

THE CONCEPT OF THE FORM OF ADMINISTRATIVE LAW: FROM THE DOGMATIC TRADITION TO THE MORPHOLOGICAL PARADIGM

Kolpakov V.

INTRODUCTION

The problem of the form of administrative law belongs to those theoretical questions that have long remained simultaneously familiar and insufficiently explored within administrative law doctrine. Its presence in the language of scholarship has never been in doubt; however, that presence was for the most part unaccompanied by any singling out of form as an independent category capable of explaining the internal organisation of administrative-legal influence. It is precisely for this reason that, as the administrative legal order has grown more complex, the need has become ever more apparent to ask not only about the external modes of law's existence, but also about the internal order of the legal shaping of public authority action.

For a considerable time, the form of law was examined either through the logic of its external expression, or in connection with the sources of law, or within the framework of conceptions about the forms of administrative activity. As a result, the very problem of the form of administrative law became, as it were, dissolved into other categories that enjoyed greater stability within the dogmatic apparatus. It was for this reason that it long failed to acquire the significance of a distinct methodological topic capable of explaining the internal legal organisation of administrative-legal influence.

At the same time, the contemporary state of the administrative legal order compels a return to this problem within an altogether different intellectual horizon. The growing complexity of administrative procedures, heightened requirements for the reasoning of decisions, the expanding role of review and oversight, the digitalisation of public administration, the emergence of algorithmic decisions and new forms of interaction between the individual and the administration – all of this renders inadequate any understanding of form that reduces to the external shell of a norm or to the classification of types of administrative activity. Under these conditions, the question becomes ever more pressing not only as to the form in which law exists externally, but also as to how it internally organises the action of public authority, securing its definiteness, reasonableness, controllability and amenability to review.

It is at precisely this point that the problem of the form of administrative law acquires new theoretical significance. It moves beyond the bounds of the traditional doctrine of sources of law and ceases to serve as a secondary accompaniment to the categories of the administrative act or administrative procedure. Instead, form begins to reveal itself as a category capable of uniting the normative, institutional, procedural and axiological dimensions of administrative law into a single explanatory construction. This approach makes it possible to see that what is at stake is not yet

another definition, but an attempt to reconceptualise the very mode of theoretical vision of the administrative legal order.

The aim of this study is to trace the logic of the transition from the dogmatic tradition of understanding the form of law to the morphological paradigm, and on this basis to substantiate the concept of the form of administrative law as the invariant framework of the legal shaping of public authority action. To achieve this aim it is necessary, first, to identify the historical and doctrinal preconditions of the traditional understanding of form; second, to delineate its methodological limits; third, to demonstrate the internal logic of the transition to the morphological vision; fourth, to disclose the content of the form of administrative law as a multi-level and reproducible legal construction; and fifth, to establish the diagnostic, design-oriented and doctrinal significance of the proposed concept.

It should be noted separately that this study adheres to the principles of scientific transparency and integrity, and that artificial intelligence tools were engaged exclusively as auxiliary means for preliminary source retrieval and thematic grouping, draft structuring of the literature review, generating variants of research questions and hypotheses, technical linguistic editing and terminological standardisation, assistance with data-processing code, and concise summarisation of large textual corpora with subsequent authorial verification. Artificial intelligence systems are not co-authors and bear no responsibility for the content of the monograph; full responsibility rests with the author. This approach is consistent with the European Code of Conduct for Research Integrity of the All European Academies (ALLEA), with the principles of transparency and best practices in scholarly publishing of the Committee on Publication Ethics (COPE) and its partner organisations, and with the CRediT (Contributor Roles Taxonomy) as an instrument for the transparent attribution of contributions.

In the course of working with digital tools, no personal data were processed, and the approach to information security was aligned with the principle of data protection by design and by default, as formulated in Article 25 of the General Data Protection Regulation (Regulation (EU) 2016/679) and elaborated in the guidelines of the European Data Protection Board.

Accordingly, this study is directed not only at a critique of established conceptions, but at the construction of a new theoretical optic within which the form of administrative law is understood as the central category of the internal architectonics of public authority influence. It is this optic that, in the author's view, makes it possible to pose anew the questions of the quality of the administrative legal order, of the limits of permissible administrative discretion, and of the criteria for the future development of administrative law.

1. The Dogmatic Tradition of Understanding the Form of Law and Its Influence on Administrative Law Doctrine

The form of administrative law belongs to those categories of legal science that have long been present in doctrine, yet have never received adequate methodological elaboration. In domestic legal thought, the form of law was traditionally understood either as the external mode of expressing a legal norm, or as a concept closely related to the source of law, or – within the branch-specific context of administrative law – as the

external manifestation of administrative activity. Each of these approaches possessed its own cognitive value, insofar as it made it possible to describe a particular aspect of law's juridical existence: its normative objectivation, its source-based determinacy, or the external manifestation of public administrative activity. Yet none of them secured for the form of administrative law an independent place within the system of doctrinal analysis. Beyond their limits there remained a fundamental question: how exactly does law organise the action of public authority from within – that is, how does it confer upon authoritative decisions their definiteness, reasonedness, controllability and amenability to review. It was precisely this lacuna that became the point of departure for concentrating research effort on conceptualising the phenomenon of the form of administrative law. The recognition of this doctrinally unreflected gap served as the intellectual impulse for the search for a new concept of the form of the branch – a concept designed not merely to fill a terminological void, but to serve as an instrument for reconceptualising the very nature of form as the invariant framework of the legal shaping of public authority action¹.

The logic of such a transition – from the article-level formulation of the problem to the monographic architectonics of a chapter – is already embedded in the foundational text, where the form of administrative law is defined not as the external shell of a norm but as the invariant framework of the legal shaping of public authority action.

This foundational problematic position requires an engagement with the dogmatic tradition, within which the category of the form of law was for a long time interpreted predominantly as the external mode of existence, expression or consolidation of a legal norm. Within this approach, the form of law performed above all the function of juridical objectivation: it indicated the official bearer through which law acquires formal determinacy, public accessibility, general binding force and capacity to be applied within the legal order. This approach possessed an undeniable methodological value, since it made it possible to distinguish law from other social regulators, to link a norm to its official mode of fixation, and to explain why a normative legal act, legal custom, normative agreement, judicial practice, legal doctrine or general principles of law may, under certain conditions, acquire juridical significance. In this sense the dogmatic tradition was neither accidental nor erroneous; it corresponded to that stage of legal thinking at which the principal task was to establish the external boundaries of law, its formal recognisability and its stability within the system of sources².

At the same time, it was within the bounds of precisely this tradition that one of the most resilient theoretical inertias gradually took shape: the form of law began to be perceived almost exclusively through the prism of the source of law. Even where a formal distinction between form and source was drawn, the semantic centre of the discussion remained unchanged – the question being where exactly a norm is fixed, through which external bearer it becomes juridically operative, and by what means it

¹ Колпаков В. К. Морфологія адміністративного права: концепція форми галузі : монографія. Київ : Юрінком Інтер, 2026. 760 с.

² Загальна теорія держави і права : підручник / М. В. Цвік, О. В. Петришин, Л. В. Авраменко та ін. ; за ред. М. В. Цвіка, О. В. Петришина. Харків : Право, 2009. 584 с. С. 151.

acquires official expression and general binding force. As a result, the category of the form of law, on the one hand, retained its traditional theoretical weight, while on the other it never received independent methodological development. It remained permanently alongside the source of law without becoming sufficiently separated from it to function as an autonomous instrument for analysing the internal juridical organisation of legal material. It is for this reason that Ukrainian legal thought came to favour formulas such as “forms of law”, “sources of law”, and “forms (sources) of law” – formulations that are convenient for pedagogical and doctrinal exposition, yet at the same time reflect the insufficient demarcation of form as an independent category³.

For administrative law doctrine this inheritance carried particular significance. Ukrainian administrative law took shape and was reconceptualised under the difficult conditions of transition from a statist-managerial model to a public-law, human-centred and procedurally oriented model of the branch. During this period, other and far more pressing tasks naturally came to the fore: the reform of the public administration system, the restructuring of executive authorities, the establishment of local self-government, the renewal of administrative legislation, the formation of administrative justice, the strengthening of judicial protection of human rights, the reconceptualisation of the subject matter of administrative law, and the legal status of the private individual in relations with public administration. Against this background, the problem of the form of administrative law was not singled out as an independent methodological node. It remained dissolved within broader discussions of the sources of administrative law, the system of administrative legislation, the forms of administrative activity, the administrative act, administrative procedure and judicial review⁴. It is telling that the programmatic documents of the period of administrative-legal renewal quite clearly registered the need for a new ideology of executive power functioning, for affirming the service of the state to the individual, for strengthening the rights-protective orientation of administrative law, and for improving the competence-based and institutional organisation of public administration. Yet the question of form as the internal juridical architectonics of administrative-legal regulation was not specifically thematised within them. In other words, law was already beginning to be understood not only as an instrument of state administration but as a means of securing human rights in the sphere of public authority – yet the very form of this transition remained largely unarticulated. Its elements were present in the discourse on competence, procedure, legality, the administrative act, judicial protection and review, but they were not brought together into a unified conceptual construction.

At the same time, it would be imprecise to assert that the very problematic of the form of administrative law was entirely absent from prior administrative-legal thought. Its early doctrinal traces are discernible already in the works

³ Решота В. В. Співвідношення понять «джерело права» та «форма права» в адміністративному праві. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2016. Вип. 40, т. 2. С. 41–44/

⁴ Концепція адміністративної реформи в Україні. *Офіційний вісник України*. 1999. № 21. Ст. 943/

of I. M. Pakhomov⁵ and A. P. Kliushnichenko⁶, which belong among the important sources of the Soviet period of administrative-legal scholarship and in which the question of the form of administrative law is registered as one of the directions for understanding the specificity of the branch. The significance of this reference lies not only in historical precedence or chronological priority, but above all in the fact that it demonstrates: the category of the form of administrative law does not arise *ex nihilo* in contemporary doctrine but has a prior scholarly presence. Yet this presence had not yet been developed into an independent methodological vision. Herein lies the fundamental difference between the early doctrinal mention of the form of administrative law and the contemporary need for its morphological reconceptualisation: in the former case the concern is with registering an important conceptual direction, in the latter with transforming form into an analytical instrument for explaining the internal juridical organisation of public authority action.

Notwithstanding such early doctrinal signals, in the subsequent scholarly literature the form of administrative law for the most part did not attain the status of an independent concept. The works of leading Ukrainian administrative lawyers who defined the face of the branch during the period of its post-Soviet renewal were focused primarily on the subject matter of administrative law, the system of its institutions, its sources, the administrative-legal status of subjects, administrative liability, administrative procedure, administrative justice, and the reform of executive power and public administration. These were foundational directions without which the modernisation of administrative-legal scholarship would have been impossible. Within this research field, however, the form of administrative law remained for the most part either linked to the sources of administrative law, or approximated to the external mode of expressing administrative-legal norms, or transposed into the plane of the forms of activity of public administration⁷.

It is the textbook tradition in particular that most vividly demonstrates the influence of the dogmatic understanding of form on administrative law doctrine. Within that tradition the form of administrative law appeared predominantly not as a distinct theoretical problem but as an auxiliary category in the exposition of the sources of administrative law. The sources of administrative law were defined as the external forms of expression of administrative-legal norms, and consequently form was in effect absorbed into the source-based subject matter. Under this approach, juridical form explained not the internal construction of administrative-legal regulation but the external fixation of normative material. As a result, the question of how exactly law connects norm, competence, procedure, decision, reasoning, review and oversight into a coherent mechanism of the juridically proper action of public authority was left without due attention.

A separate line of influence of the dogmatic tradition consists in the transposition of the concept of form from the plane of “form of law” to the plane of “form of

⁵ Пахомов І. М. Радянське адміністративне право. Загальна частина : підручник. Львів : Вид-во Львівського університету, 1962. 294 с. 592 с. С. 35–36.

⁶ Ключніченко А. П. Радянське адміністративне право. Спеціалізований курс лекцій. К. : НІПІВ, 1975, 264 с. С 87.

⁷ Адміністративне право України. Академічний курс : у 2 т. / ред. колегія: В. Б. Авер'янов (голова) та ін. Київ : Юридична думка, 2007. Т. 1. 592 с. С. 135.

administrative activity”. Within administrative-legal discourse, form frequently came to denote not only the mode of external expression of a norm but also the external manifestation of the activity of a subject of public administration. In this sense one spoke of legal and non-legal forms of administrative activity, of the issuance of administrative acts, the conclusion of administrative agreements, the performance of organisational acts, and the conduct of oversight or jurisdictional procedures. This approach broadened the analytical field, since it moved the problem of form beyond a purely source-based understanding. Yet it did not resolve the question of the form of administrative law as the internal juridical organisation of the branch. On the contrary, it produced an additional semantic overlay: the single word “form” came to designate quite different phenomena – the form of the norm, the form of the source, the form of administrative activity, the form of administrative influence, the form of authoritative action⁸.

The dogmatic tradition must therefore not be assessed in a reductive manner. It formed the necessary basis for understanding the official existence of law, the juridical force of a norm, the system of sources, the formal determinacy of a legal prescription and the external manifestations of administrative activity. Without this basis it would have been impossible to construct either the contemporary theory of the sources of administrative law, or the doctrine of the administrative act, or the doctrine of administrative procedure. Its limit, however, lies in the fact that it did not place at its centre the question of the internal juridical organisation of administrative-legal material. It explained where law is expressed, in what it is fixed, through which bearers it becomes accessible and binding – yet it answered far less adequately another question of fundamental importance for administrative law: how law transforms the action of public authority into something juridically determinate, reasoned, controllable and amenable to review.

The comparative-legal perspective makes this problem visible with greater clarity. In German administrative law, the juridical form of authoritative action is not exhausted by the external bearer of the norm, since decisive significance attaches to the competence of the authority, the procedure for adopting an administrative act, its reasoning, proportionality, the protection of legitimate expectations and judicial controllability⁹. In French law the corresponding logic is traceable through the codified rules governing relations between the public and the administration, where significance belongs not only to the sources of norms but also to procedural guarantees, the duty to give reasons, access to administrative information and the possibility of appeal¹⁰. In United States law the form of administrative action is to a considerable extent revealed through the procedural requirements applicable to rulemaking and adjudication, the standards of reasoned decision-making, and judicial review for arbitrariness or lack of reasoned basis in the actions of administrative

⁸ Петков С. В. Теорія адміністративного права : навч. посіб. Київ : КНТ, 2014. 304 с. С. 55.

⁹ Maurer H., Waldhoff C. Allgemeines Verwaltungsrecht. 21., überarb. und erg. Aufl. München : C. H. Beck, 2024. XLI, 920 S. S. 31–60.

¹⁰ Code des relations entre le public et l’administration : version en vigueur au 27 avril 2026, art. L100-1, L211-2 et s. Legifrance : URL: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000031366350

agencies¹¹. In Polish administrative law the significance of form is likewise not reducible to the source of the norm, since the Code of Administrative Procedure fixes requirements of legality, trust in public authority, establishment of the facts of a case, reasoning of the decision and its contestation¹².

It is against precisely this background that it becomes evident that Ukrainian administrative law doctrine requires not a repudiation of the dogmatic tradition but its methodological continuation. The dogmatics of the form of law retains its significance where it is necessary to explain the external existence of a norm, its source, its juridical force and its official expression. For contemporary administrative law, however, this is no longer sufficient. The branch functions not merely as a body of normative texts but as a complex legal order in which a norm must pass through competence-based determinacy, institutional organisation, a procedural route, a reasoned decision, review and oversight. If these connections remain outside the analysis, the form of administrative law loses its capacity to explain the juridical quality of public authority action.

The dogmatic tradition of understanding the form of law has thus exerted a dual influence on administrative law doctrine. On the one hand, it furnished that doctrine with the necessary categories of external expression of the norm, source of law, formal determinacy and juridical objectivation. On the other hand, it was precisely this tradition that for a long time inhibited the singling out of the form of administrative law as an independent methodological problem. As a result, form was perceived either as the external bearer of an administrative-legal norm, or as the source of administrative law, or as a manifestation of administrative activity. The early references to the form of administrative law in the works of I. M. Pakhomov and A. P. Kliushnichenko, attest that the problem had a historical doctrinal presence, yet had not yet been developed to the level of a coherent theoretical-methodological conception. This state of affairs was historically intelligible, but it can no longer fully explain the contemporary organisation of the administrative legal order. It is for this reason that the subsequent analysis must be directed at identifying the methodological limits of the traditional understanding of the form of administrative law and at establishing why the morphological paradigm is capable of endowing this category with new explanatory force.

2. Methodological Limits of the Traditional Understanding of the Form of Administrative Law

The dogmatic tradition of understanding the form of law, first, historically shaped the conceptual apparatus of administrative law doctrine, centred on norms, sources, formal determinacy and the juridical objectivation of law; and, second, it was precisely this tradition that defined and at the same time localised the methodological limits of conceptualising the form of administrative law as an independent theoretical and applied problem.

¹¹ Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29 (1983). Justia U.S. Supreme Court Center. URL: <https://supreme.justia.com/cases/federal/us/463/29/>

¹² Ustawa z dnia 14 czerwca 1960 r. – Kodeks postępowania administracyjnego, art. 6, 7, 8, 107, 127. ELI. URL: <https://eli.gov.pl/eli/DU/1960/168/ogl>

By methodological limits in this context one should understand not the incidental shortcomings of individual authorial positions, nor merely editorial imprecisions in doctrinal exposition, but the internally conditioned constraints of the dogmatic optic itself – an optic that focuses predominantly on the external modes of law's existence and explains its internal juridical organisation far less adequately. It is for this reason that, within the bounds of this tradition, the form of administrative law appears either as the external bearer of an administrative-legal norm, or as the source of administrative law, or as a manifestation of administrative activity.

This state of affairs was historically consistent with the logic of dogmatic thinking, for which the principal questions were those of the consolidation, validity and classification of legal prescriptions. Contemporary approaches to the content of the administrative legal order, however, no longer permit a halt at this level of explanation. It is therefore necessary to identify those methodological limits at which the traditional understanding of form loses its explanatory force¹³.

The first of these limits consists in the reduction of form to the external mode of existence of a norm. Within the source-based conception, the form of law is interpreted above all as the mode of expressing and consolidating a legal prescription in an official bearer, through which law acquires formal determinacy, public accessibility and general binding force. It is in precisely this key that the form of law is understood as its external form – that is, as the mode of the external existence and expression of legal norms¹⁴.

This optic had its own historical justification, since it made it possible to distinguish law from other social regulators and to establish the external contours of its juridical existence. Its explanatory force, however, comes to an end at the point where the question to be answered is no longer where exactly a norm is fixed, but rather how law organises its actual operation within the administrative legal order. Form, reduced to the external shell of a norm, is capable of explaining its bearer, but is incapable of explaining the internal coherence of an administrative-legal result. It therefore remains a category of normative objectivation, but does not yet become a category of the internal architectonics of public-authority influence.

The second limit is a consequence of the first and consists in the persistent convergence of form with the source of law. Even where a distinction between these categories is drawn, the semantic centre of the discussion for the most part remains unchanged: the question is where exactly a norm is fixed, through which external bearer it becomes juridically operative, and by what means it acquires official expression and general binding force. As a result, the category of form itself loses its autonomy. It is, as it were, present in doctrine, yet functions predominantly as a duplicate or variation of the doctrine of sources of law.

It is telling that even in a number of contemporary general-theoretical expositions, the form of law is described no longer as a simple synonym for the source of law but as the juridically determined condition of law's existence in the official space, characterised by textual expression, state-authority origin and

¹³ Концепція реформи адміністративного права України (проект). *Український правовий часопис*. 1999. № 4. С. 35–60.

¹⁴ Рабінович П. М. *Основи теорії та філософії права* : навч. посібник. 256 с. С. 118. Львів : Видавництво ЛЮБФ «Медицина і право», 2021.

normative content¹⁵. Yet even in this more elaborated formulation the semantic centre of the understanding of form remains in the plane of the external consolidation of norms. It is for this reason that the source-based vision does not confer upon the form of administrative law an independent methodological status: it explains in which official bearer a norm is fixed, but does not disclose what the juridical organisation of its operation consists in. In other words, this approach makes it possible to see law as text and document, but does not make it possible to see law as an internally organised juridical construction¹⁶.

The third limit is specifically branch-specific in character. Whereas the first two flow primarily from the general-theoretical convergence of form and the source of law, this one is formed within administrative law doctrine, where form additionally acquires an activity-oriented understanding¹⁷. This means that alongside the conception of form as a mode of the external existence of a norm, another conception emerges – form as an act, a decision, a procedure, an expression of will, an external manifestation of administrative or managerial activity. This shift is not accidental: administrative law by its very nature is connected not only with the norm, but also with the practice of public authority action. It is therefore natural that the category of form migrates from the sphere of the source into the sphere of activity. Yet this migration does not resolve the problem but merely displaces it into a different plane. The same word comes to designate different analytical levels: the form of law, the form of the source, the form of an act, the form of a procedure, the form of administrative activity. As a result, conceptual precision is weakened. Form is no longer reducible solely to the norm, yet it has not yet acquired its own conceptual profile. It is precisely this semantic overlay that constitutes one of the characteristic limits of the activity-oriented vision.

The fourth limit of the traditional understanding is revealed in its static character. The source-based and activity-oriented approaches to understanding form focus predominantly on its already established manifestations – bearers, types of acts, forms of activity and types of procedures. Both approaches work well where the task is to classify legal phenomena, to arrange the forms of a normative act, or to describe the types of administrative activity. Yet they perform far less adequately where it is necessary to explain the transitions between the elements of administrative-legal material. Under this optic, the question of how competence, procedure, decision, reasoning, review and oversight are interconnected with one another remains in the “shadow”; so too does the question of how law passes from normative possibility to a juridically significant administrative result, and why a

¹⁵ Загальна теорія права. Нормативний курс : підруч. для студ.-юристів / кол. авт. ; за ред. д-ра юрид. наук, проф. С. В. Бобровник. 2-ге вид., стереотип. Київ : Юрінком Інтер, 2023. 596 с. С. 203/

¹⁶ Чубоха Н. Ф. Співвідношення категорій «форма» та «джерело» права. *Історико-правовий часопис*. 2018. № 1. С. 150–157. URL: <https://evnuir.vnu.edu.ua/bitstream/123456789/16043/1/23.pdf>

¹⁷ Адміністративне право України. Повний курс : підручник / за ред. В. Галунька, О. Правоторової. Видання третє. Київ : Академія адміністративно-правових наук, 2020. 466 с. С. 12.

formally proper act may prove defective from the standpoint of reasonedness, procedural fairness or controllability¹⁸.

The static vision thus captures form well as a type or external manifestation, but does not disclose it as a reproducible juridical sequence. It therefore fails to provide a coherent answer to the question of the internal organisation of an authoritative decision.

The fifth limit consists in the inability of the traditional understanding to properly localise a legal defect. Despite the cognitive value of the approaches outlined, none of them has secured for the form of administrative law an independent place within the system of doctrinal analysis, because beyond their limits there remained the question of how exactly law organises the action of public authority from within – that is, how it ensures that an authoritative decision possesses definiteness, reasonedness, controllability and amenability to review. It was precisely this lacuna that became the point of departure for concentrating research effort on conceptualising the phenomenon of the form of administrative law. If form is conceived solely as the external bearer of a norm or as the external manifestation of activity, then violations of reasoning, a disconnect between competence and procedure, the formality of review, the weakness of oversight, or the opacity of the transition from factual circumstances to a decision appear as mere defects of practice, technique or organisation. Yet in many cases what is at stake is not simply a shortcoming of legal application, but a defect in form itself as the mode of the legal shaping of public authority action. In the absence within doctrine of an instrument for identifying such defects, form remains adequate for description but insufficient for the deep analysis of the administrative legal order.

The sixth limit becomes especially apparent under conditions of growing complexity in the administrative legal order and its digital transformation. At a certain point it became increasingly evident that traditional explanations – which reduce form to the external expression of a norm or bring it closer to the source of law – no longer make it possible to describe and explain what occurs within the administrative legal order itself. They permit an answer to the question of where a norm is fixed and in what official shell it exists, but they do not permit an explanation of how exactly law organises the internal coherence of competence, procedure, decision, reasoning, enforcement, review and oversight. This inadequacy becomes still more apparent when administrative procedure, the reasoning of an individual act, standards of discretion review, the algorithmisation of decisions, digital services and electronic forms of interaction enter the field of analysis. Here the old logic is no longer capable of encompassing the integrity of the legal mechanism, since juridical quality depends not only on the source of a norm, but on the organisation of the entire chain of its practical implementation. The problem acquires particular weight under conditions of digitalisation, when electronic services, automated administrative procedures, the use of algorithms and digital platforms transform not only the technical environment of administrative law, but the

¹⁸ Bastos F. B. An Administrative Crack in the EU's Rule of Law: Composite Decisionmaking and Non-Justiciable National Law. *European Constitutional Law Review*. 16(1). 2020. P. 63–90. DOI: 10.1017/S157401962000003X.

very question of legal form. Whereas it was formerly possible to limit oneself to the conception of form as text or document, in a digital environment this is no longer sufficient. Here juridical quality depends on whether the transparency of procedure is preserved, whether the logic of a decision is susceptible to explanation, whether the boundaries of competence are clear, and whether the possibility of effective review and oversight is maintained.

The methodological limits of the traditional understanding of the form of administrative law thus amount not to incidental secondary imprecisions, but to a deeper problem. This understanding either reduces form to the external bearer of a norm, or conflates it with the source of law, or transposes it into the plane of activity, without providing adequate demarcation between these semantic levels. As a result, form does not attain independent theoretical status and does not perform an explanatory function with respect to the internal juridical organisation of the administrative legal order. It is precisely this circumstance that makes a transition to a different explanatory optic necessary – one that would make it possible to understand form no longer as a peripheral feature of a norm or of activity, but as the central category of the legal shaping of public authority action. And it is from precisely this point that the transition from the dogmatic tradition to the morphological vision of the form of administrative law begins.

3. The Transition from the Dogmatic Tradition to the Morphological Vision

The transition from the dogmatic tradition to the morphological vision of the form of administrative law is neither a rhetorical gesture nor a simple desire to replace an established terminological apparatus with a newer one. What is at stake is a far deeper change of research perspective. The dogmatic tradition, as has been shown above, historically furnished administrative law doctrine with the language of the external expression of law, its formal determinacy, and its juridical objectivation through norms and sources of law, while in the branch-specific dimension it additionally provided the language of the forms of public administration activity. Yet it was precisely this tradition that defined and at the same time localised the methodological limits of conceptualising the form of administrative law as an independent theoretical and applied problem. At a certain point it becomes apparent that traditional explanations – which reduce form to the external expression of a norm, to the source of law, or to the external manifestation of administrative activity – no longer make it possible to describe and explain what occurs within the administrative legal order itself.

It is precisely here that the intellectual necessity of a transition arises. The dogmatic tradition captures well the external contours of law, but explains its internal juridical organisation far less adequately. It makes it possible to see where a norm is fixed, in which source it enters into force, through which act or procedure public administration operates. Yet it does not provide a coherent answer to the question of how law connects competence, procedure, decision, reasoning, review and oversight with one another; how exactly it transforms an authoritative action into a juridically proper result; and why a formally proper act may be defective from the standpoint of reasonedness, procedural fairness or controllability. The transition

to the morphological vision begins at precisely this point – at the identification of the fact that form must be understood not only as external, but as the internal organisation of the juridically shaped action of public authority.

The morphological vision therefore does not arise outside the dogmatic tradition and does not repudiate it entirely. It emerges as its critical continuation, preserving the attention to norm, source, act, procedure and competence, while changing the mode of their theoretical combination. Whereas within the dogmatic tradition these elements are described predominantly as separate forms or bearers, within the morphological optic they begin to be understood as interconnected components of a coherent juridical construction. It is precisely in this that the change of cognitive perspective consists: from the external description of forms to the internal architectonics of their combination.

In other words, the morphological vision discards neither the norm, nor the source, nor the act, nor the procedure. It changes only the mode of their theoretical combination. If in the dogmatic tradition these elements are described predominantly as separate forms or bearers, then in the morphological optic they begin to be understood as interconnected components of a coherent juridical construction. The transition therefore signifies not the destruction of the prior language, but the shift of its semantic centre: from the external description of forms to the internal architectonics of their combination.

In this sense, what is decisive is the shift from the question “in what is law expressed?” to the question “how does law organise authoritative action?” It is precisely such a shift that constitutes the essence of the transition from the dogmatic tradition to the morphological vision. As long as form is understood primarily as the external mode of a norm’s existence, it remains a category of normative objectivation. When, however, the centre of analysis is occupied not by the bearer of the norm as such, but by the juridically shaped chain of public-authority action, form acquires a different status. It begins to signify not merely the mode of law’s external expression, but the mode of its internal organisation. It is here that a new conceptualisation of form becomes possible – as the invariant framework of the legal shaping of public authority action and, at the same time, as a model of authoritative action in the sphere of public administration.

This transition, however, is not instantaneous. It is accomplished through several successive intellectual movements. The first consists in the refusal to identify form with the source of law, or to allow its absorption into the activity-oriented category. The second lies in the recognition that form cannot be explained solely through the external bearer of a norm or the external manifestation of activity, but must be disclosed through the internal juridical coherence of administrative-legal material. The third consists in the transition from a static vision of form to a dynamic one, where what becomes decisive is not the enumeration of elements but the order of their combination.

It is for this reason that the morphological vision opens the possibility of understanding administrative law not as a collection of isolated prescriptions, institutions and procedures, but as a space of reproducible forms, invariants, bearers, levels and connections between them.

It is particularly important that the transition to the morphological vision becomes inevitable at the point where the dogmatic tradition loses its capacity to localise a legal defect. When form is conceived solely as the external bearer of a norm or as the external manifestation of activity, violations of reasoning, a disconnect between competence and procedure, the opacity of the transition from fact to decision, the weakness of review, or the formality of oversight appear as mere defects of practice, technique or organisation. The morphological vision changes this situation, since it makes it possible to see that in many cases what is at stake is not simply a defect of implementation, but a defect in form itself as the mode of the legal shaping of public authority action. In this way, the transition to the morphological optic is at the same time a transition from the description of external forms to the diagnosis of the internal structure of the administrative legal order.

The need for such a transition becomes still more apparent under conditions of digital transformation. If formerly the dogmatic logic could still satisfy itself with the conception of form as text, document or act, in a digital environment this is no longer sufficient. Electronic services, automated procedures, algorithmised decisions, digital platforms and hybrid human-machine configurations transform the very field of administrative-legal action. Here juridical quality already depends not only on where a norm is fixed, but also on whether determinacy is preserved, on whether the transparency of procedure, the boundaries of competence and the explicability of reasoning are maintained, and on whether the reality of review and oversight is secured. It is for this reason that the morphological vision proves to be not merely a theoretical alternative, but a necessary condition for describing the future state of the administrative legal order.

The transition from the dogmatic tradition to the morphological vision thus signifies a change in the cognitive perspective itself. Within this change, the form of administrative law ceases to be merely the external mode of a norm's existence, a source of law, or a form of administrative activity. It begins to be understood as the internal juridical architectonics of public-authority influence, as the invariant framework of the legal shaping of public authority action, and as a model of authoritative action in the sphere of public administration. It is at precisely this point that the dogmatic tradition does not simply come to an end, but passes into a new paradigm – one in which form acquires its own methodological status and is transformed into the central category of the analysis of the administrative legal order.

4. The Form of Administrative Law as the Invariant Framework of the Legal Shaping of Public Authority Action

The transition from the dogmatic tradition to the morphological vision leads to a fundamentally different understanding of the form of administrative law. Whereas within the prior doctrine form was understood predominantly as the external mode of expressing a norm, as a concept closely related to the source of law, or as the external manifestation of administrative activity, within the morphological paradigm it appears not as an auxiliary shell of a legal prescription, but as the invariant framework of the legal shaping of public authority action. It is in this sense that form acquires its own methodological status and ceases to be derivative of the source of law or of the form of administrative activity. It becomes a category capable

of explaining not only the external existence of administrative-legal material, but also the internal juridical organisation of the administrative legal order.

To define the form of administrative law as the invariant framework of the legal shaping of public authority action means that what is at stake is not a random collection of legal elements, nor a technical mode of their consolidation, but a stable construction that preserves its identity despite changes in legislative decisions, administrative procedures, institutional models and the technological environment. Invariance in this sense does not mean immutability in the literal sense, but the preservation of those foundational requirements without which the action of public authority cannot remain juridically proper. It is for this reason that the form of administrative law does not dissolve into an individual normative act, procedure or institution. It reveals itself as a stable framework that holds public-authority action within the boundaries of law.

In this understanding, the form of administrative law does not answer the question of where exactly a norm is fixed, but rather the question of how law renders the action of public authority juridically proper. It is for this reason that it should be understood as a particular mode of the juridical organisation of administrative-legal regulation, and through that organisation – of the administrative legal order itself. By virtue of form, authoritative action ceases to be merely a manifestation of will or administrative discretion. In the regime of law it acquires definiteness, reasonedness, controllability and amenability to review. In this way form ceases to be an external accompaniment of power and becomes the internal order of its juridical self-discipline.

The invariant framework of the form of administrative law rests upon several foundational requirements. First and foremost this is definiteness, without which authoritative action loses its juridical predictability and becomes opaque to its addressee. Next comes the proper delineation of competence, since it is only through competence that power acquires a legal rather than an arbitrary nature. Procedural orderliness follows, securing not only the sequential character of administrative action but also its openness to verification. To this is joined the reasonedness of the decision, since it is precisely reasoning that connects norm, fact and expression of will into a single juridical sense. Completing this group are review and oversight, without which even a formally proper decision cannot be guaranteed against arbitrariness. All these elements are not incidental features of individual acts or procedures. It is they that constitute precisely that invariant framework without which the action of public authority ceases to be legally shaped.

The invariant framework of the form of administrative law delineates what remains stable in the legal shaping of public authority action despite changes in legislative, institutional and procedural decisions. Yet this framework does not exist in itself apart from the concrete modes of its realisation. It is for this reason that the next question is the question of the bearers of form – those normative, institutional, procedural and axiological formations through which the invariant core acquires real juridical existence. At the same time, the form of administrative law not only finds embodiment in particular bearers, but also exists on different levels – normative, institutional, procedural, doctrinal and axiological. If the bearers answer the question of wherein exactly form is consolidated and manifested, then the levels of existence make it possible to see where exactly it functions as a coherent juridical construction.

What is of fundamental importance is that this framework does not exist in the abstract. It always has its bearers. These are norms, principles, institutions, procedures, legal statuses, administrative acts, administrative obligations, modes of reasoning, mechanisms of review and oversight, as well as the axiological foundations that hold this entire configuration within the boundaries of law. It is for this reason that the form of administrative law is not reducible to a single element of the branch and cannot be identified either with an individual source, or with an individual procedure, or with an individual decision. It encompasses an entire configuration of interacting components within which each of them acquires significance only in connection with the others. Herein lies the difference between the morphological vision and the dogmatic tradition: form is here understood not through an isolated bearer, but through the order of connection between elements.

Equally important is the fact that the form of administrative law has several levels of existence. It is present at the normative level, where general legal prescriptions are laid down; at the institutional level, where these prescriptions are combined with competence and organisational structure; at the procedural level, where law acquires an ordered mode of action; at the doctrinal level, where form is understood, interpreted and systematised; and at the axiological level, where it is held in place by the principles of legal determinacy, justice, good administration and the prevention of arbitrariness. It is precisely this multi-levelness that makes it possible to understand why formally similar administrative constructions may differ substantially in quality, and why what appears to be a technical defect frequently proves to be a defect in form itself as the juridical framework of authoritative action.

At the centre of this approach is not a static enumeration of elements but a reproducible chain of their combination. It is for this reason that the form of administrative law is disclosed through the juridico-functional transition from competence to procedure, from procedure to decision or action, from decision to reasoning, and from reasoning to review and oversight. This chain is not an incidental sequence of stages and is not a purely technical description of the administrative process. It expresses the very internal logic of the legal shaping of public authority action. If a break occurs in this logic, the defect concerns no longer an individual element, but form as a whole. It is for this reason that the invariant framework is at once a mode of description and a mode of diagnosis.

In this understanding, the form of administrative law does not merely accompany authoritative action, but determines its juridical quality. It makes possible the transformation of an authoritative intention or normative possibility into an administrative-legal result capable of withstanding the requirements of legal determinacy, reasonedness, review and oversight. It is here that its framework nature is revealed: form is not added to the action of public authority after it arises, but internally organises it as juridically permissible. Without such form an authoritative decision may remain a factual act of administration, but has not yet become a fully adequate legal result.

It is for this reason that the invariant framework of the legal shaping of public authority action has not only a descriptive but also a normative-criterial significance. It makes it possible to assess whether a specific action of public administration meets the minimum necessary conditions of legal quality, or whether it, on the contrary, loses its definiteness, transparency, reasonedness or controllability. In this sense

the form of administrative law is not a decorative category of theory, but one of the central instruments for understanding the administrative legal order. It makes it possible to see what cannot be seen within the source-based or activity-oriented description: the internal architectonics of juridically shaped authoritative action.

The form of administrative law as the invariant framework of the legal shaping of public authority action thus signifies a coherent, multi-level and reproducible juridical construction within which public authority acquires a legal rather than merely a factual mode of existence. Its meaning is disclosed through invariants, bearers, levels of existence and the chain of transitions between competence, procedure, decision, reasoning, review and oversight. It is in this sense that the form of administrative law appears no longer as the external shell of a norm, but as the fundamental category of the morphological understanding of the administrative legal order.

5. The Morphological Paradigm as a Diagnostic and Design Model for the Future of Administrative Law

The morphological paradigm acquires its full significance only when it is regarded not merely as a new mode of theoretical description of the form of administrative law, but also as an instrument of diagnosis and design of the future administrative legal order. Whereas within the dogmatic tradition form predominantly registered the external mode of existence of a norm, and in the activity-oriented variant the external manifestation of administrative activity, the morphological vision shifts the analysis into a different plane: it makes it possible to see law not as a collection of isolated forms, but as an internally organised order of the legal shaping of public authority action.

The diagnostic potential of the morphological paradigm consists in the fact that it makes it possible to see not merely the fact of a defect, but its precise location within the internal structure of an administrative-legal result. In the traditional description, violations are often perceived as shortcomings of an individual decision, organisational errors or technical failures. The morphological approach, by contrast, makes it possible to establish whether a defect arises at the level of competence, whether it is embedded in procedure, whether it is connected to the weakness of reasoning, or whether it flows from a disconnect between a decision and the mechanisms of review and oversight. It is precisely here that form ceases to be a passive descriptive category and becomes a working analytical instrument: it makes it possible not merely to note the imperfection of an administrative act, but to identify which exactly element of the legal shaping of public authority has lost its proper connection with the others.

In this sense, the morphological paradigm introduces into the scholarship of administrative law a new standard of diagnosis. It proceeds from the premise that the key nodes of public-authority action cannot be examined in isolation. They must be seen as a single juridico-functional chain within whose nodes the typical defects of intervention are localised and the limits of administrative discretion are tested.

It is for this reason that a vivid confirmation of the diagnostic force of the morphological approach is provided by situations where a decision has been formally issued by a competent authority but contains insufficient reasoning; where a procedure is normatively prescribed but in fact fails to ensure the real participation of

the interested person; where review formally exists but does not function as an effective oversight mechanism. In all these cases the problem concerns not only the implementation of law, but the very structure of form itself.

The design potential of the morphological paradigm is no less significant. It consists in the fact that this paradigm not only explains already existing defects, but also proposes criteria for designing future reforms of administrative law. If the form of administrative law is understood as the invariant framework of the legal shaping of public authority action, then any institutional, procedural or technological innovations must be assessed not only by their effectiveness or political expediency, but by whether they preserve the invariants of legal quality. What is meant above all is legal determinacy, the proper delineation of competence, procedural orderliness, the reasonedness of decisions, the reality of review and oversight, and subordination to the principles of the rule of law and the prevention of arbitrariness.

It is at precisely this point that the morphological paradigm moves beyond retrospective analysis and turns toward the future. The new concept of the form of administrative law is designed not only for explaining already existing administrative-legal material, but also for conceptualising those changes that are still gathering force. In a digital environment, where administrative procedures are increasingly conducted through electronic services, automated systems and algorithmised decisions, the question of form acquires particular urgency. Whereas it was formerly still possible to associate form predominantly with the text of a norm or with a document, today this is no longer sufficient. In such an environment what becomes decisive is no longer the mere fact of digital modernisation, but whether the internal juridical coherence of the administrative result is preserved. It is precisely here that the morphological paradigm makes it possible to assess whether a disconnect arises between the competence-based foundation of a decision and the digital route of its adoption; whether procedure is transformed into a purely technical interface without the real juridical participation of the individual; whether the intelligibility of reasoning, the effectiveness of review and the reality of oversight are preserved. It is for this reason that the morphological paradigm appears as a design model, since it makes it possible to assess future institutional, procedural and technological changes not by the external signs of modernisation, but by whether they preserve the invariant framework of the legal shaping of public authority action.

Equally significant is its importance for the systematisation of administrative law itself. It makes it possible to re-order its entire architectonics in a new way, including sources, procedures, acts, institutions, statuses, reasoning, review, oversight, digital components and the like. Morphological systematisation makes it possible to see in this architectonics not isolated themes, but different manifestations of a single composition of the legal shaping of public authority action. It is for this reason that for administrative law the morphological paradigm appears not merely as an auxiliary analytical device or a source of new definitions, but above all as a generator of instruments of internal systematisation and the formation of future methodological frameworks of this juridical branch.

In the design dimension this means that the morphological paradigm provides criteria for constructing the future of administrative law. It makes it possible to distinguish genuine modernisation from simple technical restructuring; a reform that

strengthens legal quality from a reform that merely masks the old forms of arbitrariness with new means. It is for this reason that it has not only doctrinal but also design significance: its task consists in identifying in advance where new institutional or digital decisions strengthen legal determinacy and reviewability, and where, on the contrary, they destroy the form of the administrative legal order.

The morphological paradigm as a diagnostic and design model for the future of administrative law thus signifies a mode of theoretical thinking that combines the identification of defects in the contemporary administrative legal order with criteria for its future design. Its diagnostic force consists in the localisation of disconnects between competence, procedure, decision, reasoning, review and oversight; its design force – in the capacity to assess whether future reforms preserve the invariants of legal quality under conditions of digitalisation, algorithmisation and growing complexity in public administration. It is for this reason that the morphological paradigm appears not as an auxiliary analytical device, but as one of the possible methodological frameworks for the future development of administrative law.

6. The Doctrinal Significance of the Concept of the Form of Administrative Law

The doctrinal significance of the concept of the form of administrative law consists above all in the fact that it restores to this category an independent theoretical status. This means that form ceases to be regarded as a derivative feature of a norm or of activity and acquires the significance of the central category for understanding the legal shaping of public authority action.

In this connection, the first doctrinal significance of the new concept consists in overcoming the reduction of form to the external shell of a norm. The morphological vision of the form of administrative law moves the analysis beyond the logic of sources and opens the possibility of speaking about form not as the place where a prescription is consolidated, but as the mode of the juridical organisation of an authoritative result. This means that the concept of form once again acquires explanatory depth: it makes it possible to see not only the text, act or procedure, but also that internal coherence which unites competence, procedure, decision, reasoning, review and oversight. In the theoretical sense this is a substantial shift, since it is precisely this that restores to form the status of a high-level category of generalisation, capable of describing not an individual juridical bearer, but the coherent architectonics of administrative-legal influence.

The second doctrinal significance consists in the fact that the concept of the form of administrative law creates a new mode of systematising the branch scholarship itself. In the traditional exposition, administrative law is divided into relatively independent blocks: norms and sources, administrative procedures, administrative acts, legal statuses, review and oversight, judicial protection, digital services and the like. Such a structure is useful for pedagogical exposition, but it does not always reveal the internal connections between these elements. The concept of the form of administrative law, by contrast, makes it possible to read them as different manifestations of one and the same problem – the problem of the legal shaping of public authority action. This means that at the doctrinal level form begins to perform

an integrative function: it does not merely designate a separate theme, but gathers the dispersed elements of administrative-legal knowledge into a coherent system.

The third doctrinal significance is connected with the possibility of reconceptualising the relationship between the normative, institutional and procedural dimensions of administrative law. The morphological vision of form shows that law is not exhausted by the norm, just as it is not exhausted by the institution or the procedure taken separately. It appears as a multi-level construction in which norm, authority, procedure, decision, reasoning and the mechanisms of review are connected not incidentally, but through a stable order of juridical coherence. This thesis is of fundamental importance for doctrine, since it makes it possible to overcome both excessive normativism and a purely activity-oriented perception of administrative law. In this respect the concept of form functions as a means of doctrinal equilibration: it does not deny the significance of norms, institutions or procedures, but refuses to absolutise any one of these components in isolation.

The fourth doctrinal significance consists in the fact that the concept of the form of administrative law changes the very character of theoretical criticism. In the traditional approach, criticism of administrative-legal constructions frequently focuses on the content of a norm, the formal lawfulness of an act, or the violation of procedural requirements. The morphological vision makes it possible to shift criticism to a different level: to ask not only whether a norm exists, whether a procedure has been observed, whether a decision has been adopted by a competent authority, but also to establish whether the internal connection between these elements is preserved, whether a disconnect between them arises, and whether the juridical quality of the administrative result is thereby destroyed. The new concept therefore does not merely refine the category of form, but expands the very instruments of doctrinal criticism. It is precisely in this that it differs from a purely descriptive or classificatory approach.

The fifth doctrinal significance consists in the fact that this concept opens a new horizon of comparative-legal analysis. In classical comparison, sources of law, models of procedures, types of administrative acts or competence-based constructions are frequently set alongside one another. The morphological optic makes it possible to compare not only external forms, but also the modes of their internal juridical organisation. This means that the subject of comparison may be not only the texts of norms, but also the invariants of the legal shaping of public authority action: the boundaries of competence, the logic of procedure, the standards of reasoning, the configuration of review and oversight, and the degree of determinacy and protection from arbitrariness. It is precisely here that the doctrinal significance of the concept moves beyond purely national legal understanding and opens the possibility of a new quality of comparative analysis of administrative law.

The sixth doctrinal significance is connected with the fact that the concept of the form of administrative law proposes a new language for understanding the future development of the branch. Theoretical changes in administrative law today can no longer be reduced merely to the expansion of the list of sources, to the transformation of individual procedures, or to the technical modernisation of administrative services. All of this requires a category that makes it possible to assess not only the external novelty of reforms, but also whether they preserve the invariants of legal quality. It is

in this sense that the concept of form acquires the significance of a doctrinal orientation point for further scholarly inquiry. It makes it possible to pose questions about administrative law not only in the categories of validity, effectiveness or administrative expediency, but also in the categories of internal juridical orderliness, reproducibility and the controllability of public authority action.

In sum, the doctrinal significance of the concept of the form of administrative law consists in the fact that it restores to form the status of an independent category of theoretical analysis and at the same time provides administrative law doctrine with a new mode of internally ordering its normative, institutional, procedural and axiological material. It is precisely this that opens the possibility of more precise doctrinal analysis, criticism and the design of the future of administrative law.

CONCLUSIONS

The study carried out provides grounds to assert that the problem of the form of administrative law can no longer remain within the dogmatic horizon in which it was for a long time conceptualised through source-based and activity-oriented visions. The historical significance of this tradition is beyond doubt: it shaped the conceptual apparatus of administrative law doctrine, centred on norms, sources, formal determinacy and the juridical objectivation of law. At the same time, it was precisely this tradition that defined and localised the methodological limits of conceptualising the form of administrative law as an independent theoretical and applied problem. As a result, form remained present in doctrine but never became its truly autonomous analytical category.

The analysis has shown that the traditional understanding of the form of administrative law has several interrelated methodological limits that flow not from the incidental shortcomings of individual authorial positions, but from the internal logic of the dogmatic optic itself. In the most general terms, they amount to the reduction of form to the external mode of law's existence, to its persistent convergence with the source of law, to the activity-oriented displacement of its content in administrative-legal discourse, and to the inability of this approach to explain the internal coherence of an administrative-legal result, to localise a legal defect, and to adequately conceptualise the digital transformation of the administrative legal order.

The identification of these limits necessitates the transition from the dogmatic tradition to the morphological vision. This is not a rupture with the prior doctrine, but a change of cognitive perspective: from the external description of form to the conceptualisation of the internal juridical organisation of public-authority action.

The study has substantiated the conclusion that the form of administrative law is not reducible either to an individual source, or to an individual procedure, or to an individual decision. It appears as a stable, multi-level and reproducible juridical construction within which authoritative action acquires legal determinacy, reasonedness, controllability and amenability to review. It is for this reason that the form of administrative law in the morphological understanding is not an auxiliary feature of a norm, but a particular mode of the juridical organisation of administrative-legal regulation and, through it, of the administrative legal order itself.

It has also been demonstrated that this concept has not only a descriptive, but also a diagnostic and design significance. Its force consists in the fact that it makes it possible to localise a defect not at the level of the general observation of a “deficient decision”, but at a specific node of the internal juridical structure of an administrative-legal result – in competence, in procedure, in the decision, in reasoning, in review or in the mechanisms of oversight. In this way the morphological paradigm makes it possible to distinguish a genuine juridical defect of form from an incidental organisational or technical failure and at the same time creates criteria for assessing future reforms of administrative law.

Its design significance consists in the fact that it creates criteria for assessing future reforms of administrative law not by the external signs of modernisation, but by whether they preserve the juridical coherence, determinacy, reasonedness and controllability of public-authority action. At the same time, the design significance of the morphological paradigm is not exhausted by its capacity to set criteria for assessing future reforms of administrative law. It is also manifested in the possibility of practical and doctrinal application of the results of the study in a number of interconnected spheres.

In the sphere of administrative law scholarship, the proposed concept opens the possibility of a new systematisation of branch knowledge, in which norms, sources, procedures, acts, legal statuses, reasoning, review and oversight are understood not in isolation, but as manifestations of a single problem – the problem of the legal shaping of public authority action.

In the sphere of education, the results of the study may be used to renew courses in administrative law, administrative procedure, administrative process, administrative liability and the theory of law, as well as for the development of new specialised courses and teaching materials in which competence, procedure, decision, reasoning, review and oversight are presented as a single chain in the formation of an administrative-legal result.

In the sphere of the popularisation of administrative-legal knowledge, the concept of the form of administrative law offers a clear and at the same time scientifically precise language for explaining why public authority is legal not only because it rests upon law, but also because its action is determinate, reasoned, procedurally ordered, controllable and amenable to review.

In the sphere of the practical provision of public administration, the results of the study may serve as a criterion for assessing the quality of administrative decisions, administrative procedures and organisational models of public administration activity, since they make it possible to identify at precisely which level a defect arises – in competence, in procedure, in reasoning, in review or in the mechanisms of oversight.

In the sphere of anti-corruption analysis, the morphological understanding of form makes it possible to identify those structural deformations of the administrative legal order that create a favourable environment for discretionary arbitrariness, the opacity of procedures, the weakness of reasoning and the formality of review, and may accordingly be applied in the anti-corruption examination of normative acts, administrative procedures and internal administrative regulations.

In the sphere of the improvement of administrative liability and the Code of Ukraine on Administrative Offences, the results of the study open the possibility of assessing administrative-delict constructions not only from the standpoint of the elements of an offence or the formal validity of a sanction, but also from the standpoint of the quality of the entire form of the proceedings: the determinacy of the authority's competence, the procedural provision of guarantees, the proper reasoning of the decision, the reality of review and appeal. This creates a methodological basis for a new understanding of the Code of Ukraine on Administrative Offences as a coherent system of juridically shaped authoritative response, which must meet contemporary requirements of legal determinacy, procedural fairness, proper reasoning and protection from arbitrariness.

The practical and doctrinal significance of the results of this study thus proves to be multi-dimensional and promising for application across a number of interconnected planes. It is precisely this multi-dimensionality of application that confirms that the concept of the form of administrative law has not only theoretical but also manifest applied significance.

In sum, the study carried out provides grounds to regard the concept of the form of administrative law as one of the possible new methodological frameworks of administrative law doctrine. Its principal significance consists in the fact that it shifts the conceptualisation of the form of law from the plane of the external expression of a norm and the activity-oriented description to the plane of the internal juridical organisation of public-authority action. It is precisely this that determines its scholarly, doctrinal and applied potential.

SUMMARY

This study offers a theoretical and legal rethinking of the category of the form of administrative law through the transition from the dogmatic tradition to the morphological paradigm. Its starting proposition is that, in Ukrainian legal doctrine, the form of law has long been understood primarily either as an external mode of expressing a legal norm, or as a notion closely aligned with the source of law, or as an external manifestation of administrative activity. This tradition undoubtedly had major historical significance, since it shaped the conceptual framework of administrative-law scholarship, oriented toward norms, sources, formal certainty, and the legal objectification of law. At the same time, it is demonstrated that this very dogmatic optic localized the limits within which the form of administrative law could be understood as an independent theoretical and applied problem.

The study argues that the traditional understanding of the form of administrative law is marked by a number of interrelated methodological limits. These include the reduction of form to the external mode of existence of a norm, the persistent convergence of form with the source of law, the activity-oriented shift in its meaning within administrative-law discourse, the static character of its explanatory model, its inability to properly localize a legal defect, and its insufficient suitability for analyzing the contemporary digital transformation of the administrative legal order. It is shown that the main issue remained outside the dogmatic approach: how law organizes public authority from within, and how it ensures certainty, reason-giving, controllability, and reviewability of an administrative decision.

Against this background, the article proposes a morphological vision of the form of administrative law, within which it is defined as an invariant framework of the legal formalization of public-power action. It is demonstrated that the form of administrative law cannot be reduced either to the source of law, or to a separate act, or to a procedure; rather, it appears as a stable, multi-level, and reproducible legal construction that links competence, procedure, decision, reasoning, control, and review into a single internally coherent order. In this sense, form is disclosed not as a peripheral feature of a legal norm, but as a central category of the internal architectonics of public-power influence.

Particular attention is paid to the diagnostic and projective potential of the morphological paradigm. It is argued that this paradigm makes it possible not only to describe administrative-law material, but also to accurately localize defects within the internal structure of the authoritative result: at the level of competence, procedure, reasoning, control, or review. It is shown that such a paradigm is suitable for understanding the future of administrative law under conditions of digitalization, automated procedures, algorithmic decisions, and hybrid human-machine forms of public administration. In this context, the morphological approach emerges as a criterion for assessing the quality of reforms, making it possible to distinguish genuine modernization of the administrative legal order from its merely technical renewal.

The study concludes that the concept of the form of administrative law has substantial doctrinal, educational, and practical significance. It opens new possibilities for the systematization of administrative-law scholarship, the renewal of academic courses, the popularization of administrative-law knowledge, the improvement of public administration practice, anti-corruption analysis, and the modernization of administrative-delict legislation. Ultimately, it is demonstrated that the morphological concept of the form of administrative law may be regarded as one of the new methodological frameworks for the further development of administrative-law doctrine.

References

1. Колпаков В. К. Морфологія адміністративного права: концепція форми галузі : монографія. Київ : Юрінком Інтер, 2026. 760 с
2. Загальна теорія держави і права : підручник / М. В. Цвік, О. В. Петришин, Л. В. Авраменко та ін. ; за ред. М. В. Цвіка, О. В. Петришина. Харків : Право, 2009. 584 с. С. 151.
3. Решота В. В. Співвідношення понять «джерело права» та «форма права» в адміністративному праві. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2016. Вип. 40, т. 2. С. 41–44
4. Концепція адміністративної реформи в Україні. *Офіційний вісник України*. 1999. № 21. Ст. 943.
5. Пахомов І. М. Радянське адміністративне право. Загальна частина : підручник. Львів : Вид-во Львівського університету, 1962. 294 с. 592 с. С. 35–36.
6. Ключніченко А. П. Радянське адміністративне право. Спеціалізований курс лекцій. К.: НІРІВ, 1975, 264 с. С. 87.
7. Адміністративне право України. Академічний курс : у 2 т. / ред. колегія: В. Б. Авер'янов (голова) та ін. Київ : Юридична думка, 2007. Т. 1. 592 с. С. 135.

8. Петков С. В. Теорія адміністративного права : навч. посіб. Київ : КНТ, 2014. 304 с. С. 55.
9. Maurer H., Waldhoff C. Allgemeines Verwaltungsrecht. 21., überarb. und erg. Aufl. München : C. H. Beck, 2024. XLI, 920 S. S. 31–60.
10. Code des relations entre le public et l'administration : version en vigueur au 27 avril 2026, art. L100-1, L211-2 et s. Legifrance. URL: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000031366350
11. Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29 (1983). Justia U.S. Supreme Court Center. URL: <https://supreme.justia.com/cases/federal/us/463/29/>
12. Ustawa z dnia 14 czerwca 1960 r. – Kodeks postępowania administracyjnego, art. 6, 7, 8, 107, 127. ELI. URL: <https://eli.gov.pl/eli/DU/1960/168/ogl>
13. Концепція реформи адміністративного права України (проект). *Український правовий часопис*. 1999. № 4. С. 35–60.
14. Рабінович П. М. Основи теорії та філософії права : навч. посібник. 256 с. С. 118. Львів : Видавництво ЛОБФ «Медицина і право», 2021.
15. Загальна теорія права. Нормативний курс : підруч. для студ.-юристів / кол. авт.; за ред. д-ра юрид. наук, проф. С. В. Бобровник. 2-ге вид., стереотип. Київ : Юрінком Інтер, 2023. 596 с. С. 203.
16. Чубоха Н. Ф. Співвідношення категорій «форма» та «джерело» права. *Історико-правовий часопис*. 2018. № 1. С. 150–157. URL: <https://evnuir.vnu.edu.ua/bitstream/123456789/16043/1/23.pdf>
17. Адміністративне право України. Повний курс : підручник / за ред. В. Галунька, О. Правоторової. Видання третє. Київ : Академія адміністративно-правових наук, 2020. 466 с. С. 12.
18. Bastos F. B. An Administrative Crack in the EU's Rule of Law: Composite Decisionmaking and Non-Justiciable National Law. *European Constitutional Law Review*. 16(1). 2020. P. 63–90. DOI: 10.1017/S157401962000003X.

Information about the author:

Kolpakov Valerii

Doctor of Juridical Science, Full Professor,
Head of the Department of Constitutional and Administrative Law,
Zaporizhzhia National University,
66, Universytetska Str., Zaporizhzhia, 69011, Ukraine
<https://orcid.org/0000-0002-8580-3261>