

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE  
WEST UKRAINIAN NATIONAL UNIVERSITY  
LAW FACULTY



Approved

Prof. Dr. Dean of Faculty of Law  
Ірина МОСКАЛЮК  
2023

Approved

A. vice-rector for scientific and pedagogical work  
Віктор ОСТРОВЕРКОВ



Work program  
discipline

«Comparative administrative law and procedure»

Higher education degree - bachelor

Field of knowledge - 29 International relations

Specialty - 293 International law

Educational and professional program – «International law»

Department of Constitutional, Administrative and Financial Law

Form of study	Study year	Semester	Lectures	Practical classes	Individual work	Training, CPIT	Student-self study	Total	Exam/Credit
Full-time	2	3	28	14	3	6	99	150	Exam

31.08.2023  
*[Signature]*

Ternopil – WUNU, 2023

The work program was developed on the basis of the educational and professional program for Bachelor's field of knowledge 29 International relations, specialty 293 International law (approved by the Academic Council of WUNU, Protocol No 9 from 15.06.2022).

The work program was prepared by the head of the Department of Constitutional, Administrative and Financial Law, Doctor of Law, Associate Professor Mariana KRAVCHUK

The work program was considered and approved at the meeting of the Department of Constitutional, Administrative and Financial Law, Protocol No. 1 dated 29.08.2023.

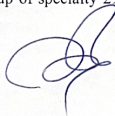
Head of Department



Mariana KRAVCHUK

Considered and approved by the Support group of specialty 293 International law, Protocol No. 1 dated August 31, 2023.

Head of the SGS



Yaryna ZHUKORSKA

Guarantor of EP



Liudmyla SAVANETS

## **STRUCTURE OF THE WORK PROGRAMME OF THE DISCIPLINE "COMPARATIVE ADMINISTRATIVE LAW AND PROCESS"**

### **Description of the discipline**

<b>Discipline - comparative administrative law and procedure</b>	<b>Field of knowledge, specialty, educational and professional program, higher education degree</b>	<b>Characteristics of the discipline</b>
Number of credits	Field of knowledge - 29 International relations	Compulsory discipline
ECTS - 5	Specialty – 293 International law	Language of instruction - English
Number of credit modules - 4	Educational and Professional Program – International Law	Year of study -2 Semester - 3
Number of content modules - 2	Higher education degree – bachelor	Lectures: Daily - 28 hours. Practical training 14
Total number of hours - 150		Student-self study : - 99 Training, CPIT – 6 hours. Individual work - 3 hours

#### ***2.1. The purpose of studying the discipline***

Comparative administrative law and process is a classic example of the field of public law. It mediates the functioning of the public power of its state and has three main goals: general education, juridical and practical.

The general educational importance of this discipline is connected with the need to improve the general culture of students - future lawyers.

The legal goal of the course is to deepen theoretical knowledge about the subject and basic concepts of administrative law and process of foreign countries, its sources, the main types of administrative and legal norms and relations, the organization of central and local executive bodies, etc.

The practical value of the course is related to the study of the procedure for the implementation and protection of the basic rights and duties of citizens in the sphere of public administration, the application of measures of administrative responsibility for the commission of administrative offenses, the grounds and stages of the administrative process, as well as the development of the ability to apply the current legislation of foreign countries when deciding problems of regulation of administrative legal relations and to draw up the main types of documents resulting from the application of the norms of administrative law.

#### ***2.2. The task of studying the discipline***

***The main tasks of the course:***

study of the peculiarities of legal regulation of social relations arising in the process of organization and activity of executive authorities of foreign countries;  
formation of skills for working with normative materials;  
formation of the ability to apply acquired theoretical knowledge in solving practical issues.

### ***Tasks of lecture classes***

The purpose of the lectures is to acquaint students with the principles of administrative and legal regulation, the legal status of state administration bodies and other subjects of administrative law, the legislation that regulates it, and to focus students' attention on current problems of administrative law.

The purpose of the lectures is also to form students a complete system of theoretical knowledge in the discipline "Comparative administrative law and process".

The task of conducting practical classes

The purpose of conducting practical classes is to develop students' practical skills in the analysis of specific legal facts in the field of administrative and legal activity and drafting the necessary procedural documentation.

### ***Tasks of conducting practical classes:***

learn and study the main regulatory and legal acts regulating administrative and legal relations;

learn to use the acquired theoretical knowledge in legal practice;

to learn more deeply and to consolidate the theoretical knowledge obtained at the lectures.

As a result of studying the academic discipline, the student should

#### ***know:***

- approaches to defining the features, subject, concept, functions of comparative administrative law and process existing in the doctrine and its relationship with other elements of the legal system;
- concepts and types of methods of administrative law and process;
- system of comparative administrative law and process;
- the most important sources of legal regulation in various areas of comparative administrative law and process;
- concepts and types of subjects of comparative administrative law and process;
- essence and purpose of conflict of laws rules;
- the structure of conflict of laws rules;
- peculiarities of collision regulation of public relations complicated by a foreign element, in particular in the field of public administration, the procedure for passing the civil service, the fight against corruption, and the implementation of administrative proceedings.

#### ***be able:***

- operate freely with special legal terminology in the field of comparative administrative law and process;
- work with international regulatory acts and national conflict of law legislation of Ukraine;
- to orientate in the regularities of implementation of conflict-of-law and material-law regulation of public-law relations complicated by a foreign element;
- apply the basic formulas for attaching conflicting norms;
- use acquired knowledge of comparative administrative law and process in legal practice;
- accurately evaluate the situational circumstances and make optimal decisions regarding the effectiveness of the practical application of norms regulating public-legal relations with a foreign element;
- quickly find the legal norm, correctly interpret it and apply it in specific situations.

### ***2.3. Name and description of competences, the formation of which ensures the study of the discipline:***

SC 1. Ability to critically understand the theories, principles, methods and concepts of international law, European law, comparative law, to take into account the temporal factor and to predict the main directions of development of legal systems.

SC 2. Ability to form judgments in the field of international, European, national law, comparative jurisprudence, taking into account social, scientific and ethical aspects.

SC 5. Ability to analyze the content of national legal norms, institutions and branches of law in a comparative legal context.

#### **2.4. Prerequisites for studying the discipline:**

The discipline is studied on the basis of students' mastery of knowledge from the disciplines "Information technologies in law", "Legal deontology and professional ethics", "Theory of the state and law", "Legal institutions of Ukraine and foreign countries", "Modern legal systems".

#### **2.5. Learning outcomes**

Program learning outcomes obtained during the study of the discipline "Comparative administrative law and process" allow students in the process of professional implementation:

LO 5. To carry out a comparative analysis of legal systems, evaluate and argue their shortcomings and advantages, find and interpret relevant foreign legislation, provide advice on its content and application practice, assess and minimize the risks of legally significant actions, taking into account the multiplicity of legal systems and jurisdictions.

LO 7. To use the case law of the European Court of Human Rights, other international judicial and arbitration bodies, theoretical knowledge of international and national law to substantiate and defend one's own position, to protect the client's interests and for other professional purposes.

LO 15. Formulate conclusions, develop recommendations, justify one's own vision of ways to solve problems in the field of law-making, law interpretation and law enforcement.

LO 16. To know modern scientific achievements in the field of international and national law, to have skills in research work, to interpret the results of scientific research and to take them into account in practical professional activities.

### **3. The program of the discipline "Comparative administrative law and process"**

#### **Content module 1.**

##### **Topic 1. Comparative administrative law and process - concepts, sources, principles and general principles.**

Comparative administrative law as an academic discipline. Subject and task of comparative administrative law. System and principles of comparative administrative law. The system and types of sources of comparative administrative law. Correlation of comparative administrative law with other legal disciplines. Administrative law in modern legal systems.

Concept of administrative law in foreign countries. The subject and system of administrative law in the countries of the continental legal system. The subject and system of administrative law in the countries of the Anglo-Saxon legal system. Principles of administrative law, features of their classification. Concepts and types of sources of administrative law.

##### **Topic 2. Public administration as a legal category of comparative administrative law.**

Concept of public administration and its features. System of public administration bodies. Principles of organization and activity of public administration. Legal status and powers of heads of state in the field of public administration. Governments in the system of public administration bodies: legal basis of activity and 6 powers. Central bodies of public administration: ministries,

departments and institutions, their types and powers. Decentralized administrative institutions: composition, structure and powers.

Concept of forms of activity of public administration: signs and types. Administrative acts: concepts, types and their general comparative characteristics. Administrative contracts. Administrative discretion. Administrative procedures: concepts, types and their legal regulation. Preparation and adoption of normative acts of public administration bodies. Adoption, appeal and execution of individual administrative acts.

Control over public administration Control over public administration: concept and essence. Types of control over public administration and their general characteristics. Forms of control of heads of state. Forms of parliamentary control. Internal administrative control, its types and essence. Judicial control over public administration. Public control.

### **Topic 3. Service in public administration bodies Public service: concept and essence.**

Legal regulation of public service. Models of public service. Classification of public servants. Rights and obligations of public servants. Completion of public service. Responsibility of public officials. Forms of activity of public administration.

### **Topic 4. Administrative law of the United States of America.**

The concept of US administrative law. The concept of the source of administrative law. System and types of sources of administrative law. United States Administration Organization. Federal administrative institutions. Administrative institutions of states. Public service: concept and species. Classification of civil servants. Rights and obligations of civil servants. Activities of US administrative institutions. Administrative rule-making. The essence and types of quasi-judicial activity. Administrative procedure. Control of the courts over the administration. Types of judicial control.

### **Topic 5. Administrative law of Great Britain.**

Concept and essence of administrative law of Great Britain. Sources of administrative law of Great Britain. The place of executive authorities in the state apparatus system. System of executive authorities. Central bodies of public administration and their legal status. Regional administration and its legal status. Civil service: concepts and types. Legal regulation of civil service. Basic rights and duties of civil servants. Control over the activity of administrative bodies: its essence and types. Concepts and signs of administrative justice.

### **Topic 6. Administrative law of France.**

The concept of French administrative law. Subject and sources of administrative law. Concepts and signs of public administration. The system of public administration of France. Central administration and its legal status. The system of local bodies of state administration. Powers of local bodies of state administration. Concepts and signs of public service. Legal status of a civil servant. Career of a civil servant. Control over the activities of public administration: essence and types. Forms of administrative control. Judicial control over public administration. Administrative justice in France: essence and system of bodies.

### **Topic 7. Administrative law of the Federal Republic of Germany.**

The concept of administrative law of the Federal Republic of Germany. Subject of administrative law of the Federal Republic of Germany. System of administrative law. Concept and system of sources of administrative law. Concepts and types of public administration. The structure of federal administration. Administrative procedures. Concepts and types of forms of administrative

activity. Concept of administrative acts. Classification of administrative acts. Public legal contract. Public service: concepts, types and principles. Legal regulation of public service. Types of civil servants. Rights and duties of civil servants. Administration control: concept and essence. Forms and types of administration control. Administrative justice. Judicial control.

## **Content module 2.**

### **Topic 8. The concept and essence of the administrative process. Administrative procedural legal relations.**

General concept of legal processes, their types and characteristics. Social purpose of administrative procedural law, its public interest of the social community. The subject of administrative procedural law, its public and private aspects. The method of administrative procedural law, its administrative-procedural form. Principles of administrative procedural law and administrative process. The rule of law, the presumption of legality of the actions and demands of the subject of the appeal and the interested person, the rule of law, ensuring the protection of the interests of the individual and the state are the leading principles of rule-making in the field of procedural relations. Administrative and procedural principles, their types and characteristics. The system of administrative procedural law, the content of its General and Special parts. Interaction of administrative procedural law with other branches of law. Administrative procedural law as an independent branch in the legal system of Ukraine. Norms of the administrative process. The concept of an administrative-procedural norm and state guarantees of its effect. Differences between administrative and procedural norms and norms of other branches of law. The structure of administrative and procedural norms. Hypothesis and its types. Disposition and its features. Sanction. Classification of administrative and procedural norms. Administrative-management, administrative-judicial and administrative-delict procedural norms.

Sources of administrative and procedural norms, their external forms of expression. Forms of systematization of administrative and procedural norms. Administrative and procedural legislation. International agreements containing administrative procedural norms as sources of administrative procedural law. Decisions of the Constitutional Court of Ukraine, resolutions of the Plenum of the Supreme Court of Ukraine, resolutions of the Plenum of the Higher Administrative Court of Ukraine as sources of administrative procedural law. Concept and main features of administrative procedural legal relations. Specific features of procedural relations. The structure of administrative procedural relations. Legal norm as the legal basis of administrative-procedural legal relations. Subjects, objects and legal facts as elements of the structure of administrative procedural relations. Content of administrative and procedural relations. Types of administrative procedural relations, their scientific justification and discussion. Subjects of the administrative process. Concepts and features of subjects of administrative procedural law. Types of subjects of administrative procedural law, Chambers that regulate and resolve administrative matters. Persons who assert personal rights and legal interests in the administrative process. Persons who represent and protect the interests of other persons. Persons who facilitate administrative proceedings and implementation of administrative proceedings. Characteristics of powers of subjects of administrative procedural law.

### **Topic 9. Concept of administrative process and its features.**

Methodological principles of substantiating the administrative process as a complete legal phenomenon. Forms of the administrative process. Signs of the administrative process: the presence of one of the parties of the subject of power; non-official sphere of procedural activity; existence of an administrative case; clear regulation of authorities' powers; timeliness of case resolution. Correlation of the administrative process and managerial activity.

The structure of the administrative process, its concepts and elements. Administrative proceedings, stages, stages and actions (procedures) as elements of the administrative process.

Administrative proceedings and their types. The concept of administrative proceedings. Signs of administrative proceedings. Proceedings in the field of management, administrative proceedings and administrative-delict proceedings as the content of the administrative process.

Stages of administrative proceedings, their characteristics. Administrative procedures (procedural actions), their concepts, signs and types.

Administrative jurisdiction and administrative justice, their concepts and relationships. Characteristics and signs of administrative jurisdiction and administrative justice, their common, general features and peculiarities.

### **Topic 10. Evidence in the administrative process. Procedural terms. Measures of procedural coercion in the administrative process.**

Concept of administrative procedural proof. Concept of evidence, subject of proof, obligation of proof, their authority. Sources of evidence. Explanation of the parties, third parties and their representatives about the circumstances known to them. Recognition by the parties of the circumstances by which the other party substantiates its claims. Testimony of witnesses about the circumstances known to him. Written evidence, documents. Physical evidence, objects of the material world. Experts' conclusions. Legality of obtaining evidence.

Examining the evidence. Establishing the facts of illegal decisions, actions or inaction of the authority, the presence or absence of an administrative-legal dispute, or a dispute about the right, the presence of interests of third parties, the presence of an administrative offense and its composition, circumstances mitigating and aggravating responsibility, the presence of property damage etc.

Prejudicial facts, their concepts and meanings. Commonly known circumstances and recognized facts, their meaning. Classification of evidence. Direct and indirect evidence. Incriminating evidence, exculpatory evidence, original and derivative evidence.

Measures for securing evidence and administrative proceedings, their regulatory and legal regulation. The concept of procedural terms and their significance in the administrative process. Determination of procedural terms, the order of their calculation. Types of procedural terms. The terms are established by law. Terms established by the court, authority (official). Deadlines for applying for the protection of violated rights. Terms of notification about the time and month of the case consideration. Terms of consideration of an administrative case. Time limits for appealing decisions on the case and reviewing the case. Terms of execution of decisions on the case. The terms, duration and limits of which are determined by the court, authority (official).

Concept of measures of administrative coercion. Grounds for the application of measures of administrative coercion: unlawful obstruction by persons to the implementation of administrative proceedings; violation of rules established by the court; non-fulfillment of requirements regarding the cessation of illegal actions of persons and recording of the offense committed. Types of coercive measures: warning; removal from the courtroom; temporary seizure of evidence for examination by a court, authority (official); occasion. Normative, legal and procedural consolidation of the application of coercive measures. Persons authorized to apply measures of procedural coercion.

### **Topic 11. Organization of administrative proceedings. Subordination and jurisdiction of cases to the administrative court.**

The concept, task and purpose of administrative proceedings. Signs of administrative proceedings. The system of administrative courts and their powers. Peculiarities of formation of administrative courts of first instance. Appeal courts. Courts of cassation instance.



Composition of the court and appeals. Individual and collegial consideration of administrative cases. Objections of the court (judge), secretary of the court session, expert, specialist, translator and their grounds.

Subpoenas and notices, their types and procedure of implementation. Fixing the administrative process. Protocol of the administrative process. Journal of the court session. The procedure and conditions for recording the court process by means of audio-video recording.

Court costs and their composition (types). Conditions and order of distribution and legal costs. The concept of subordination of cases to the administrative court, their general features and differences. Grounds for demarcating cases between courts and other jurisdictional bodies. Disputes are subordinated to the administrative court. Administrative courts do not have the jurisdiction of other bodies (courts).

Concept of jurisdiction of administrative cases. The difference between jurisdiction and subdepartment. Legal features and properties of determining jurisdiction.

Subject matter jurisdiction of district, city-district courts of general jurisdiction as administrative courts. Subject matter jurisdiction of district administrative courts as local courts of first instance. Subject jurisdiction of the Supreme Administrative Court of Ukraine as a court of first and last instance.

Territorial jurisdiction of administrative cases. General, exclusive, exclusive and alternative territorial jurisdiction of administrative cases. The exclusive jurisdiction of the district court, the territorial jurisdiction of which extends to the city of Kyiv.

Instance jurisdiction of administrative cases. Local administrative courts, appellate courts, the High Administrative Court of Ukraine and the Supreme Court of Ukraine, their competence to consider and resolve administrative cases.

Jurisdiction of related claims. Consequences of violating the rules of jurisdiction.

## **Topic 12. Review of court decisions. Execution of court decisions in cases of administrative proceedings.**

Ways of ensuring legality and validity of court decisions. Appealing court decisions.

Review of court decisions in the appellate procedure. Appeal appeal. Terms of appeal. Subjects of appeal. Grounds of appeal. Opening of appeal proceedings. Statement of appeal. Appeal hag. The form and content of the statement of appeal and the appeal, terms and procedure for their submission. Preparation of the case for appellate consideration. Appellate consideration of the case in a court session. Court decisions and their adoption (decision).

Review of court decisions in the cassation procedure. Cassation appeal. The subject of a cassation appeal. Grounds of cassation appeal. Opening of cassation proceedings. Procedure for submitting a cassation appeal, deadlines for its submission. The form and content of the cassation appeal. Preparation of the case for cassation proceedings. Preliminary consideration of the case. Cassation review of the case in a court session. Court decisions and their adoption.

Review of court decisions under exceptional circumstances. The right to appeal court decisions under exceptional circumstances. Grounds, review of the decision under exceptional circumstances. Filing a complaint. Admission of complaint. Consideration of the complaint. Making court decisions based on the consequences of the proceedings under exceptional circumstances.

Review of court decisions based on newly discovered circumstances. Concepts and types of newly discovered circumstances. The right to apply for review of the decision based on newly discovered circumstances. Application for review of the decision based on newly discovered circumstances. Application for revision based on newly discovered circumstances and procedure for its submission. Persons who have the right to apply for revision based on newly discovered circumstances. Revision of the court decision based on newly discovered circumstances. Court decision on the consequences of a review based on newly discovered circumstances.

Concepts and types of court decisions. Acquisition of legal force by court decisions. Content of execution of court decisions. The concept of execution of court decisions. Appeal to the execution of a court decision.

Procedure for execution of court decisions. Ordinary execution, immediate execution, forced execution. Enforcement.

Liability for non-compliance with court decisions. Types of liability — criminal, administrative, civil, disciplinary, grounds for application and their characteristics.

### **Topic 13. Administrative process in Germany.**

Legislative regulation of the administrative process. Bodies of administrative justice. The system of administrative courts. rules for consideration of cases on appeal of an administrative act. Appealing the decision. Cancellation of the decision.

### **Topic 14. Administrative process in France.**

Bodies of administrative justice. Sub-department. the principle of parity representation. System of administrative justice bodies. State Council. The administrative tribunal review process. Appeal and execution of decisions.

### **Topic 15. Administrative process in Great Britain.**

Bodies of administrative justice. The principle of natural justice. The system of administrative tribunals. Her Majesty's Courts and Tribunals Service. Appealing decisions. Execution of decisions.

## ***4. The structure of credit for the discipline "Comparative administrative law and process"***

### ***Full-time education***

№	Topic	Number of hours					Control measures
		Lectures	Practical training	Individual work	CPI T training	Student self-study	
<i>Content module 1</i>							
1.	Topic 1. Comparative administrative law and process - concepts, sources, principles and general principles.	2	2			7	tests, poll
2.	Topic 2. Public administration as a legal category of comparative administrative law.	2				7	tests, poll
3.	Topic 3. Service in public administration bodies	2	2			7	tests, poll

4.	Topic 4. Administrative law of the United States of America.	2	2	3	6	7	tests, poll
5.	Topic 5. Administrative law of Great Britain	2				7	tests, poll
6.	Topic 6. Administrative law of France.	2	2			7	tests, poll
7.	Topic 7. Administrative law of the Federal Republic of Germany.	2				7	tests, poll
<i>Content module 2</i>							
8.	Topic 8. The concept and essence of the administrative process. Administrative procedural legal relations.	2	2	3	6	7	tests, poll
9.	Topic 9. Concept of administrative process and its features.	2				7	tests, poll
10.	Topic 10. Evidence in the administrative process. Procedural terms. Measures of procedural coercion in the administrative process.	2	2			7	tests, poll
11.	Topic 11. Organization of administrative proceedings. Subordination and jurisdiction of cases to the administrative court.	2				7	tests, poll
12.	Topic 12. Review of court decisions. Execution of court decisions in cases of administrative proceedings.	2	2			6	tests, poll
13.	Topic 13. Administrative process in Germany.	2				8	tests, poll
14.	Topic 14. Administrative process in France.	2				8	tests, poll
	Total - 150	28	14			3	6

## 5. SUBJECTS OF PRACTICAL LESSONS

General methodological recommendations for practical classes

The higher school teaches students the basics of certain branches of science, as well as independent acquisition of knowledge. One of the forms of independent work of students is a practical lesson. Practical lesson - a form of educational lesson, when the teacher organizes a discussion around predetermined topics. By preparing for the practical session and speaking at it, the student acquires the ability to justify and formulate his thoughts, improves the skills of public speaking, leading discussions, reveals his knowledge, scientific position and learns to defend it. Preparation for the practical session includes:

- 1) awareness of the task in relation to each of them, clarification of the logical sequence of questions defined in the topic;
- 2) review of lecture notes of those training courses that are related to the topic presented at the Practical session. In the lectures, the latest achievements of the relevant field of legal science and legislation are presented, a critical review of domestic and foreign literature is presented;
- 3) study of the recommended literature (the list of recommended sources may not be exhaustive, so it is necessary to show independence in searching for new sources).

The speech at the practical session of the lesson should be clear, highlight the content of the question in the main directions. You are allowed to use your notes for accurate citation of primary sources. Participants of the practical session:

- 1) listen carefully to the speech;
- 2) ask questions if necessary; mark errors, controversial statements;
- 3) make necessary amendments and clarifications;
- 4) further develop the essence of the problem.

The practical lesson ends with the closing speech of the teacher, in which: the work of the group is summarized, comments are made regarding the coverage of the problem presented in the practical lesson, essays prepared by the students, their speeches, activity in the discussion, the ability to formulate and defend their position, etc. are evaluated.

### Content module 1.

#### Practical lesson No. 1

**Topic: Comparative administrative law and process - concepts, sources, principles and general principles.**

**Purpose: Study of the concept, subject, method and system of comparative administrative law and process, clarification of the history of the science of comparative administrative law and process.**

#### Questions for discussion:

1. Comparative administrative law as an educational discipline.
2. Subject and tasks of comparative administrative law.
3. System and principles of comparative administrative law.
4. System and types of sources of comparative administrative law.
5. Relationship of comparative administrative law with other legal disciplines.
6. Administrative law in modern legal systems.

#### Practical lesson No. 2

**Topic: Service in public administration bodies**

**Purpose: Study of the basics of legal support for the procedure for passing and terminating public service**

#### Questions for discussion:

1. Public service: concept and essence.
2. Legal regulation of public service.
3. Models of public service.

4. Classification of public servants.
5. Rights and obligations of public servants.
6. Completion of public service.
7. Liability of public officials.
8. Forms of activity of public administration.

### **Practical lesson No. 3**

**Topic: Administrative law of the United States of America.**

**Purpose: Study of the foundations of legal support of administrative legal relations in the USA**

#### **Questions for discussion:**

1. Concept of US administrative law.
2. The concept of the source of administrative law.
3. System and types of sources of administrative law.
4. Organization of the US administration.
5. Federal administrative institutions.
6. Administrative institutions of states.
7. Public service: concepts and types.

### **Practical lesson No. 4**

**Topic: Administrative law of France.**

**Purpose: Study of the foundations of legal support of administrative legal relations in France**

#### **Questions for discussion:**

1. Concept of French administrative law.
2. Subject and sources of administrative law.
3. Concepts and signs of public administration.
4. System of public administration of France.
5. Central administration and its legal status.
6. System of local bodies of state administration.
7. Powers of local bodies of state administration.
8. Forms of administrative control.
9. Judicial control over public administration.
10. Administrative justice in France: essence and system of bodies.

## **Content module 2.**

### **Practical lesson No. 5**

**Topic: Concept and essence of administrative and procedural law. Administrative procedural legal relations.**

**Purpose: Study of the basics of administrative-procedural law and administrative-procedural legal relations**

#### **Questions for discussion:**

1. General concept of legal processes, their types and characteristics.
2. Social purpose of administrative procedural law, its public interest of the social community.
3. The subject of administrative procedural law, its public and private aspects.
4. The method of administrative procedural law, its administrative procedural form.
5. Principles of administrative procedural law and administrative process.
6. Administrative and procedural principles, their types and characteristics. The system of administrative procedural law, the content of its General and Special parts.
7. Interaction of administrative procedural law with other branches of law.

## 8. Administrative procedural law as an independent branch in the legal system

### **Practical lesson No. 6**

**Topic: Evidence in the administrative process Procedural terms Procedural coercion measures in the administrative process.**

**Purpose: Study of evidence, procedural terms and measures of procedural coercion in the administrative process**

**Questions for discussion:**

1. Concept of administrative procedural proof.
2. The concept of evidence, the subject of evidence, the obligation of evidence, their authority.
3. Sources of evidence.
4. Explanation of the parties, third parties and their representatives about the circumstances known to them.
5. Recognition by the parties of the circumstances by which the other party substantiates its claims. Testimony of witnesses about the circumstances known to him.
6. Written evidence, documents.
7. Physical evidence, objects of the material world.
8. Conclusions of experts. Legality of obtaining evidence.
9. Prejudicial facts, their concepts and meanings.
10. Commonly known circumstances and recognized facts, their meaning.

### **Practical lesson No. 7**

**Topic: Review of court decisions. Execution of court decisions in cases of administrative proceedings.**

**Purpose: To study the order of execution of court decisions in cases of administrative proceedings.**

**Questions for discussion:**

1. Ways of ensuring legality and validity of court decisions. Appealing court decisions.
2. Review of court decisions in the appellate procedure. Appeal appeal. Terms of appeal. Subjects of appeal.
3. Review of court decisions in the cassation procedure. Cassation appeal. The subject of a cassation appeal.
4. Review of court decisions under exceptional circumstances. The right to appeal to the courts their decisions under exceptional circumstances.
5. Review of court decisions based on newly discovered circumstances. Concepts and types of newly discovered circumstances.
6. Concepts and types of court decisions. Acquisition of legal force by court decisions. Content of execution of court decisions. The concept of execution of court decisions. Appeal to the execution of a court decision.
7. Procedure for execution of court decisions. Ordinary execution, immediate execution, forced execution. Enforcement.

### **1. Complex practical individual task - 4 hours.**

Complex practical individual task (CPIT) is a type of individual student work outside the classroom, the purpose of which is the independent study of part of the program material, systematization, deepening, generalization, consolidation and practical application of the student's knowledge from the educational course and the development of independent work skills. CPIT is a completed practical work within the curriculum of the course, which is carried out on the basis of knowledge, abilities and skills acquired in the course of lectures and practical classes.

CPIT is issued to the student in the first two weeks of study and is completed during the semester, according to the established schedules, compliance with which is a necessary condition for admission to passing the content modules.

The student keeps a workbook to control the implementation of the CPIT. CPIT is evaluated on a stobal scale.

## **I. Theoretical component**

### **Variants of CPIT**

1. The concept of administrative law and its importance in the regulation of social relations.
2. The role of administrative law in the formation of a democratic, social and legal state.
3. Concept and system of public administration bodies.
4. Classification of public administration bodies.
5. State system of prevention and elimination of emergency situations.
6. Public administration in the field of use and protection of natural resources.
7. Administrative responsibility of legal entities.
8. Administrative justice: realities, problems and prospects.
9. Administrative supervision, its relationship with control.
10. Administrative coercion, its purpose and permissible limits of use.
11. Administrative and legal status of electronic and printed media.
12. Administrative and legal means of implementing the right to health care.
13. Current aspects of activities of foreign bodies of external communications.
14. Actual problems of guaranteeing the national security of Ukraine.
15. State policy in the sphere of relations with religious organizations.
16. State registration of legal acts.
17. State regulation in the field of transplantation human organs and tissues.
18. State control and supervision in the field of nature management and protection of natural resources.
19. State control in the field of communications.
20. The state border of Ukraine and its protection.
21. Ensuring public order during mass actions.
22. Protection of the rights of Ukrainian citizens abroad.
23. Measures of administrative control over entrepreneurial activity.
24. Measures of administrative regulation of activities of citizens' associations.
25. Implementation of state control over the concentration of business entities.
26. Foreign policy of Ukraine: main directions and forms of implementation.
27. Ukraine's integration into international military-political alliances: problems and prospects.
28. Control over the circulation of medicinal products: problems of legal regulation.
29. Scientific degrees and scientific titles: Ukrainian and world experience.
30. National Academy of Sciences of Ukraine and branch academies.
31. Mandatory health insurance.
32. Local self-government bodies as subjects of administrative law.
33. Organizational and legal provision of youth policy.
34. Main directions and problems of fighting corruption in Ukraine.
35. Prerequisites and prospects for reforming internal affairs bodies.
36. Enterprises and institutions as subjects of administrative law.
37. Legal status of illegal migrants.
38. State policy priorities in the field of culture.
39. Priority directions of the science of Ukrainian administrative law.
40. Problems of defining and implementing the administrative and legal status of a citizen.
41. Problems of establishment and application of measures of administrative responsibility and ways of increasing their effectiveness.
42. Problems of public management in the field of construction and housing and communal services.

43. Problems of public administration in the sphere of social protection of the population.
44. Problems of public administration in the sphere of justice.
45. Problems of protection of the national product producer in connection with the accession of Ukraine to the WTO.
46. Problems and prospects of administrative reform.
47. Problems of legal regulation of public service.
48. Problems of improving state control in the field of education.
49. Problematic issues of application of certain types of administrative fines.
50. The role of administrative law in the formation of a democratic, social and legal state.
51. The ratio of the application of administrative law methods in the regulation of administrative legal relations.
52. Modern views on the subject of administrative law.
53. Participation of citizens in public administration.
54. Financial control.
55. Forms of implementation of norms of administrative law, their manifestations in everyday practice.

## II. Practical component

Task 1. Make a scale of the historical development of administrative law in Ukrainian lands according to the scheme (1) date/year/time period; 2) event; 3) the significance of the event for the development of administrative law).

Task 2. Make a diagram of the relationship between administrative law and other branches of law.

Task 3. Give 3 examples each:

- norms of administrative law with a complete structure;
- norms of administrative law consisting only of disposition;
- blanket norms of administrative law;
- regulatory norms of administrative law;
- protective norms of administrative law.

Task 4. Give examples when the norms of administrative law provide for their observance, implementation, use, application

## 7. Independent work

### Full-time education

№ п/п	Subject
<i>Content module 1</i>	
1.	Topic 1. Comparative administrative law and process - concepts, sources, principles and general principles.
2.	Topic 2. Public administration as a legal category of comparative administrative law.
3.	Topic 3. Service in public administration bodies
4.	Topic 4. Administrative law of the United States of America.
5.	Topic 5. Administrative law of Great Britain



6.	Topic 6. Administrative law of France.
7.	Topic 7. Administrative law of the Federal Republic of Germany.
8.	<i>Content module 2</i>
9.	Topic 8. The concept and essence of the administrative process. Administrative procedural legal relations.
10.	Topic 9. Concept of administrative process and its features.
11.	Topic 10. Evidence in the administrative process. Procedural terms. Measures of procedural coercion in the administrative process.
12.	Topic 11. Organization of administrative proceedings. Subordination and jurisdiction of cases to the administrative court.
13.	Topic 12. Review of court decisions. Execution of court decisions in cases of administrative proceedings.
14.	Topic 13. Administrative process in Germany.
15.	Topic 14. Administrative process in France.

## 8 Organization and training

### Training "Ensuring legality in public administration"

The training in the discipline "Law in public administration" is conducted in the educational process of training bachelors of law with the aim of developing practical skills of working in a team, developing the ability to predict the behavior of other participants and mastering group communication methods in solving tasks for the protection of human rights and freedoms.

Training procedure

1. The introductory part is conducted in order to familiarize students with the topic of the training session.
2. The organizational part consists in creating a working mood in the team of students, determining the rules for conducting a training class. It is possible to have handouts in the form of tables, document forms.
3. The practical part is implemented by performing tasks in groups of students on certain problematic issues of the topic of the training class.

Summing up. The results of completed tasks are discussed in groups. Exchange of opinions on the issues raised at the training sessions.

Questions of the training:

- essence and content of the mechanism for ensuring legality in the field of public administration;
- methods of ensuring legality and discipline, guarantees of their implementation;
- the current state and prospects of the mechanism for ensuring legality and discipline in the field of public administration;

- measures of influence applied to minors for committing administrative offenses;
- legal status of persons participating in cases of administrative offenses;

### ***9. Assessment tools and methods of demonstrating learning outcomes***

In the process of studying the discipline, the following assessment tools and methods of demonstrating learning results are used:

- standardized tests;
- current survey;
- credit module testing and survey;
- presentations of the results of completed tasks and research;
- evaluation of the results of CPIT;
- student presentations and performances at scientific events;
- essay;
- exam
- - other types of individual and group tasks.

### ***10 Criteria, forms of current and final control***

The final score (on a 100-point scale) for the discipline is determined as a weighted average, depending on the specific weight of each credit component:

<b>Credit Module 1</b>	<b>Credit module 2</b>	<b>Credit module 3</b>	<b>Credit module 4</b>
<b>20%</b>	<b>20%</b>	<b>20%</b>	<b>40%</b>
1. oral survey during the class (3 topics of 5 points each = 15 points). 2. Written work = 85 points.	1. Oral questioning during the class (12 topics of 5 points each = 60 points). 2. Written paper = 40 points.	1. 1. Active participation in trainings, presentations and self-presentation = 20 points. 2. Writing of the KPIs, based on the formed individual tasks = 50 points. 3. Defence of the KPIZ = 30 points.	1. Test tasks (25 tests with 2 points per test) - max. 50 points. 2. Task 1 - max. 25 points. 3. Task 2 - max. 25 points.

Rating scale:

According to the scale of the university	On a national scale	According to the ECTS scale
90-100	perfectly	A (excellent)
85-89	fine	B (very good)
75-84		C (good)
65-74	satisfactorily	D (satisfactory)
60-64		E (enough)
35-59	unsatisfactorily	FX (unsatisfactory with possibility of reassembly)
1-34		According to the ECTS scale

#### 11. Tools, equipment and software, the use of which involves the academic discipline

Type of methodological support	Topic number
Multimedia projector EpsonEB-S05	1-15
General application software	1-15

### RECOMMENDED SOURCES OF INFORMATION

#### Literary sources

#### Legal acts:

1. Code of Administrative Procedure of Ukraine. Information of the Verkhovna Rada of Ukraine (VVR). 2005. No. 35-36. No. 37. Art. 446.
2. Code of Ukraine on Administrative Offenses dated 07.12.1984 No. 8073-X. Information of the Verkhovna Rada of the Ukrainian SSR. 1984. Addendum to No. 51. Article 1122. (with changes and additions).
3. Constitution of Ukraine of June 28, 1996 (as amended). URL: <http://zakon1.rada.gov.ua/laws/show/254к/96-вр>.
4. On military-civilian administrations: Law of Ukraine dated February 3, 2015 No. 141-VIII. URL: <http://zakon4.rada.gov.ua/laws/show/141-19>.
5. On making changes to some legislative acts of Ukraine in connection with the adoption of the Law of Ukraine "On the National Police": Law of Ukraine dated December 23, 2015 No. 901-VIII. URL: <http://zakon4.rada.gov.ua>.
6. On public associations: Law of Ukraine dated March 22, 2012 No. 4572-VI (as amended). URL:

<http://zakon2.rada.gov.ua/laws/show/4572-17>.

7. On Ukrainian citizenship: Law of Ukraine dated January 18, 2001 No. 2235-III (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/2235-14>.
8. On voluntary unification of territorial communities: Law of Ukraine dated February 5, 2015 No. 157-VIII. URL: <http://zakon4.rada.gov.ua/laws/show/157-19>.
9. About information: Law of Ukraine dated October 2, 1992 No. 2657-XI (as amended by Law dated January 13, 2011 No. 2938-VI). URL: <http://zakon2.rada.gov.ua/laws/show/2657-12>.
10. About the Cabinet of Ministers of Ukraine: Law of Ukraine dated February 27, 2014 No. 794-VII (as amended). URL: <http://zakon4.rada.gov.ua/laws/show/794-18>.
11. On local self-government in Ukraine: Law of Ukraine dated May 21, 1997 No. 280/97-VR (as amended). URL: <http://zakon3.rada.gov.ua/laws/show/280/97-vr>.
12. On local state administrations: Law of Ukraine dated April 9, 1999 No. 586-XIV (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/586-14>.
13. On the National Police: Law of Ukraine dated July 2, 2015 No. 580-VIII. URL: <http://zakon4.rada.gov.ua/laws/main/580-19>.
14. On political parties in Ukraine: Law of Ukraine dated April 5, 2001 No. 2365-III (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/2365-14>.
15. On prevention of family violence: Law of Ukraine dated 11/15/2001. Information of the Verkhovna Rada of Ukraine. 2002. No. 10. Art. 70.
16. On the legal status of foreigners and stateless persons: Law of Ukraine dated September 22, 2011 No. 3773-VI (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/3773-17>.
17. On the Prosecutor's Office: Law of Ukraine dated October 14, 2014 No. 1697-VII (as amended). URL: <http://zakon4.rada.gov.ua/laws/show/1697-18>.
18. On freedom of conscience and religious organizations: Law of Ukraine dated April 23, 1991 No. 987-XII (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/987-12>.
19. On service in local self-government bodies: Law of Ukraine dated June 7, 2001 No. 2493-III (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/2493-14>.
20. On cooperation of territorial communities: Law of Ukraine dated June 17, 2014 No. 1508-VII. URL: <http://zakon4.rada.gov.ua/laws/show/1508-18>.
21. On the status of deputies of local councils: Law of Ukraine dated July 11, 2002 No. 93-IV (as amended). URL: <http://zakon2.rada.gov.ua/laws/show/93-15>.
22. On the status of People's Deputy of Ukraine: Law of Ukraine of November 17, 1992 No. 2790-XII (as amended). URL: <http://zakon3.rada.gov.ua/laws/show/2790-12>.
23. On the judiciary and the status of judges: Law of Ukraine dated June 2, 2016 No. 1402-VIII. URL: <http://zakon5.rada.gov.ua/laws/show/1402-19>.
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25. On the Human Rights Commissioner of the Verkhovna Rada of Ukraine: Law of Ukraine dated December 23, 1997 No. 776/97-VR. URL: <http://zakon3.rada.gov.ua/laws/show/776/97-vr>.
26. On central bodies of executive power: Law of Ukraine dated March 17, 2011 No. 3166-VI. URL: <http://zakon2.rada.gov.ua/laws/show/3166-17>.

## **literature**

1. Bytyak Y. P., Harashchuk V. M. Law in public administration of Ukraine: teaching. a guide for students of higher education. X., 2017. 182 p.
2. Galunko V. and others. Law in public administration of Ukraine. Complete course: textbook. Kherson: OLDI-PLUS. 2018. 444 p.
3. Hrytsenko I. S., Melnyk R. S. General administrative law of Ukraine: textbook. Kyiv: Yuryinkom Inter, 2017. 566p.
4. Hrytsenko I. S. and others. General Law in public administration: a textbook. Kyiv: Yurinkom Inter, 2017. 566 p.
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- journal "Legal Novels". Kherson: PVZ "International University of Business and Law", 2019. No. 8. P. 90-98.
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  7. Kravchuk M.Yu. The principle of legality in the system of legal protection against of bioterrorism. Scientific Bulletin of Public and Private Law, 2019. No. 2. Volume 2. P. 85-89.
  8. Kravchuk M.Yu. Problematic issues of public and legal protection of countermeasures against bioterrorism. Scientific Bulletin of the Uzhhorod National University. 2018. Issue 1(22). Volume 2. P. 169-173.
  9. Kravchuk M.Yu. The role of the public-legal regime of an emergency environmental situation as an organizational-legal tool for combating bioterrorism. Carpathian Legal Gazette. Ivano-Frankivsk. 2018. Issue 1(22). Volume 2. P. 238-242.
  10. Kravchuk M.Yu. The role of the main institutions of public and legal protection against bioterrorism. Law and Society, 2019. No. 4. P. 199-205.
  11. Lipkan V. A. The essence and procedure of resolving service disputes: a monograph. K.: Ed. Lipkan, 2017. 312 p.
  12. Melnyk R. S. Law in the public administration of Ukraine. (in diagrams and comments): ed. manual Kyiv: Yurinkom Inter, 2018. 343p.
  13. Panova O.O. Ensuring public safety in Ukraine: administrative and legal aspect: monograph. Kharkiv: FOP Panov A. M. 510 p.
  14. Pchelin V. B. Organization of administrative justice of Ukraine: legal foundations: monograph. Kharkiv 2017. 487 p.
  15. Sokurenko V. V. Law in public administration of Ukraine. The general part in the schemes. Kharkiv: KhNUVS, 2019. 236 p.
  16. Sokurenko V. V. and others. Administrative proceedings in schemes: training. manual Kharkiv: KhNUVS, 2021. 217 p.
  18. IAEA Safety Glossary. URL: [www-pub.iaea.org/MTCD/publications/PDF/Pub1290\\_web.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/Pub1290_web.pdf).
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#### **Information resources on the Internet**

1. The official web portal of the Verkhovna Rada of Ukraine. URL: <http://portal.rada.gov.ua/>
2. Official online representation of the President of Ukraine. URL: <http://www.president.gov.ua/>
3. The single web portal of executive authorities of Ukraine. URL: <http://www.kmu.gov.ua/>
4. Official web portal of the judicial authorities of Ukraine. URL: <http://court.gov.ua/>