JURISDICTIONAL POWERS OF PUBLIC ADMINISTRATION AUTHORITIES IN UKRAINE AND FOREIGN COUNTRIES: PROBLEMS OF EXECUTION

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Abstract. The article is devoted to the implementation of jurisdiction of public ad-ministrative authorities in Ukraine and foreign countries. The article defines administrative jurisdiction, its features and types in exercising jurisdiction by public administrative authorities in Ukraine and foreign countries. It is determined that the powers of the public administration are realized respectively to the types of administrative jurisdiction. Today, in order to tackle pressing problems of jurisdictional powers exercised by public administration authorities in Ukraine and foreign countries it is of paramount importance to carry comprehensive research. In this respect, the peculiarities of exercise of different administrative jurisdiction types, status of public administration authorities, criteria for division of administrative jurisdiction into types, conditions of exercise of powers should be brought to the forefront. On the theory of Administrative law and analysis of legal acts, academic publications and other sources, the research is aimed at describing legal regulation of jurisdictional powers exercised by public administration authorities. It should be emphasized that modern scientific legal publications tend to the following characteristics of administrative and jurisdictional activities: 1) a wide range of social relations protected by administrative and jurisdictional means; 2) a significant number of powers to impose administrative penalties, in comparison to other jurisdictional bodies; 3) a wide range of officials authorized to impose administrative sanctions; 4) the specialization provided by the laws to consider administrative and jurisdictional cases; 5) power to impose administrative penalties

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at the scene of the offense. The concept of administrative jurisdiction is considered from different points of view, provided in some legislative acts or studied by administrative law experts in relation to the role of those who are authorized to perform public administration jurisdiction. A key role is played by those who implement jurisdic-tional powers. They must act within law boundaries and in compliance with law to ensure effective protection of human rights and citizens. Thus, it should be noted that administrative jurisdiction is a totality of statutory provisions of public administration powers, including jurisdictional powers to deal with citizens' applications, to the relevant authority determined by the administrative acts, following the administrative procedural; individual administrative cases where administrative (disciplinary) coercion is imposed.

1. Introduction

Today, in order to tackle pressing problems of jurisdictional powers exercised by public administration authorities in Ukraine and foreign countries it is of paramount importance to carry comprehensive research. In this respect, the peculiarities of exercise of different administrative jurisdiction types, status of public administration authorities, criteria for division of administrative jurisdiction into types, conditions of exercise of powers should be brought to the forefront. The solution of the major issues would enable better development of an optimal model for proper exercise of the jurisdictional powers by public administration authorities in Ukraine as well as removal of final obstacles to public administration reform, also dependent on the updating of procedure legislation.

Executive authorities exercise their powers every day that is not part of administrative and executive activities, but their independent function. First, their powers are delegated to them by the legislator in order to “unload” the courts and to settle certain legal conflicts promptly. Second, jurisdictional powers of public administration authorities are becoming increasingly urgent to protect human rights and rights of citizens.

Thus, the executive authorities exercise jurisdictional powers every day, and this activity does not act as part of discharge-executive activity, but as an independent function of these authorities. Firstly, it is delegated to them by the legislative power to “unload” the judicial branch of power and to deal promptly with certain legal conflicts. Secondly, the realization of jurisdictional powers exercised by public administration authorities becomes

extremely relevant, since the latter should be an instrument for the protection of human rights and citizen.

2. Problem statement

We will add that in connection with the process of intensive integration of our state into the European community, the cooperation with different structures of foreign countries in the process of implementation of jurisdictional powers exercised by public administration authorities for Ukraine becomes more extensive in the European community. Let us turn to history, and for the first time the notion of "public administration" in 1887 was introduced by the future 28th President of the United States, Woodrow Wilson, in an essay called "The Study of Administration", through which a separate scientific and educational direction received its further development. In this paper, Wilson wrote: "The purpose of administrative science is to determine, firstly, what the government is doing, and secondly, how it should carry out this activity effectively and with the lowest financial and energy costs". The emergence of a new form of governance in the public sphere has been driven by the need to modernize the organizational structures and procedures that they use to make all public sector institutions work better. Public administration refers to the effective functioning of the whole system of political institutions [1, p. 5-6].

3. Survey methodology

In narrow sense of the very notion of administrative jurisdiction, the reference sources define administrative jurisdiction (from Latin jus, jur- 'law' + dictio 'saying') as the set of legal powers of the relevant state bodies established by law or other regulatory acts to resolve legal disputes as well as to decide cases of offenses, that is, to determine legitimacy of the actions of a person or other objects, and consequently to impose sanctions on offenders [2, p.16]. Some legal scholars identify administrative jurisdiction with legal proceedings, justice, judicial proceedings, with court jurisdiction or judicial cognizance, the competence of a judicial body, as well as with powers to decide cases and impose penalties [3, p. 414]. Others classify it as the totality of powers of the relevant state bodies to settle legal disputes and cases of offenses or as administrative and procedural activity of the authorized executive bodies, that is, legal powers of government bodies and officials to make decision in individual cases and impose appropriate legal

administrative sanctions [4, p. 409]. Moreover, as far as a public authority concerns, "jurisdiction" is defined as the legal power limits within which a certain public body is authorized to act [5, p. 32].

Given the foregoing, it may be noted that the understanding of jurisdiction has undergone some changes, and today it is defined as a set of powers of the relevant state authorities to resolve legal disputes and cases of offenses [5, p. 26] or as an administrative-procedural activity of authorized of executive power, that is, established by the legislative acts the activities of state administration and officials on the resolution of individual cases and the application of appropriate legal sanctions in an administrative manner [6, p. 409]. Therefore, the jurisdiction has a certain state-power direction, because it acts on behalf of the state. These functions are carried out and local governments are formed and their structures have certain rules of administrative law competence – competence, rights and duties (powers) are responsible for the acts or omissions within their own or delegated competencies involved in the administrative relationship regulatory or security nature, perform public, executive, regulatory, licensing, registration and control functions. It is noteworthy that the administrative entity is manifested in the local self-government in the exercise of functions performed on the basis of the powers delegated to them. This is stated in clause 5 of Art. 3 of the World Declaration of Local Self-Government, paragraph 5 of Art. 4 of the European Charter of Local Self-Government and has its reproduction in the norms of the Constitution of Ukraine (Part 3 of Article 143), the laws of Ukraine on local self-government and on local state administrations. The administrative and legal status of local self-government bodies is guaranteed by the state and is protected by state government that can take measures to protect the rights of local self-government bodies, for example, when these bodies refer to the Cabinet of Ministers of Ukraine, the President of Ukraine.

A significant place among the means of administrative legal protection of rights and legitimate interests of citizens is given to a lawsuit on administrative acts, which is considered in the order of administrative justice – special justice, aimed at resolving a dispute about administrative (public) law.

Consequently, one should agree with L. S. Anokhin, who claims that the "jurisdiction" covers the powers of law enforcement and law enforcement actors. These powers do not provide for the possibility of developing and adopting new rules of law, they are aimed at implementing the rules in

force. Jurisdiction is inextricably linked with the functioning of the institution of legal liability, since the latter can only be realized within the jurisdictional process [7, p. 72-75].

In its turn, administrative jurisdiction is not only a type of jurisdiction in general, but also an integral part of executive and regulatory activity of state administration bodies, namely a specific type of law enforcement activity. With its help, the subject of public administration gives a legal assessment of the conformity of the object's behavior with the established legal requirements [8, p. 72-75].

V.B. Averyanov insists that the content of the institute of "administrative jurisdiction" must be legally consolidate in the relevant legal act accordingly to combine jurisdictional activity: a) executive authorized to hear complaints of citizens and legal entities for illegally taken decisions, both lower power and subordinates, that is, the scope of administrative appeal (administrative "quasi-nationality"); b) executive authorized to apply measures of administrative liability (administrative extrajudicial justice); c) administrative courts (administrative judicial justice) [9, p. 193-195]. Guided by the sectoral affiliation of legal relationships that arise in this case, one can distinguish criminal, civil, legal, disciplinary, administrative jurisdiction. Thus, administrative jurisdiction is part of the jurisdiction of the state as a whole. In this administrative jurisdiction inherent features of the general concept of "jurisdiction", also has a number of specific features [7, p. 492]. Since the system of constitutional guarantees of human rights and citizens' specific role for judicial control of public administration is a significant factor with regard to the activities of government agencies operating in the field of public administration is taking into account the specific administrative proceedings. The subject of the dispute is the decision, action or inaction of the public authority, therefore it would be important to establish that not only a certain state authority or its official, but also Ukraine as the state as a whole, can be involved as a defendant (party) in a case. This follows from the practice of the European Court of Human Rights. Under present conditions, this is quite possible, since in the national court a substantive jurisdiction is provided for in disputes involving violations of citizens' voting rights, the right to participate in a referendum, the granting of citizenship and residence permits, in disputes concerning the recognition of a citizen as a disabled person, a participant in hostilities for the protection of the Fatherland, the granting of retirement benefits, the seizure of property for state needs, etc.

Therefore, the emergence of administrative justice in a court (judges), appellate court and the Supreme Administrative Court of Ukraine provided the rules of administrative justice and this kind of judicial control of public authorities strongly developed. However, one of the main problems in this process is the formation of a judicial corps from authoritative, independent judges who would have special knowledge, proper theoretical and practical training in the sphere of application of the law in resolving disputes related to administrative-legal relations. It is obvious that the realization of a citizen's rights depends in part not so much on the law as on the discretion of the official, and only the court is able to terminate administrative arbitrariness.

Therefore, in the process of carrying out administrative and jurisdictional activities, public authorities, their officials and officers are called to ensure the protection of public relations, which are formed in the field of public administration, to fight administrative offenses, which are the most numerous variety among other types of offenses.

In the legal literature of foreign countries, it is believed that the jurisdiction of the authorities is to implement functions for the practical maintenance of personal security of citizens, for the protection of public order and public security, which has its components, i.e., is divided into administrative-supervisory, administrative and administrative-jurisdictional [10, with. 7; 9, p. 84].

It should be noted that for a more convenient conducting of the research one should take into account the division of legal systems of foreign countries into the general and continental. This division is caused by several reasons: the main one is that in the countries of continental law there are "written rules", that is, adopted by the highest legislative authorities, criminal, criminal procedure and other codes that regulate the activities of law enforcement agencies and the process of detection and prevention of offenses and punishment of offenders. And in the countries of the general (statutory) law they are detailed in systematic codes and no law enforcement bodies are governed by statutes (acts of Parliament) but by judicial precedents [11, p. 143].

As an example, the United States law enforcement system is one of the most complex in the world. There are three main legislative and enforcement levels of jurisdiction exist in this country – federal, regular and local. Each of these levels has different police structures for the application and protection of relevant laws. So historically there are many differences

between different levels of jurisdiction in the names, as well as in the functions and powers of authority. The issue is even more complicated with the rapid increase in the number of private security and detective offices that perform many functions traditionally owned by the police. In turn, the statistical analysis conducted by the author shows that the types of jurisdictional authority of police forces of the United States are classified as: municipal police departments; departments of sheriffs and ordinary police departments in the counties; specialized police organizations such as the Police National Park (Rangers), port police, traffic police and police management in the areas of university campuses; Staff Police Departments.

4. Purpose

Based on the theory of Administrative law and analysis of legal acts, academic publications and other sources, the research is aimed at describing legal regulation of jurisdictional powers exercised by public administration authorities.

5. Discussion of the main issues

With regard to administrative jurisdiction in Ukraine, today the legal phenomenon is characterized by execution of the established powers in jurisdiction exercise, and at the same time, it is as an integral part of executive and regulatory activity of the relevant public executive authorities. So, Panova I. V. describes four main approaches to interpretation of administrative jurisdiction and suggests the fifth concept of the phenomenon. According to her definition, "being part, predominantly, of public executive bodies, including judicial ones and local authorities, administrative jurisdiction is of sub-law and law-enforcement nature in administrative jurisdictional proceedings established by law as: a) handling disputes; b) administrative law enforcement; c) execution of public coercive penalty; d) performing security, educational, and regulatory functions" [12, p. 47].

It should be noted that objectively, public administration is divided into two forms of enforcement: operative-executive and jurisdictional. Under the subjective criterion, two main approaches are distinguished in the theoretical interpretations of administrative jurisdiction, which can be conventionally labeled as "managerial" (narrow approach) and "multisubject" (broad approach). The "managerial" approach reduces administrative jurisdiction merely to the out of court activities of executive authorities. On the one

hand, administrative jurisdiction can be described as activity established by the laws for the public authorities and officials to deal with administrative cases and impose respective administrative sanctions. On the other hand, it can be regarded as a set of cases within the competence of administrative agencies, unlike cases that fall within jurisdiction of courts. Also, the notion of administrative jurisdiction can be associated with a certain kind or type of executive and administrative efforts to resolve individual cases that are disputes in the field of public administration. This activity is carried out by implementing the relevant legal norms and require-ments through extra-judicial measures (administrative enforcement). Jurisdiction takes place when it comes to resolving disputes about rights. However, it should not be downgraded to jurisdiction only to settle disputes about rights, and the significance of this is that jurisdiction may be qualified as the actions of special authorities performing punitive administrative jurisdiction. Under the multidisciplinary approach administrative jurisdiction covers specific cases involving rights and obligations or legal interests of individuals and legal entities that the governing bodies consider. In this respect it is important to note that a number of legal scholars support a multisubject approach and refer administrative jurisdiction to as a totality of static and dynamic powers of a respective body. Bevzenko V.M. is certainly correct in defining jurisdiction in the administrative process as the procedure, regulated by the current legislation, to consider and resolve cases concerning citizens' complaints, administrative vio-lations and disciplinary misconduct of civil servants and by the authorized bodies. Actually, the concept of administrative justice, based on its philological content, means a certain management competence of a relevant authority [13, p. 42].

In this respect, Kolpakov V.K. is right to say that administrative jurisdiction is divided into administrative regulatory (i.e., positive activity), administrative judicial (i.e., resolution of public legal disputes) and administrative delictual, in other words that is, the competence to resolve cases of administrative offenses, for which administrative penalties are imposed [14, p. 257]. Having its roots in Administrative law the cited classification exists in the form of three codes: 1) Administrative Procedure code; 2) Code of Administrative Justice; 3) Code of Administrative Offenses. The validity of the approach is demonstrated by the fact that these three sources have long been the legal basis in EU member-states, unlike Ukraine, where the administrative procedure code has not yet been adopted.

It is important to add that a type of administrative delictual proceedings is disciplinary proceedings. Particularly, the procedure of considering disciplinary cases contributes to an expeditious output in the cases and quick address to failures of civil servants as well as mobilization of the latter to do their work with high quality. To make an argument for the above, Kolpakov V.K. marks out administrative judicial proceedings, a component of administrative procedure, as the activity of public executive authorities aimed at resolving disputes between different entities, including administrative and disciplinary enforcement carried out in the administrative procedural manner [14, p. 284]. Furthermore, there are various approaches to the disciplinary proceedings. According to Bandurka O. M. and Tyshchenko M., disciplinary proceedings are a set of legal norms regulating social relations in law enforcement for imposing and executing disciplinary sanctions [15, p. 284]. Bahrrah D.M. believes that the division of the administrative procedure into the proceedings necessitates the formation of administrative procedure law institutions (disciplinary privatization proceedings institution) [16, p. 15].

In general, disciplinary liability is one of the types of legal liability. It is the duty of the person who violated the discipline to be responsible for his wrongful acts. Such person is subject to disciplinary penalties prescribed by law. The reason for bringing a civil servant to disciplinary liability is the commission of a disciplinary offense, which means the violation of discipline, wrongful guilty action or inaction, or a decision to be taken, consisting in the failure to perform or improper performance by the civil servant of his official duties, violation of the requirements established 8, 62 of the Law of Ukraine "On Civil Service". The direct manager of a civil servant has the right to file a petition to the head of the civil service to bring a civil servant to disciplinary responsibility for committing a disciplinary offense. The head of the civil service who, in accordance with the procedure established by the Law of Ukraine "On Civil Service", did not take measures to bring the civil servant subordinated to him to disciplinary responsibility for the committed disciplinary offenses, non did he submit any information regarding the commission of an administrative offense, corruption or related with corruption of an offense, a crime against an authority authorized to consider cases of such offenses, is liable in accordance with the law of Ukraine "On Civil services «. Disciplinary offenses are: 1) violation of the oath of a civil servant; 2) violation of the rules of ethical behavior of civil servants;

3) disrespect for the state, state symbols of Ukraine, the Ukrainian people; 4) actions that harm the authority of the civil service; 5) failure or improper performance of official duties, acts of state authorities, orders (orders) and orders of directors, taken within the limits of their authority; 6) non-compliance with the rules of internal service regulations; 7) exceeding of official authority, if it does not contain the composition of a crime or an administrative offense; 8) non-compliance with the requirements of political impartiality of a civil servant; 9) use of powers in the private interests or in the unlawful personal interests of other persons; 10) submission of inaccurate information about the circumstances that impede the realization of the right to the civil service during the entry into the civil service, as well as failure to provide necessary information about such circumstances that arose during the service; 11) failure to report to the head of the civil service on the occurrence of relations of direct subordination between a civil servant and his or her relatives within 15 days from the date of their occurrence; 12) absenteeism of the civil servant (including lack of service for more than three hours during the working day) without good reason; 13) the appearance of a civil servant in service in a state of drunkenness, in a state of narcotic or toxic intoxication; 14) the acceptance by an official of an unreasonable decision that caused the violation of the integrity of the state or communal property, their illegal use or other damage to state or communal property, if such actions do not include a crime or an administrative offense.

A civil servant can not be brought to disciplinary responsibility: if 6 months have elapsed since the day when the head of the civil service learned or should have learned about the commission of a disciplinary offense, not taking into account time of temporary incapacity of a civil servant or his stay on a holiday; if one year has passed since its commission.

Taking about account the provisions of the Law of Ukraine "On Civil Service", the procedure for bringing a civil servant to disciplinary liability has the following mandatory stages: 1) initiation of disciplinary proceedings by the subject of appointment (part 1 Article 68); 2) formation of a disciplinary commission disciplinary case, in accordance with the requirements of Part 2 of Article 73; 3) consideration of the properly disciplined case at the meeting of the disciplinary commission and making, following the results of this consideration, the proposals of the Commission on the issues of the higher civil service or submission of the disciplinary commission to the subject of appointment (Part 9, Article 10, Article 69); 4)

consideration of a disciplinary case by the subject of the appointment taking into account the proposal of the Commission or submission to the disciplinary commission within 10 calendar days from the day of receipt of the submission, which must include the removal of a written explanation from a public servant or recording the fact of refusal to provide such an explanation (Part 11 Article 69, Article 75, Part 5, Article 77); 5) acceptance by the subject of the appointment of the reasoned decision on the results of consideration of the proposal of the Commission or filing a disciplinary commission and disciplinary case (Part 1, 2, Article 77) [17].

Please note that the service discipline in a state body is based on the following principles: diligent and professional performance of the civil servant's duties; creation of proper conditions for effective work, their logistical support; promotion by results of work.

To sum up, theoretical research is expedient and makes it possible to examine disciplinary proceedings, regardless of the sphere of the relevant legal relations, as a structural element of the administrative and delictual procedure, and to classify it as a kind of administrative jurisdiction of the public administration authorities to exercise their jurisdictional powers.

6. Findings

However, it is worth noting that the classification of the public administration authorities vested with jurisdictional powers is diverse. So, concerning the public administration bodies which jurisdictional powers depend on the kind of proceedings, then the following classification can be proposed: 1) handling applications of citizens and providing administrative services by public administration bodies, in particular public authorities, local self-government, their officials, heads and officials of enterprises, institutions, organizations irrespectively of the forms of ownership, citizens' associations entrusted to consider applications (complaints), and administrative service centers (in accordance with Article 1 of the Law of Ukraine "On Administrative Services"); 2) administrative and delictual proceedings where the legal status of the parties is regulated by Article 213 of the Code of Ukraine "On Administrative Offenses" and relevant provisions of the CUPA; and 3) administrative and delictual pro-ceedings, where the executive authorities empowered with settling disputes between different entities and imposing disciplinary sanctions in administrative procedural manner, are regulated by the disciplinary stat-

utes, regulations, provisions of the Labor Code of Ukraine and the law of Ukraine "On Public Service"; and 4) administrative judicial jurisdiction refers to the competence of administrative courts to try relevant cases (Article 19 of the Administrative Proceedings Code of Ukraine).

It should be added that certain principles are also characteristic of administrative jurisdiction. In this context, there is a sign that each principle must meet:

1) principles are always a normative and guiding basis, that is, enshrined in the norms of law [18, p. 23]. If they are not enshrined in legal norms, they are not the principles of law, since they are not legal, but remain political or supervisory, in connection with which they do not and can not perform the tasks entrusted to the administrative-procedural principles in the law and proceedings, in particular;

2) only those normative and guiding fundamental ideas that envisage the most general and important aspects of the jurisdiction of the inspection body, which directly determine its character, content and orientation, can be considered as one of the principles. They characterize the nature of this activity in general, all its parties and institutions. There can be no general attitude to the principles of the right to completeness and speed of the chosen measure of influence, immediate response to the offense, freedom of appeal, as it is – functional duties, subjective rights and general provisions of the law;

3) the principles of administrative and jurisdictional activity should proceed from the general principles of law, and also be appropriately correlated with the principles of administrative law, criminal procedure and civil procedural law;

4) the concept of the principles of proceedings conducted by officials of the inspection body, provides for their interconnection and mutual conditionality.

All procedural principles are closely linked. To identify their features, they can be grouped by type: 1) depending on the nature of the normative acts, in which their content is expressed on: – constitutional; – are enshrined in other normative-legal acts; 2) depending on the subject of regulation on: – organizational; – functional; 3) depending on their actions in the system of law: – general legal; – interbranch; – industry.

Add that also highlight the system-wide principles of administrative and jurisdictional activity, include the following: – legality; – priority of human

and civil rights and freedoms; – individuality;- a combination of interests of citizens and the state; – objectivity, combination of publicity and professional secrecy; – publicity; – independence and independence in decision making, e.t.c.

With regard to the latter, we can note the following, that the fundamental principle of administrative jurisdiction is, of course, the legality which provides for and is embodied in the strict implementation, observance of legal norms (material and procedural) by all subjects of administrative proceedings, regardless of whether it is a question of the competent authorities, or about individuals or legal entities.

The principle of objectivity is aimed at the most complete exclusion from the administrative activities of manifestations of subjectivity, one-sidedness and bias on the part of officials as the central apparatus and territorial bodies. Also, the principle of objectivity should be considered obligatory for all authorized officials to deeply and thoroughly explore all the circumstances that determine those or other variants of their behavior and decisions in the process of administrative and jurisdictional activity.

The essence of the principle of humanism is respect for the dignity and rights of the individual. Such a requirement is addressed to everyone around this entity of law. Since this principle reflects the relationship between a person and a society, it is natural that the ideas of humanism are embodied in the content of the basic ideas of the laws of social management.

The principle of the combination of publicity and professional secrecy should ensure open consideration of administrative cases, the right to publicize the course and outcome of the case, the content of the decision adopted on it.

The principle of justice is based on the formally-determined in the rules of law the arguments about equity in various life circumstances. The main guarantor of the affirmation of justice and the elimination of the unfair treatment is the implementation of a full-fledged jurisdictional proceeding, which corresponds to the letter of the law.

Justice is a prerequisite for jurisdictional proceedings, as well, because without the determination of the object of control, the law-enforcement act will not be fair. Legal regulation is subject to the volitional behavior of the subject. Therefore, without ascertaining the will, which is the most significant for law enforcement, it is impossible to assert with certainty that the situation is fully in line with the requirements of procedural law.

The principle of independence and independence in decision-making is closely interlinked with the principle of justice. The essence of the principle above all is that any interference of other state bodies and their officials in administrative and jurisdictional activities.

Of importance is the principle of equality of the parties, which in practice provides for the unimpeded opportunity for each party to participate in all stages of consideration of an individual case. Important is not only the provisions of Article 24 of the Constitution of Ukraine, which stipulates that citizens of Ukraine have equal constitutional rights and freedoms and are equal before the law. Every individual and any legal entity must be recognized as equal and they must be given a real opportunity to truly exercise their rights. The complainant is a citizen exercising his constitutional right, which corresponds to the constitutional duty imposed on certain officials, from which, in turn, depends on the adoption of the appropriate decision on this complaint or the reasoned deviation of it. The principle of equality before the law is that there can be no privileges or restrictions based on race, color, political, religious or other beliefs, sex, ethnic or social origin, property status, place of residence, language or other grounds [19].

The principle of protecting the interests of the state and the individual means the necessity of proper use by the parties of the administrative and jurisdictional process of their rights, taking into account the interests of the state, ensuring the implementation of guarantees of rights and legitimate interests of the person. Thus, the interests of an individual citizen can not be recognized solely as a priority for other citizens taken together (as citizens of the country as a whole). At the same time, modern political and legal thought continues to focus on the extent to which the rights and freedoms of an individual can be of decisive importance, may be sufficient reason for them, for example, to justify (temporary, for example) restriction.

Finally, administrative jurisdiction is characterized by certain features: 1. authority of public bodies and their officials to carry out their public administration functions in accordance with the current legislation in order to resolve legal disputes, to apply coercive penalties, to restore the rights violated, and to make decisions in individual administrative cases. 2. presence of a legal dispute, a dispute about a right, violation of the established legal norms, individual administrative cases, disputable interest, which are considered administratively, i.e., out of court. 3. proper, full and comprehensive procedural regulation of the activities of public authorities, parties and all concerned, as

well as conditions for competition in the decision-making and establishment of special procedural forms binding on jurisdiction. For example, it is compulsory to draft a protocol, an act, and other procedural documents or appeal to a court in accordance with the procedure established by law. 4. obligation to take proper decisions or undertake appropriate legal acts for applying law to a particular case, in other words to consider a dispute about a right, a legal dispute or an individual administrative matter in fact. For example, it includes issuance of a certificate of registration, an administrative penalty order, or a decision to impose coercive penalty, etc. [20, p. 74].

7. Conclusions

All things considered are evident that it is a matter of priority to introduce effective administrative jurisdiction under current administrative and judicial reforms in Ukraine. Refocusing of government policy on the human being as the highest social value necessitates strengthening the protection of human rights against possible arbitrariness of the authorities. It should be achieved by means of: further development of specialized justice for more effective implementation of the provisions on fair trial rights of the Constitution of Ukraine and the Convention on the Protection of Human Rights and Fundamental Freedoms; eliminating groundless obstacles and restrictions on access to justice and simplifying the judicial procedure, increase of availability of legal aid to all citizens; acceleration of the case processing; and implementation of the certainty principle in legal relations; reinforcement of the independence of judges as well as the role of the judiciary in the state system.

Finally, the concept of administrative jurisdiction is considered from different points of view, provided in some legislative acts or studied by administrative law experts in relation to the role of those who are authorized to perform public administration jurisdiction. A key role is played by those who implement jurisdictional powers. They must act within law boundaries and in compliance with law to ensure effective protection of human rights and citizens. Thus, it should be noted that administrative jurisdiction is a totality of statutory provisions of public administration powers, including jurisdictional powers to deal with citizens' applications, to the relevant authority determined by the administrative acts, following the administrative procedural; individual administrative cases where administrative (disciplinary) coercion is imposed.

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