

DESCRIPTION OF COMPARATIVE LEGAL STATUS OF SUBJECTS PROCEEDINGS OF ADMINISTRATIVE OFFENCES IN UKRAINE AND RUSSIAN FEDERATION

**L. Yu. GALAIDYUK, senior lecturer,
National University Life and Environmental Sciences of Ukraine**

This article investigates features of the cases of administrative offenses Ukraine and Russia on the analysis of legal acts and publications.

Person of law, person an administrative process, person of law that solve the case, person on which the case is solved, supporting actors.

According to the Constitution of Ukraine man, his rights and obligations of the highest value. Recognition, observance and protection of the rights and freedoms of man and citizen is the responsibility of the state. Every citizen has the Ukraine in its territory all rights, freedoms, and bear equal obligations.

These constitutional provisions are the starting point for the administrative and legal status of which is determined by the rules of constitutional, administrative and other areas of law by providing citizens rights, freedoms and laying their duties in public administration and establish the responsibility of citizens to the state.

When writing work used scientific work and the views of theorists as D.N. Bachrach, E.F. Demski S.M. Mahina, N.G. Salischeva, V.D. Sorokin, M. Tishchenko, V.K. Kolpakov, A.V. Kuzmenko V.G. Perepelyuk, G.I. Petrov, C. A. Yampolsky and other.

In legal literature institute procedural relations business seriously enough studies, and in the general theory of law subject to the law recognized member of public relations, which have rights and obligations and has certain features, such as:

a) social - the ability to participate in public relations as a separate entity personified and freely express and exercise their own will;

b) legal - ability, according to legal norms to be the bearer of rights and duties, participate in legal.

Therefore, an administrative process are individuals who potentially eligible (can) be stakeholders with adequate legal facts and stakeholders are individuals who actually take part in the consideration and resolution of specific administrative cases, although researchers procedural intense relationship use the term "subjects of the proceedings." Perhaps it is because the legislator or in articles 268-274 CAO or in articles 47-68 CAS Ukraine does not include bodies and officials authorized to consider and decide administrative cases, courts in the number of participants in the proceedings

Theorists administrative process to Ukraine and Russia proposed classification and various legal proceedings, depending on what fits each of the theoretical content of the administrative process. For example, Doctor of Law, Russian scientist S. Mahina proposed the following classification:

In the administrative process involved three groups of subjects.

The first group, "endowed with its own powers (the side that controls) - is the President, senior officials, senior executive power."

The second group, a subject covered their influence (operated side). These include natural and legal persons who are not endowed with its own powers in the field of management.

The third group includes author actors who both have their own power and influence under management. These officials, state and municipal employees, organizational units of state and others.

With regard to the administrative process as a form of coercive actions, as the N.G. Salischeva, his subjects may be divided into two groups.

The first group includes entities directly interested in the outcome of the legal process, whose interests and subjective rights should be protected by all the procedural methods and techniques.

The second group includes leading actors performing functions in a foreign interest, in order to legitimate and reasonable decision on the case in question.

E. F. Demski all members of the administrative process (administrative proceedings) under Ukrainian law divides into several groups:

- 1) entity (ies) that consider and decide administrative cases.
- 2) Persons who advocate in the administrative process personal rights and legitimate interests.
- 3) Persons representing and protecting the interests of others.
- 4) Persons who contribute to the implementation of administrative proceedings and administrative proceedings.

Of course, this classification is rather conventional, but at the same time exemplifies the participants of the structure of administrative procedure or special proceedings.

Well, all subjects of the cases of administrative offenses Ukraine can be classified by the nature of the procedural status into three groups:

- 1) entities that decide the case;
- 2) entities to whom the case is solved;
- 3) supporting actors.

The role and purpose, content and scope of authority, forms and methods of participation (officials) and in the case of different citizens in the Russian Federation. Therefore, they can be divided into several groups.

1. The competent authorities and officials empowered to take power acts constitute legal documents defining the movement and fate of the case. (Ch. 22, 23, art. 28.3, MIA Order number 803 - 2002).

2. Subjects with a personal interest in the case, the person called to account, the victim and his legal representatives (parents, adoptive parents, guardians, trustees, lawyers). Unlike the first group of subjects, none of the members of this group does not enjoy powers. (ct.st. 25.1 - 25.5 of the Administrative Code)

3. Persons and bodies that contribute to the implementation of the proceedings, witnesses, experts, specialists, interpreters, witnesses (Articles 25.6 - 25.10 of the Administrative Code). Some of them (witnesses, experts) reported data Authority or official. Other (translators, concepts) - need to consolidate the evidence or the necessary conditions administrative proceedings. A special prosecutor takes legal status.

Thus, analyzing the classification of various scholars on subjects in the field of administrative law enshrined in the laws of Ukraine and Russia can conclude that for these statuses in any case is not exhaustive. There are many compatible and ordinary administrative and legal status that can not lead to a common denominator classification. Only consistent study formed under administrative law administrative law regime to assess the diversity of status combinations. Thus, examining the opinion of Ukrainian and Russian scientists, classification and proceedings on administrative violations have the right to exist, but the list of subjects prescribed Code of Administrative Offences (Art. 25.1 -25.11) and normative legal acts of Ukraine such as the Code of Ukraine on Administrative Offences (Articles 185, 213, 272), the Code of Administrative Procedure of Ukraine (Articles 3, 49-51, 59, 65, 67).