legal responsibility for violation of the legislation on appeals by citizens.

Concepts and types of administrative services. Subjects of provision of administrative services. Legal regulation of the provision of administrative services. Requirements for the provision of administrative services and the procedure and terms of their provision. The procedure for personal reception of citizens.

Concept and features of registration proceedings. Subjects of registration proceedings. Stages of registration proceedings. Types of registration procedures and their legal regulation.

Concept and features of permit and license proceedings. Stages of permit and license proceedings.

Concept and features of executive proceedings. Stages of executive proceedings.

Concept and features of control and supervision proceedings. Principles of control and supervision proceedings. Subjects of control and supervision proceedings. Stages of control and supervision proceedings.

Topic 11 Participants in administrative procedures.

The concept and essence of the category "subject" and "participant administrative procedure". Participants in the administrative procedure. Types of administrative subjects procedures. Characteristics of types of participants in administrative procedures.

Subject of public administration as a participant in the administrative procedure. Their powers. Private individuals. Legal status of an individual in the administrative procedure. Rights and obligations. Representation of a person's interests in the administrative proceedings

Persons who contribute to the consideration of the case: witnesses, experts, specialists, translators. Legal status of persons who contribute to the consideration of the case

Topic 12 Characteristics of the stages of the administrative procedure, the content and features of the administrative act and administrative agreement.

Concept and types of stages of administrative procedure. Initiation of administrative procedure. Grounds for initiating administrative proceedings. Initiation of administrative proceedings by an administrative body. The right to appeal to an administrative body. Requirements for the content of the appeal application. Application submission procedure. Application registration. Leaving the application without movement. A statement that is not subject to consideration.

Beginning of administrative proceedings. Duties of an administrative body during the preparation of a case for consideration and resolution. The procedure for involving the head office and interested persons in the administrative proceedings. Consideration of a petition of a participant in administrative proceedings.

Investigation of the circumstances of the case and collection of evidence. Evidence in administrative proceedings. Consideration and resolution of the case. Termination of administrative proceedings. Closure of administrative proceedings.

The concept, form and content of an administrative act. Issuance of an administrative act. Justification of the administrative act. Entry into force of an administrative act. The procedure for bringing an administrative act to the attention of a person. Validity of the administrative act.

The concept and content of an administrative contract. Characteristic features of an administrative contract.

Topic 13 Administrative procedure for the providing administrative services

Concepts, signs and types of administrative service. The procedure for providing administrative services. Difference of administrative service from other types of services in the public sphere.

Subjects of relations regarding the provision of administrative services. Subject of provision of administrative services. The subject of the appeal.

Centers for the provision of administrative services. Administrators.

The procedure for providing administrative services. Stages of the administrative service provision procedure. Legal documents and actions accompanying the procedure for providing administrative services. Fee for the provision of administrative services (administrative fee) Requirements for the quality of the provision of administrative services.

Topic 14. Administrative procedure in foreign countries and prospects for its development in Ukraine

Principles and forms of relations between the authorities and citizens in foreign countries. Initiatives to improve the quality of services of the governments of the countries of the Organization for Economic Cooperation and Development (OECD). Characteristics of laws on administrative procedure in foreign countries. Resolutions and recommendations of the Council of Europe regarding the implementation of administrative procedures. Analysis of domestic draft laws regarding the order of legal regulation of the administrative procedure.

3. METHODOLOGICAL INSTRUCTIONS FOR SEMINAR CLASSES

Seminar class № 1 The concept of administrative process, its content and relevance in rule of law. Concept and content of administrative-procedural norms and legal relations.

Educational purpose of the class: formation of a complex idea and understanding of the main concepts of the administrative process

Duration – 2 hours

Educational questions:

1. The concept and main features of the administrative process.
2. Content, characteristics, and types of administrative-procedural norms.
3. Content and structure of administrative-procedural legal relationships/

Methodical instructions

During the preparation of the first question, it is necessary to pay attention to the content of the subject of the administrative process, to clarify the purpose and system of discipline. To analyze the normative sources of the academic discipline.

Considering the second question, first of all, it is necessary to define the concept of "administrative and procedural norms", to analyze the specifics of procedural norms. Focus attention on hypotheses, dispositions and sanctions as structural elements of administrative and legal norms. Analyze the main types of administrative and legal norms.

When discussing the third issue, it is necessary to define administrative-procedural relations and analyze their main features. To study the structure of administrative-procedural relations and their classification.

Seminar class № 2 General provisions, content and significance of administrative proceedings. Concepts and types of jurisdiction of administrative cases

Educational purpose of the class: to form a holistic view of administrative proceedings.

Duration – 2 hours

Educational questions:

1. The concept of administrative proceedings, its subject and structure.
2. Principles of administrative proceedings.
3. Legislation on administrative proceedings.
4. Concepts and types of administrative jurisdiction.

Methodical instructions

When considering the first question, it is necessary to define "administrative proceedings". To characterize the features of public legal disputes. Investigate the stages of administrative proceedings, in particular, the stage of initiating an administrative case in court at the request of an interested person; preparation of the case for trial; settlement of the dispute with the participation of a judge; consideration of the case on its merits; appeal proceedings; cassation proceedings; review of the case based on newly discovered circumstances; review of court decisions under exceptional circumstances, as well as executive proceedings.

The answer to the second question must begin with revealing the content of the category "principles of administrative proceedings" and providing a detailed description of the principles of administrative proceedings.

Considering the third question, it is worth noting that the basis of the sources of administrative proceedings is procedural legislation, which consists of a system of normative legal acts that regulate the activities of the court and participants in the judicial

process. Speaking about the sources of the administrative process, first of all, the Constitution of Ukraine should be noted, which, according to its Article 8, has the highest legal force. It is also necessary to give a legal description to such sources of administrative proceedings as the Code of Administrative Proceedings of Ukraine, legislative acts - laws of Ukraine "On the judicial system and the status of judges", "On access to court decisions", "On information", "On access to public information", "On civil service", "On administrative services", "On advocacy and advocacy", "On court fees", "On enforcement proceedings", etc.

When considering the fourth question, it is necessary to provide a definition of the category "administrative jurisdiction". To characterize subject jurisdiction, territorial jurisdiction and instance jurisdiction.

Seminar class № 3 General principles of applying to the administrative court with a claim. Basic provisions on evidence in administrative proceedings.

Educational purpose of the class: formation of a holistic view of filing a claim to an administrative court and of evidence in administrative proceedings

Duration – 2 hours

Educational questions:

1. The concept and meaning of an administrative claim.
2. Terms and procedure for filing a claim.
3. Concepts and types of evidence in administrative proceedings.
4. Principles of evidence and the procedure for gathering evidence.

Methodical instructions

Within the framework of the first question, it is necessary to define the concept of "administrative lawsuit" and clarify its legal meaning. It is necessary to emphasize the features of an administrative lawsuit compared to a civil or criminal one and to characterize its importance for the development of the legal system and the support of democratic values.

When considering the second issue, it is necessary to describe in detail the requirements for the form and content of the claim, the right to appeal to the court and consider the mandatory elements of the claim. It is also necessary to follow the process of preparing and submitting an application to the administrative court, including drawing up the text of the application, determining the terms of submission and the possibility of submitting the application in different ways.

When analyzing the third question, one should focus on the concept of "evidence" and its significance in the administrative process. It is worth identifying the various types

of evidence that can be used in administrative cases, such as written, physical, electronic evidence, witness statements and expert opinions.

Within the framework of the fourth question, it is necessary to analyze the criteria of propriety and admissibility of evidence in court proceedings, as well as to study in detail the methods of their presentation.

Seminar class № 4 Claim proceedings in administrative proceedings, content and stages. Court decisions in administrative proceedings.

Educational purpose of the class: to form a holistic view of administrative proceedings and review of court decisions in administrative proceedings

Duration – 2 hours

Educational questions:

1. Opening proceedings in an administrative case.
2. Stages of judicial proceedings in administrative proceedings
3. Consideration of cases according to the rules of simplified legal proceedings.
4. Consideration of typical and exemplary cases.
- 5.

Methodical instructions

Within the scope of the first question, it is necessary to characterize the grounds for opening proceedings in an administrative case by a judge. Analyze the list of circumstances that allow the judge of the administrative court to refuse to open proceedings in an administrative case.

The answer to the second question should begin with a description of the stages of administrative proceedings. Analyze the opening of the proceedings and the grounds and procedure for securing the claim. To characterize the order of preparatory proceedings. Investigate the grounds and consequences of closing the case and leaving the claim pending.

When answering the third question, it is necessary to disclose the concept and main characteristics of simplified legal proceedings. Investigate the conditions under which a simplified claim procedure can be applied. Consider the main stages and procedures provided for considering a case under simplified rules. In preparing the fourth question, it is important to conduct an analysis of typical and exemplary cases resolved in administrative proceedings, as well as to consider the specifics of the procedure and process of considering these cases.

Seminar class №5 General principles of review of court decisions and issues related to execution of court decisions in administrative proceedings. Concept and procedure of bringing to administrative responsibility

Educational purpose of the class: to form a single discovery about the stage of review and execution of court decisions and about the nature of administrative responsibility

Duration – 2 hours

Educational questions:

1. Review of decisions of administrative courts in the procedure of appeal.
2. Review of decisions of administrative courts in the cassation appeal procedure.
3. Concepts and signs of administrative responsibility, principles and tasks.
4. Administrative offense and its composition.

Methodical instructions

Within the scope of the first question, it is necessary to find out its following components, in particular: the content of the right to appeal; content of the appeal. the procedure for submitting an appeal; stages of appeal proceedings; court decisions of the administrative court of appeal.

When considering the second point of the plan, it is necessary to analyze the following issues, in particular, the content of the right to a cassation appeal; the form and content of the cassation complaint; the procedure for filing a cassation appeal; stages of cassation proceedings; court decisions of the administrative court of the cassation instance.

Providing an answer to the third question, it is necessary to define the concept of "administrative responsibility". Outline the signs of administrative responsibility, examine the principles and tasks of administrative responsibility.

The fourth question should be started by defining the concept of "administrative offense" and defining its social basis. Analyze the structural elements of an administrative offense (object, subject, objective side, subjective side) and outline the types of components of an administrative offense.

Seminar class № 6 General provisions of the administrative procedure, its principles and types. Participants of administrative procedures.

Educational purpose of the class: formation of a comprehensive idea of the content and features of the implementation of administrative procedures.

Duration – 2 hours

Educational questions:

1. Concepts and types of administrative procedures.
2. Stages of administrative procedures.

3. Concepts and types of participants in administrative procedures

Methodical instructions

Revealing the first issue of the plan, the definition of the administrative procedure should be formulated. Analyze the legal nature of administrative procedures. All administrative procedures are characterized by the presence of their participants, the majority of them are the body of public administration (administrative body) or its official, the addressee or the applicant, their representatives and interested persons, therefore, it is necessary to analyze their legal status. Separately, it is worth dwelling on the principles of administrative procedures.

Within the scope of the second question of the plan, the classification of administrative procedures should be revealed, in particular, it is necessary to provide a detailed description of the registration procedure; permissive; license control and supervision; examination; expert; accreditation; privatization; handling complaints, etc.

When answering the third question, the concept of "participant of the administrative procedure" should be characterized. Analyze their administrative and legal status and investigate the legal status of persons participating in the case: witnesses, experts, specialists, translators.

Seminar class № 7 Characteristics of the stages of the administrative procedure, the content and features of the administrative act and the administrative contract. Administrative procedure for providing administrative services

Educational purpose of the class: to form comprehensive knowledge about the stages of the administrative procedure, administrative act and contract

Duration – 2 hours

Educational questions:

1. Stages of administrative procedures.
2. Administrative act.
- 3 Administrative contract.
4. Provision of administrative services.

Methodical instructions

The discussion of the first plan of the issue arises in the determination of the stages of administrative procedures, in particular, it is necessary to provide a detailed description of them in such a way as: the initiation stage and the beginning of proceedings; preparation of the case for consideration; consideration and resolution of the case; drawing up an administrative act, bringing it to the attention of addressees and interested persons; revision of the administrative act.

In the second question, attention should be paid to the concept, form and content of an administrative act. To follow the procedure of issuing an administrative act and entry into force of an administrative act.

The third question is devoted to the administrative contract and requires an analysis of the concept and its separation from the administrative act according to its intended purpose. Analyze the content of the administrative contract.

The fourth question should be started with the concept of "administrative service". Investigate the process of providing administrative services through administrative service centers. Determine the difference between an administrative service and services in the public sphere. To distinguish the types of subjects regarding the provision of administrative services

Seminar class № 8 Administrative procedure in foreign countries and prospects for its development in Ukraine

Educational purpose of the class: to form an understanding of the key aspects and tools of the administrative procedure in different countries

Duration – 2 hours

Educational questions:

1. Experience of administrative procedure in foreign countries.
2. Initiatives to improve the quality of government services of the countries of the Organization Economic Cooperation and Development (OECD).
3. Resolutions and recommendations of the Council of Europe regarding the implementation of administrative procedure.
4. Prospects of legal regulation of the administrative procedure in Ukraine.

Methodical instructions

Considering the first question, it is necessary to carry out research and analysis of administrative procedures in different countries. Consider the specific procedural rules, procedures and tools used in such countries during administrative procedures (organization of the judicial system, interaction between courts and administrative bodies, evidentiary procedures, time frames, access to justice and other important aspects affecting the effectiveness and fairness of administrative justice)

In the second question, it is necessary to clarify the competence of the OECD. Enhance OECD strategies and programs aimed at improving the quality of government services in various areas, such as e-government, efficiency of administrative services, public participation.

The third question is aimed at reviewing the main principles, principles and recommendations contained in the documents of the Council of Europe on administrative procedures. Analyze the structure and content of resolutions and recommendations of the Council of Europe, including their main sections, provisions and recommendations for member states. Assess the impact of Council of Europe resolutions and recommendations on administrative practice in member states, including their role in improving procedures and ensuring citizens' rights and freedoms.

As part of the fourth question, it is necessary to analyze the current legislation of Ukraine on administrative procedure, namely the Law of Ukraine "On Administrative Procedure" and identify its main problems and shortcomings. Determine the importance of the participation of the public and experts in the process of developing and implementing new legal norms regarding administrative procedure.

4. MATERIALS FOR INDEPENDENT WORK OF STUDENTS

Independent work of students is the main means of learning the educational material in their free time. Independent work includes: studying the educational material, performing individual tasks, research work. The study time allocated for independent work of a full-time student is regulated by the curriculum and the work curriculum. The content of independent work on the discipline is determined by the program of the discipline, teaching materials, tasks and instructions of the academic staff.

The independent work of students is provided by the system of educational and methodological support provided by the program of the discipline: textbooks, teaching and methodological manuals, lecture notes, collections of tasks, sets of individual semester assignments, workshops, methodological recommendations for organizing independent work and performing individual tasks, electronic and other teaching materials, distance courses. Relevant scientific and professional monographic and periodical literature is recommended for independent work.

Independent work on the study of educational material in the discipline can take place in the Central Scientific Library of the University, classrooms, computer classes, laboratories, at home, as well as in a remote form using the distance learning support system and distance learning materials.

To ensure proper conditions for independent work, this work is organized, if necessary, according to a schedule previously drawn up by the department, which guarantees the possibility of individual access of the student to the necessary didactic and technical means of general use. The schedule is published at the beginning of the academic semester. When organizing independent work with the use of complex equipment, installations, information systems (computer databases, computer-aided design systems, automated learning systems, distance learning support systems, etc.), the

possibility of obtaining the necessary advice or assistance from the department's specialists is provided.

Control over the mastery of the discipline's educational material assigned to independent work is mandatory.

The main methods of checking students' progress are: oral questioning, written control, practical classes, tests, etc.

№	Content of independent work
1.	<p><i>Topic 1 The concept of administrative process, its content and relevance in the rule of law.</i></p> <p><i>Get acquainted with the lecture material, educational and scientific literature on the topic and the provisions of the Law of Ukraine 'On Administrative Procedure' dated 17.02.2022 No. 2073-IX.</i></p> <p>In the framework of independent work, analyze the content and specifics of such categories as 'administrative process', 'administrative procedure', 'administrative proceedings', find out the difference and scientific approaches to the definition. Describe the administrative process in modern domestic legal doctrine:</p>
2.	<p><i>Topic 2 The concept of administrative-procedural norms and legal relationships.</i></p> <p><i>Get acquainted with the lecture material, educational and scientific literature on the topic</i></p> <p>Within independent work study the following questions: The concept of 'administrative procedural rules', analyse the specifics of procedural rules. Consider the classification of administrative procedural rules. To define administrative procedural relations and analyse their main features. To study the structure of administrative and procedural relations and their classification.</p>
3.	<p><i>Topic 3 General provisions, content and significance of administrative proceedings.</i></p> <p><i>Get acquainted with the lecture material, educational and scientific literature on the topic and and provisions of the The Code of Administrative Proceedings of Ukraine dated July 6, 2005 No. 2747-IV</i></p> <p>Within independent work study the following questions: Concept, types and legal status of participants in the case. Representation in administrative proceedings. Participation in administrative proceedings of bodies</p>

	and persons authorised by law to protect the rights, freedoms and interests of other persons. Other participants in administrative proceedings
4.	<p><i>Topic 4 The concept and types of jurisdiction of the administrative cases</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic and provisions of the The Code of Administrative Proceedings of Ukraine dated July 6, 2005 No. 2747-IV</i></p> <p>Within independent work study the following questions: The concept of jurisdiction of administrative cases. Substantive jurisdiction. Instance jurisdiction. The system of administrative courts. The system of administrative courts Types of territorial jurisdiction of administrative cases. General territorial jurisdiction, Exclusive territorial jurisdiction. Alternative territorial jurisdiction. Rules of jurisdictional competence.</p>
5.	<p><i>Topic 5 Basic provisions on evidence in administrative proceedings.</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic and provisions of the The Code of Administrative Proceedings of Ukraine dated July 6, 2005 No. 2747-IV</i></p> <p>Within independent work study the following questions: Evidence in cases of administrative offences, its sources and evaluation. Types of evidence. Means of proof. The burden of proof and grounds for exemption from proving. Methods of evidence preservation.</p>
6.	<p><i>Topic 6 Claims in administrative proceedings, content and stages.</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic and provisions of the The Code of Administrative Proceedings of Ukraine dated July 6, 2005 No. 2747-IV</i></p> <p>Within independent work study the following questions: Written statements of participants in an administrative case. Interim relief: grounds and procedure.</p>
7.	<p><i>Topic 7 Judicial decisions in administrative proceedings</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic provisions of the The Code of Administrative Proceedings of Ukraine dated July 6, 2005 No. 2747-IV</i></p> <p>Within independent work study the following questions: The concept and types of court decisions. Types of court decisions. Consideration of cases under the rules of simplified action proceedings. Consideration of typical and exemplary cases</p>

8.	<p><i>Topic 8 General principles of the review of court decisions and issues related to the execution of court decisions in administrative proceedings.</i></p> <p><i>Get acquainted with the lecture material, educational and scientific literature on the topic provisions of the The Code of Administrative Proceedings of Ukraine dated July 6, 2005 No. 2747-IV</i></p> <p>Within independent work study the following questions:</p> <p>Review of administrative court decisions by way of appeal. The right to appeal. Court decisions of the administrative court of appeal.</p> <p>Review of decisions of administrative courts by way of cassation appeal. The right to cassation appeal. Court decisions of the administrative court of cassation.</p> <p>Review of administrative court decisions based on newly discovered circumstances or exceptional circumstances. Grounds for review of court decisions due to newly discovered circumstances or exceptional circumstances.</p> <p>The procedure for the enforcement of court decisions in administrative cases. Replacement of a party to enforcement proceedings. Reversal of enforcement of court decisions. Judicial control over the enforcement of court decisions in administrative cases.</p>
9.	<p><i>Topic 9 The concept and procedure for bringing to Administrative responsibility.</i></p> <p><i>Get acquainted with the lecture material, educational and scientific literature on the topic and the Code of Ukraine on Administrative Offenses dated 07.12.1984 No. 8073-X</i></p> <p>Within independent work study the following questions:</p> <p>Concept of administrative responsibility. Signs, principles and tasks of administrative responsibility. Circumstances excluding administrative responsibility. Exemption from administrative liability.</p> <p>Concepts and signs of an administrative offense. Concepts and types of composition of an administrative offense. The structure of the composition of an administrative offense.</p> <p>The concept of administrative fines. Types of administrative fines. The right to appeal the decision in the case of administrative</p>
10.	<p><i>Topic 10 General provisions of the administrative procedure, its principles and types.</i></p> <p><i>Get acquainted with the lecture material, educational and scientific literature on the topic and the Laws of Ukraine ‘On Citizens’ Appeals’ dated 02.10.1996 No. 393/96-BP, “On Administrative Services” dated 06.09.2012 No. 5203-VI, “On State Registration of Legal Entities, Individual Entrepreneurs and</i></p>

	<p><i>Public Organisations” dated 15.05.2003 No. 755-IV, “On State Registration of Real Property Rights and Encumbrances” dated 01. 07.2004 No. 1952-IV, On Licensing of Types of Economic Activity No. 222-VIII of 02.03.2015, On Enforcement Proceedings No. 1404-VIII of 02.06.2016, On Basic Principles of State Supervision (Control) in the Field of Economic Activity No. 877-V of 05.04.2007.</i></p> <p>Within independent work study the following questions: Concepts, features and principles of administrative procedures. Types of administrative procedures (proceedings). Stages of administrative procedures. The concept of citizens' appeals and their types. Requirements relating to citizens' appeals. The procedure for consideration of citizens' proposals, statements and complaints. Concepts and types of administrative services. Subjects of provision of administrative services. Concept and features of registration proceedings. Concept and features of permit and license proceedings. Concept and features of executive proceedings. Concept and features of control and supervision proceedings.</p>
11.	<p><i>Topic 11 Participants in administrative procedures.</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic and the provisions of the Law of Ukraine ‘On Administrative Procedure’ dated 17.02.2022 No. 2073-IX.</i></p> <p>Within independent work study the following questions: The concept and types of participants in the administrative procedure. Subject of public administration as a participant in the administrative procedure. Private individuals. Representation of a person's interests in the administrative proceedings. Persons who contribute to the consideration of the case.</p>
12.	<p><i>Topic 12 Characteristics of the stages of the administrative procedure, the content and features of the administrative act and administrative agreement.</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic and the provisions of the Law of Ukraine ‘On Administrative Procedure’ dated 17.02.2022 No. 2073-IX.</i></p> <p>Within independent work study the following questions: Initiation of administrative procedure. Initiation of administrative proceedings by an administrative body. The right to appeal to an administrative body. Requirements for the content of the appeal application. Application</p>

	<p>submission procedure. Application registration. Leaving the application without movement. A statement that is not subject to consideration.</p> <p>Consideration and resolution of the case. Termination of administrative proceedings. Closure of administrative proceedings.</p> <p>The concept, form and content of an administrative act. The concept and content of an administrative contract. Characteristic features of an administrative contract</p>
13.	<p><i>Topic 13 Administrative procedure for the providing administrative services</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic and the Laws of Ukraine ‘On Citizens’ Appeals’ dated 02.10.1996 No. 393/96-BP, “On Administrative Services” dated 06.09.2012 No. 5203-VI,</i></p> <p>Within independent work study the following questions: Concepts, signs and types of administrative service. Subjects of relations regarding the provision of administrative services. Subject of provision of administrative services. The subject of the appeal. Centers for the provision of administrative services. The procedure for providing administrative services. Stages of the administrative service. Fee for the provision of administrative services (administrative fee) .</p>
14.	<p><i>Topic 14. Administrative procedure in foreign countries and prospects for its development in Ukraine</i> <i>Get acquainted with the lecture material, educational and scientific literature on the topic.</i></p> <p>Within independent work study the following questions: Experience of administrative procedure in foreign countries. Initiatives to improve the quality of services of the governments of the countries of the Organization for Economic Cooperation and Development (OECD). Resolutions and recommendations of the Council of Europe regarding the implementation of administrative procedures. Prospects of legal regulation of administrative procedure in Ukraine.</p>

5. GRADING SCHEME AND EVALUATION CRITERIA

Points calculation scheme for full-time students

The total number of points is 100.

The number of points for the exam is 40.

The number of points during the semester is 60:
 Number of points for answers in seminar classes $\sum 40 = 40$:

Calculation formula

$$\sum 40 = \frac{\sum 1}{\sum 8} \times 8 \text{ (eight)}$$

Note:

- $\sum 40$ – the sum of the maximum number of points
- $\sum 1$ – the sum of points received by the student for answers in seminar classes.
- $\sum 8$ – the number of seminar classes during the semester.
- 8 is the coefficient

Control work - 20 points.

Current control						Control work provided by the curriculum	Total	Exam	Sum
T1	T2	T3	T4	T5	T6				
40						20	60	40	100

T1, T2 ... T8 – topics

Evaluation criteria for an oral answer

Current control is carried out, in particular, in the form of a survey and verification of the results of presentations at seminars and practical classes in a five-point rating scale.

5 points are given under the following conditions:

- the student works actively during the entire practical session;
- gives a complete, correct, consistent, coherent, well-founded presentation of the issue, accompanied by correct examples from doctrinal sources and a reference to current legislation;
- everything that is taught should indicate a deep understanding and orientation in the phenomena and processes being studied;
- correct comprehensive answers to the teacher's additional questions.

4 points are assigned under the following conditions:

- the student works actively during the practical session;
- gives a correct, complete description of the content of the textbook and the material presented by the teacher, but answers additional control questions that the teacher asks to clarify the depth of understanding and the ability to navigate phenomena and processes, only with some help from the teacher or colleagues;
- insufficiently comprehensive answers to the teacher's additional questions.

3 points are given under the following conditions:

- the student behaves passively during class, responds only when called upon by the teacher;
- in general, demonstrates knowledge of the main educational material under consideration, but makes mistakes during the answer and realizes them only after the instruction of the teacher;
- does not give answers to questions immediately, but only after some strain of memory, and the answers are unclear;
- is not able to deduce the relationship with other problems of the studied discipline without the help of the teacher;

2 points are given under the following conditions:

- makes significant mistakes or completely misses the material and partially corrects these mistakes only after the instruction of the teacher;
- the student shows ignorance of a significant part of the educational material, explains it illogically and uncertainly, there are pauses and interruptions in the answer, he cannot explain the problem, although he understands it;
- does not present the material logically and consistently enough.

1 point is given under the following conditions:

- the student makes gross mistakes when presenting the material and does not correct these mistakes even when the teacher points them out;
- reveals a lack of understanding of the educational material and, as a result, a complete lack of skills both in the analysis of phenomena and in the subsequent performance of practical tasks.

Evaluation criteria of the test

The task of the control work consists of 20 test questions/tasks, each of which has 4 answer options, one of the proposed answers is correct. Each correct answer is valued at 1 point.

Evaluation criteria of the exam

The task of the examination work consists of 40 test questions. Each question has 4 answer options, one of which is correct. Each correct answer is valued at 1 point.

Points calculation scheme for correspondence students

The total number of points is 100.

The number of points for the exam is 40.

The number of points during the semester is 60.

Number of points for answers in seminar classes $\sum 20 = 20$.

Calculation formula

$$\sum 20 = \frac{\sum 1}{\sum 2} \times 2 \text{ (two)}$$

Note:

$\sum 20$ – the sum of the maximum number of points

$\sum 1$ – the sum of points received by the student for answers in seminar classes.

$\sum 2$ – the number of seminar classes during the semester.

2 is the coefficient

Control work - 40 points.

Current control				Control work provided by the curriculum	Total	Exam	Sum
T1	T2	T3	T4				
20				40	60	40	100

T1, T2 ... T4 - topics.

Evaluation criteria for oral answers

The current control is carried out, in particular, in the form of a survey and verification of the results of speeches at seminars and practical classes on a five-point scale of grades.

5 points are assigned under the following conditions:

- the student actively works throughout the entire practical class;
- gives a complete, correct, consistent, coherent, well-founded presentation of the issue, accompanied by correct examples from doctrinal sources and references to current legislation;
- everything that is presented should indicate a deep understanding and orientation in the phenomena and processes under study;

- correct and comprehensive answers to additional questions from the teacher.

4 points are assigned under the following conditions:

- the student actively works during the practical lesson;

- gives a correct, complete summary of the textbook content and material presented by the teacher, but answers additional control questions posed by the teacher to determine the depth of understanding and ability to navigate the phenomena and processes with only some help from the teacher or colleagues;

- insufficiently comprehensive answers to additional questions posed by the teacher.

3 points are assigned under the following conditions:

- the student behaves passively in class, responds only when called by the teacher;

- generally demonstrates knowledge of the basic educational material under consideration, but makes mistakes during the answer and realizes them only after the instructor's instructions;

- answers questions not immediately, but only after some memory strain, and the answers are unclear;

- is unable to draw correlations with other problems of the discipline being studied without the teacher's help;

2 points are assigned under the following conditions:

- makes significant mistakes or skips the material altogether and partially corrects these mistakes only after the instructor's instructions;

- the student shows ignorance of a significant part of the educational material, presents it illogically and uncertainly, there are pauses and interruptions in the answer, cannot explain the problem, although he/she understands it;

- does not present the material in a coherent and consistent manner.

1 point is given under the following conditions:

- the student makes gross mistakes in the presentation of the material and does not correct these mistakes even when pointed out by the teacher;

- demonstrates a lack of understanding of the material and, as a result, a complete lack of skills in analyzing phenomena and in the subsequent performance of practical tasks.

Assessment criteria for the test

The task of the test consists of 40 test questions/tasks, each of which has 4 answer options, one of the proposed answers is correct. Each correct answer is worth 1 point.

Assessment criteria for the exam paper

The exam paper consists of 40 test questions. Each question has 4 possible answers, one of which is correct. Each correct answer is worth 1 point.

Rating scale

The sum of points for all types of educational activities during the semester	Score on the national scale
90-100	Excellent
70-89	Good
50-69	satisfactory
1-49	unsatisfactory

6. Recommended literature

Main literature

Normative legal acts:

1. Constitution of Ukraine: dated June 28, 1996, No. 254к/96-BP. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>
2. Code of Ukraine on Administrative Offenses: Law of Ukraine of 07.12.1984. № 8073-X. URL: <https://zakon.rada.gov.ua/laws/show/80731-10>.
3. On administrative services: Law of Ukraine of 06.09.2012. № 5202. URL: <https://zakon.rada.gov.ua/laws/show/5203-17/stru#Stru>.
4. On access to public information: Law of Ukraine of 13.01.2011. NO. 2939- VI. URL: <https://zakon.rada.gov.ua/laws/show/2939-17>.
5. The Code of Administrative Procedure of Ukraine of 06.07.2005 No. 2747-IV. URL: <http://zakon2.rada.gov.ua/laws/show/2747-15>
6. On the Judicial System and the Status of Judges: Law of Ukraine of 02.07.2016 No. 1402-VIII. URL: <https://zakon.rada.gov.ua/laws/show/1402-19>
7. On State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations: Law of Ukraine of 15.05.2003 No. 755-IV. URL: <https://zakon.rada.gov.ua/laws/show/755-15#Text>.
8. On state registration of real rights to immovable property and their encumbrances: Law of Ukraine of July 01, 2004, No. 1952-IV. URL: <https://zakon.rada.gov.ua/laws/show/1952-15#Text>
9. On licensing of economic activities: Law of Ukraine of 02.03.2015 No. 222-VIII. URL: <https://zakon.rada.gov.ua/laws/show/222-19#Text>
10. On electronic trust services: Law of Ukraine of 05.10.2017 No. 2155-VIII. URL: <https://zakon.rada.gov.ua/laws/show/2155-19#Text>

11. On granting permission to develop a land management project for land allocation: Law of Ukraine of 26.05.2021 No. 522-p. URL: <https://zakon.rada.gov.ua/laws/show/522-2021-%D1%80#Text>

12. On advertising: Law of Ukraine of 03.07.1996 No. 270/96-BP. URL: <https://zakon.rada.gov.ua/laws/show/270/96-%D0%B2%D1%80#Text>

13. On approval of the Procedure for issuing permits for special water use and amendments to the resolution: Resolution of the Cabinet of Ministers of Ukraine of 13.03.2002 No. 321. URL: <https://zakon.rada.gov.ua/laws/show/321-2002-%D0%BF#Text>

14. On regulation of urban development activities: Law of Ukraine of 17.02.2011 № 3038-VI URL: <https://zakon.rada.gov.ua/laws/show/3038-17#Text>

Textbooks, manuals:

1. Administrative law of Ukraine. Administrative proceedings in Ukraine : manual for preparing for external independent evaluation / I. Balakareva, M. Belikova, I. Boyko and others ; edited by N. Pysarenko. Kharkiv: Pravo, 2020. 238 c.

2. Administrative procedure and administrative services. Foreign experience and proposals for Ukraine / ed. V. P. Tymoshchuk. Kyiv: Fact, 2003. 496 c.

3. Administrative law of Ukraine. Complete course : textbook / V. Galunko, P. Dikhtievskiy, O. Kuzmenko and others ; edited by V. Galunko, O. Pravotorova. Kherson: ALDI-PLUS, 2021. 656 c.

4. Registration activity of public administration: organizational and legal aspect: monograph. Lviv: Lviv State University of Internal Affairs, 2012. 204 c.

5. Smokovych M.I. Bevzenko V.M. Administrative process of Ukraine: theory, practice: textbook. General ed. by Doctor of Law, prof. Bevzenko V.M. Translated from German and adapted by Ryzhkova G.V. Ryzhkova H. V. Kyiv: Dakor Publishing House, 2020. 1346 c.

6. Administrative process of Ukraine (in diagrams): a textbook / M. M. Burbika, M. V. Kolesnikova, A. V. Solonar. Sumy: Sumy State University, 2019. 108 c.

7. Administrative proceedings. Procedural documents. Practical commentary and samples. As of June 1, 2018. Center for Educational Literature. 2018. 152c.

8. Administrative procedural law: a textbook / by the team of authors; edited by T. P. Minka. Dnipro: Dnipro State University of Internal Affairs, 2017. 320 c.

9. Stages of administrative and registration proceedings: concept, features and classification. Actual problems of politics. 2015. Issue 56. C. 266-277.

Supporting literature

1. Gusarov S. M. Law enforcement in Ukraine: a monograph. Kharkiv: Golden Mile, 2015. 416 c.
2. State control in the sphere of executive power: scientific supplement / [V. B. Averyanov, O. F. Andriyko, V. M. Garashchuk and others]; edited by V. B. Averyanov. Averyanov. Kyiv : Yurnaukatsentr, 2000. 64 c.
3. On the issue of understanding administrative proceedings as part of the administrative process. Young scientist. 2016. № 12 (39). C. 571-574.
4. General theory of law: textbook / edited by M. I. Kozyubra. Kyiv : Vaite, 2015. 392 c.
5. Expert as a subject of administrative procedural legal relations. Scientific Bulletin of Public and Private Law. 2016. Issue 2. Part 1. C. 133-137.
6. Jafarova M.V. Principles of administrative procedural law in the newest conditions of today: scientific and legal aspect. Scientific Bulletin of Kherson State University. Series: Legal Sciences. 2019. Issue 1. pp. 54-57.
7. Kolomoyets T.O., Kalinin R.S. Administrative procedures in enforcement proceedings under the legislation of Ukraine: theoretical, legal and praxeological aspects: monograph. Kherson: Helvetica, 2013. 199 c.
8. Kuzmenko O. V. Theoretical foundations of administrative process: monograph. Kyiv: Atika, 2005. 352 c.
9. Prysiazhniuk, A. The place and role of administrative justice in the exercise of state control over the executive branch. Forum of Law. 2012. № 1. C. 801-807.
10. Legal liability for corruption offenses: a textbook / [V. Nastiuk, O. Syniavska, V. Martynovskyi and others] ; edited by V. Nastiuk. Kharkiv: Pravo, 2019. 510 c.

Links to information resources on the Internet, video lectures, other methodological support

1. <https://www.rada.gov.ua/> - Official web portal of the Parliament of Ukraine.
2. <https://www.kmu.gov.ua/> - The only web portal of the executive authorities of Ukraine.
3. <https://mvs.gov.ua/> - Ports of the Ministry of Internal Affairs.
4. <https://www.npu.gov.ua/> - Official web portal of the National Police of Ukraine.
5. <https://supreme.court.gov.ua/supreme/> - Supreme Court.

Електронне навчальне видання комбінованого використання
Можна використовувати в локальному та мережному режимі

Бездєнежна Дарина Олександрівна

**АДМІНІСТРАТИВНИЙ ПРОЦЕС:
МАТЕРІАЛИ ДО СЕМІНАРСЬКИХ ЗАНЯТЬ
ТА САМОСТІЙНОЇ РОБОТИ СТУДЕНТІВ**

(Англ. мовою)

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