

ADMINISTRATIVE LEGAL REGIME OF SUBSOIL USE: CONCEPT AND CONTENT

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The article deals with administrative legal regime in the field of subsoil use: the concept of legal regimes is analyzed, the concept and content of main elements of administrative legal regime in the mentioned field are presented.

Administrative legal regime, subsoil use; concept, content, bodies of executive power, administration.

Analysing the various types of the legal regimes that were settled in the different branches of law, the scientists tried to identify and generalize their features, particularities that fill with a content this difficult legal phenomenon. At the same time, building in their researches on the philosophical method of control from concrete to abstract, the scientists came to the different conclusions that provided a basis for further research of category «legal regime».

The analysis of normative legal regulation of the researched field testifies about presence of special permits for subsoil use, establishment of special requirements to performance of works related to the use and protection of subsurface resources. This gives grounds to speak about legislative setting of the administrative legal regime in the field of subsoil use, which explains **the timeliness of this article.**

The analysis in the considered field of public relations of the current norms of the different branches of law and legislation, of their reference to

each other allows to reach a conclusion that the most effective means of legal control of relations of subsoil use is an administrative legal regime.

The object of legal regulation of administrative legal regime are social relations arising in the field of geological survey, exploitation, extraction of minerals, construction and exploitation of underground facilities not connected with the extraction of minerals, creation of specially protected geological sites, having scientific, cultural, aesthetic, sanitary and health-improving or other value (scientific and training bases, geological preserves, monuments of nature, caves and other underground structures, collection of mineralogical, paleontological and other geological collection materials).

The necessity of availability of institute of the administrative legal regime in the field of subsoil use is determined, first of all, with the features of the legal regime of subsoil resources and is conditioned upon the following factors:

- firstly, the regime control in the sphere of geological study, development and extraction of minerals creates conditions for forming of the special conditions of activity of economic entities in this field, the existence of which is necessary both for the stable problem solving in industry of providing of economic security of the state and for the normal functioning of mechanism of geological study, development and mining in interests of the Ukrainian people on the whole;

- secondly, a public administration in the field of subsoil use under current conditions needs in special regulatory properties of the administrative legal regime its providing;

- thirdly, within the framework of the administrative legal regime of the subsoil use the subjects of legal relations (economic entities, citizens, state executive authorities and others like that) have the opportunity to co-operate effectively, to define beforehand the legal order of actions of each of them, and it will help to reduce illegal acts in this field;

- fourthly, the administrative legal regime of subsoil use allows to unite and differentiate administrative-legal norms and organizational measures which form this regime, depending on the character of the regulated public relations, aims and tasks that appear before state executive authorities in the field of the control of subsoil use.

On the basis of the analysed definitions, the author's definition of concept «administrative legal regime of subsoil use» is offered, under which it is of course to be understood the established by the norms of law special order of grant, use, security, protection of rights and legal interests of persons and environment according to the specially established order for this purpose by the bodies of state administration.

The content of the administrative legal regime in the field of subsoil use is revealed through a number of its elements. Such elements include: aim of establishment of the administrative legal regime; imperative method of legal control; special state bodies (services); exercise of state control. A separate element of the administrative legal regime which at the same time is the backer-up of observance of corresponding regime measures legal responsibility comes forward for violation of «regime» norms.