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19. Бабенко С.Г. Трансформація кооперативних систем у перехідній економіці : монографія / С.Г. Бабенко. – К. : Видавництво «Наукова думка», 2003. – 332 с.

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THE LEGAL ENTITIES AND THEIR LEGAL AND ADMINISTRATIVE STATUS

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In this article the author through the prism of a generalized analysis of the scientific literature by legal attempt to describe the features of administrative and legal status of entity, its structure and propose architectural variant definitions “administrative and legal status of entities”. The research of legal entities as subjects of administrative law is impossible without clarifying the nature and content of their administrative and legal status (“status” – from the Latin «status», mean position, status, condition of someone or something). This category determines the nature and features of the mentioned subjects which are participating in administrative relations. Before moving on in fact to the analysis of the issues, it is worth noting that in the legal literature along with the term “legal status” can often find other term – “legal position”. There is no unanimity of scientists opinions on this issue, as the A.V. Ivanov said. Some authors, in order to specify and clarify the terminology suggests a difference between the terms “legal status” and “legal position”. Others believe that the use of this term is necessary for the general characteristics of the subject position, because the term “legal position” often used to describe the subject in a certain range of public relations, and legal status covers all types of bonds. At the same time, most authors believe these terms are similar that it would be more appropriate and true approach.

Key words: status, administrative and legal status, rights, duties, administrative legal, entity.

Лютіков П.С. ЮРИДИЧЕСКИЕ ЛИЦА И ИХ АДМИНИСТРАТИВНО-ПРАВОВОЙ СТАТУС / Запорожский национальный университет, Украина

В статье автор сквозь призму обобщенного анализа научной литературы пытается описать особенности административно-правового статуса субъекта, его структуры и предложить варианты определения «административный и правовой статус субъектов». Исследование юридических лиц как субъектов административного права невозможно без прояснения характера и содержания их административно-правового статуса.

Автором подчеркивается, что исследование субъектов административного права, как одного из его фундаментальных институтов, в зависимости от трансформации административно-правовой доктрины, всегда испытывало изменения векторов в его анализе. Фактически, любые реформаторские процессы, которые касаются сферы публичного администрирования, актуализируют изучение этого содержательного блока вопросов. Именно эти факторы и объясняют постоянный незатухающий интерес ученых-административистов к научно-поисковой деятельности в сфере субъектного состава административного права в различные исторические периоды становления административно-правовой науки.

Ключевые слова: состояние, административно-правовой статус, права, обязанности, административно-правовой, юридическое лицо.

Лютіков П.С. ЮРИДИЧНІ ОСОБИ ТА ЇХ АДМІНІСТРАТИВНО-ПРАВОВИЙ СТАТУС / Запорізький національний університет, Україна

У статті автор крізь призму узагальненого аналізу наукової літератури намагається описати особливості адміністративно-правового статусу суб'єкта, його структури і запропонувати варіанти визначення «адміністративний і правовий статус суб'єктів». Дослідження юридичних осіб як суб'єктів адміністративного права неможливо без з'ясування характеру і змісту їх адміністративно-правового статусу.

Автором підкреслено, що дослідження суб'єктів адміністративного права, як одного з його фундаментальних інститутів, залежно від трансформації адміністративно-правової доктрини, завжди зазнавало зміни векторів у його аналізі. Фактично, будь-які реформаційні процеси, які стосуються сфери публічного адміністрування, актуалізують вивчення цього змістовного блоку питань. Саме ці фактори і пояснюють постійний, незгасаючий інтерес вчених-адміністративістів до науково-пошукової діяльності у сфері суб'єктного складу адміністративного права в різні історичні періоди становлення адміністративно-правової науки.

Так, проблематика суб'єктного складу адміністративного права привертала увагу багатьох вчених-адміністративістів, у поле зору яких потрапляли як окремі суб'єкти, так і їх групи, узагальнена характеристика всієї системи суб'єктів адміністративного права тощо. Однак, на жаль, лише в окремих роботах приділялася достатня увага проблематиці, пов'язаній з участю юридичних осіб у тих чи інших адміністративно-правових відносинах. Разом з тим, питання адміністративно-правового статусу юридичних осіб комплексно в науці адміністративного права взагалі не досліджувалося, наявними є лише роботи, у тому числі дисертаційні, присвячені адміністративно-правовому статусу лише окремих різновидів юридичних осіб (як правило, органів державної влади).

Автором, на підставі викладеного матеріалу, зокрема встановлено, що структуру адміністративно-правового статусу юридичних осіб становлять такі елементи: адміністративна правосуб'єктність (адміністративна правоздатність та адміністративна дієздатність); права та обов'язки юридичної особи, закріплені нормами адміністративного права (компетенція, повноваження, а також адміністративна відповідальність тощо).

Обґрунтовано, що адміністративно-правовий статус юридичних осіб – це комплекс закріплених нормами адміністративного права суб'єктивних прав і обов'язків юридичних осіб, що реалізуються ними у сфері публічного адміністрування, зміст яких обумовлюється обсягом та характером адміністративної правосуб'єктності вказаних суб'єктів.

Ключові слова: стан, адміністративно-правовий статус, права, обов'язки, адміністративно-правовий, юридична особа.

The research of the administrative law subjects, as one of its fundamental institutions, depending on the transformation of administrative law doctrine, has always undergone change of the vectors in its analysis. In fact, any reform process relating to the administration of the public which actualize meaningful unit of studied question. These factors also explain the continuous, undamped interest of administrative scientists to scientific research activities in the field of administrative law subjective part in different historical periods of administrative and legal science.

In particular, the problem of the subjective part of administrative law attracted the attention of V.B. Aver'yanov, G. Atamanchuk, O.N. Bandurko, D.M. Bahraha, V.M. Garashchuk, V.M. Horsheneva, I.P. Golosnichenko, S.T. Goncharuk, I.S. Gritsenko, E.V. Dodin, A.A. Demin, Y.A. Dorohina, A.I. Yelistratova, A.F. Yevtyhiyeva, B.M. Lazareva, D.N. Luk'yantsya, A.E. Lunev, S.V. Kivalova, V.L. Kobalevskoho, L. Smith, T.A. Kolomoets, V.K. Kolpakov, A.T. Komzyuka, N.V. Kostiva, T.A. Matselyk, A.V. Beekeepers, N.H. Salishev, V.F. Sirenko, I.I. Slubskoho, Y. Starylova, M.S. Studenikin, J.A. Tikhomirov, O. Shorina, O.N. Yakuba, T.A. Yampolskay and others. This scientists studied separate entities, and their groups, generalized characteristic of all of subjects of administrative law and other. However, unfortunately, only in some works paid sufficient attention to the issue of the participation legal entities in different administrative and legal relations. At the same time, the issue of administrative and legal status of the legal entities in the complex science of administrative law does not researched, it is only available works, including dissertations devoted to administrative and legal status of only certain kinds of entities (usually public authorities).

The above leads to the purpose of the article – through the prism of the generalized analysis of scientific literature to define the features of the legal administrative and legal status of legal entities, its structure and suggest the author's version of the definition of "administrative and legal status legal entities."

The main content of the work. The research of legal entities as subjects of administrative law is impossible without clarifying the nature and content of their administrative and legal status ("status" – from the Latin «status», mean position, status, condition of someone or something [1, 69]). This category determines the nature and features of the mentioned subjects which are participating in administrative relations. Before moving on in fact to the analysis of the issues, it is worth noting that in the legal literature along with the term "legal status" can often find other term – "legal position". There is no unanimity of scientists opinions on this issue, as the A.V. Ivanov said. Some authors, in order to specify and clarify the terminology suggests a difference between the terms "legal status" and "legal position" [3, 152]. Others believe that the use of this term is necessary for the general characteristics of the subject position, because the term "legal position" often used to describe the subject in a certain range of public relations, and legal status covers all types of bonds [4, 16]. At the same time, most authors believe these terms are similar [5, 335; 6, 77] that it would be more appropriate and true approach.

The generalized analysis of legal scientific literature, gives us reason to believe that the legal doctrine pays enough attention to the problems of definition and the definition of the structure of legal status as in general theory of law and in legal sciences industry. However, despite the fact that at the present stage of

development of legal science accumulated a considerable amount of scientific material, legal scholars still have not reached a common view and understanding.

M.M. Marchenko said that the legal status is a legally established state unity and taken the rights, freedoms and duties of the individual" [7, 189]. A similar, but slightly specifying definition gives S.O. Mosquitoes – "the legal status of a person is a system of rights, freedoms and responsibilities that have found their clear legal consolidation in the law that define the political and legal status of a person" [8, 58]. The rights, freedoms and responsibilities defined by the basic elements of the legal status of a person by such scholars as O. Miscavige [9] O.A. Lukasheva [10] V.A. Patyulin [11]. In its turn, M.I. Matuzov and O. Malko believe that the legal status of a person is already among the above elements also includes the legitimate interests of persons who are recognized and guaranteed by the state [12, 213].

S.S. Alekseev treats traditionally legal status of a person treats as the legal position of a person that reflects its actual state in its relations with society and the state. S.S. Alekseev said that the rights and freedoms constituting the basis of personal status, can not be realized without its other components: without corresponding rights legal obligations, without legal responsibility, where appropriate, with no legal safeguards, without legal capacity as defining features of volitional and conscious human behavior [13].

Instead, A.F. Skakun believes that legal status it is a system enshrined in legal instruments and state-guaranteed rights, freedoms, duties, responsibilities, according to which the individual as a legal entity (ie, having a legal personality) coordinate their behavior in society [14, 377]. In this scientist says that the structure of the legal status of a person can be represented as the following: legal personality, rights, freedoms, duties, responsibilities, which has a secondary character [14, 380]. Guarantees, as A.F. Skakun said, are factors of implementing the legal status of the person, not the elements of its structure [14, 379].

A scientist named legal personality an important "reference" institution (foundation) acquiring the legal status of a person or entity [14, 380]. It appears that in these statements O. Skakun should support only specifying that legal personality is a must-legal status.

J.S. Shemchushenko and N.M. Parkhomenko, noted that the legal status is a set of rights and obligations of natural and legal persons who are established by the Constitution, laws and other legal acts, and ratified international treaties. The legal status of of legal entities defined through their competence, the rights and obligations of persons fixed in the current legislation. It is said about government agencies, enterprises, institutions and organizations. In concentrated form, their legal status is reflected in the laws, regulations, statutes and other legal acts of these bodies, enterprises, institutions and organizations. From the completeness of fixing the legal powers, data of legal entities depends on the effectiveness of their activities [15, 44].

So, in theory of law concerning the structure of the legal status has quite a wide diversity of opinions, which, of course, has implications for industry research mentioned issues. There is no exception and also the administrative and legal science.

V.B. Aver'yanov in his scientific works noted that the term "administrative and legal status" refers to a set of specifically defined subjective rights and duties that are assigned to the relevant entity rules of administrative law. Other words there is a necessary feature of a person acquiring administrative and legal status, is that it has certain subjective rights and duties that are implemented by the person as an administrative relationship, and outside them [16, 97]. A similar view is expressed by T.A. Kolomoets [17, 64]. A.S. Vasiliev determines the content of the administrative and legal status of the citizen as specified and detailed constitutional rights, freedoms and duties of citizens enshrined in the rules of administrative law, and guarantee the realization of these rights and freedoms provided mechanisms for protection by state and local governments [18, 119].

J.P. Bytyak besides subjective rights and duties offers to include to the administrative and legal status also guarantees for the rights and protection mechanisms by the state. He additionally notes that the administrative and legal status of a person is established with scope and nature of its administrative legal personality posed administrative capacity [19, 58-59]. M.A. Boyarintseva supports U.P. Bytyaka, who emphasizes that administrative and legal status of citizens and It can not exist without its implementation in public relations, provided the appropriate legal safeguards [20, 54].

D.M. Bachrach in his studies about the administrative and legal status, focuses on administrative norms, namely the process of creating them by public administration. It is thanks to rulemaking activities of state and local government there is, in his opinion, the administrative and legal status of the person or

entity [21, 32], and D.M. Bachrach calls the part of the legal status legal personality and real rights and duties of citizens [22, 30]. A similar view is shared by S. Kivalov [1, 70].

In the context of disturbed issues deserves attention though researches by administrative scientists I which is studied administrative and legal status of of legal entities of different legal forms. Already mentioned C.V. Kivalov, along with the study of the administrative and legal status of the other subjects of administrative law, examines the administrative and legal status of institutions and defines it as a set of rights and responsibilities that an institution acquires and sells in the course of the following: creation of institutions, institutions of state registration, obtaining a license to engage in certain activities, identifying the issues and responsibilities of public authorities in relation to the establishment, maintenance and provision of financial and statistical reports [23, 199].

S. Osaulenko by examining administrative and legal status of the Cabinet of Ministers of Ukraine, concludes that its structure are not only rights and responsibilities, but also tasks and functions [24, 10]. A. Stec classifies to the structure of administrative and legal status of the MDCS (after upgrading the system of central executive is entitled – National Agency of Ukraine on Public (Governmental) Service) such items as: objectives, principles, functions, competence, interaction, structure, organization activities. Thus, the defining elements of the legal status of the MDCS, says A.M. Stec is the objectives, principles and functions of the Central – competence and interaction, subsidiary – the structure and organization of [25, 15].

N.V. Lebid, who examined the administrative and legal status of state inspections in Ukraine, said that it is a complex legal structure that includes the following elements: goals, objectives, functions, competencies, organizational unit elements responsible. In her view, the competence of state inspections contains a Competence (jurisdiction) and authority (duties) [26, 8]. In the vision by A.P. Sikorsky, administrative and legal status of executive authority is a complex legal- theoretical construct that includes such components : 1) the purpose of the formation the body and determine the scope of his authority; 2) the principles and the territorial scope of activities; 3) internal structure of the body; 4) the procedure and method of its establishment, reorganization and liquidation; 5) the tasks and functions; 6) the extent and nature of public authority; 7) forms and methods of operation; 8) the procedure for resolving issues in a body subordinate; 9) sources of financing; 10) the presence or absence of legal personality; 11) The right and obligation to use the state symbols; 12) responsibility [27, 9]. A.M. Podolak, in his turn, in the structure of administrative and legal status of the State Automobile Inspection of MIA of Ukraine also exudes competence and legal responsibility, but an additional isolates a part of the administrative and legal status of law, that all enforcement activities of the State Automobile Inspection of MIA of Ukraine [28, 10].

Quite interesting are the thoughts by A.V. Ponomarev, who identifies the following elements of administrative and legal status of the Antimonopoly Committee of Ukraine: 1) the purpose, objectives, functions; 2) competence, 3) organization of 4) legal liability of employees of the Antimonopoly Committee of Ukraine [29, 7]. The special attention deserves the last component of administrative and legal status which is proposed by A.V. Ponomariov. If with the responsibility of the institution or body as a whole we could agree (given certain arguments), than the responsibility of officials in such organizations is difficult to recognize as the element of the legal status of a legal entity.

For example, it is still unclear exactly what kind of officials legal liability correlates with body and connection between them? Moreover, this conclusion by A.V. Ponomarev contrary even interdisciplinary conception of the legal entity and its attributes. In particular, the responsibility of staff members of the body as part of the legal status does not match feature of joining and participating in legal on its behalf. Of course, if an official of the Antimonopoly Committee of Ukraine (AMC) violates the rights and obligations of individuals or other business relationships and acts on behalf of these relationships like AMC, it is considered that the AMC or its local units act as a violator of the person rights and interests. This is confirmed by the number of administrative and procedural legal personality of the body, it is known that in the case of illegal activity or inactivity of public administration or an official defendant in administrative jurisdiction will not be an official, but the body as a whole, in which is person serving. In this theory, if the outcome of the case will be found that the officer or official body violated existing legislation it can be used the measure of influence, depending on the nature of the offense – disciplinary, administrative, criminal or other liability. And in this case, legal liability AMC officials will be part of a special administrative and legal status of an individual within its responsibilities as one of the elements of such status.

O.O. Briginets focuses on administrative and legal status of the other central executive body – the State Tax Service of Ukraine. Components of administrative and legal status State tax service of Ukraine, according to A.A. Bryhintsya are following: 1) a special purpose, which includes principles, aims, tasks and functions of realization of this public authority; structurally organizational, which includes for itself adjusting of order of creation, reorganization, liquidation, procedure of activity, right on official characters, linear and functional subordination; 3) competence, which includes for itself the aggregate of imperious plenary powers concerning: – rights and duties, which are related to realization of power, participation, in administrative relations, and also right to give out certain acts, is jurisdiction, legal fixing of objects, objects, businesses which imperious plenary powers spread on [30, 10].

M.U. Vikhlyaev, thoroughly probing administrative legal status of public associations came to the conclusion, that the last can define as an aggregate of rights, duties, guarantees of realization of rights, administrative responsibility of public associations which will be realized by them in various relationships with the organs of public administration [31, 153].

On the basis of generalization of opinions by the theorists of law and various approaches of scientists-administrativistiv to the decision of the indicated question, the author, it costs to offer, the own variant of structure of administrative legal status of legal entities and author definition of this concept.

Firstly, it should be emphasized that the basic element of such structure is the administrative personality. She makes the person an opportunity to be a member of the administrative and legal defines the scope of rights and obligations. In this regard, it appears that is not reasoned point of view of those scholars who leave it out administrative structure and legal status. Also an integral part of the legal status have rights and obligations of individuals within the complex which entity has the necessary competence and scope of authority. In this case, the administrative responsibility of the person is not an independent part of a political and legal status, as there is nothing like responsibility of the person subject to certain losses as a result of the offense. Not seen as appropriate in the administrative structure of the legal status of a legal entity to allocate guarantees of its rights, as they are the only factors of administrative and legal status of a legal entity (social, economic, political, etc.) and not directly related to it.

Not worthy of support and position of those administrativistiv scholars that the administrative and legal status of entities (mainly government bodies and local self-government) allocate components such as goal, objectives, functions and organization of the territorial scope of activities, the internal structure of the body, the procedure and the method of its establishment, reorganization and liquidation, forms and methods of operation, the procedure for settling in a body subordinate issues, funding body, the presence or absence of legal personality, and other elements that are allocated by individual scientists. In our opinion, the vast majority of the legal status of the above components (objectives, tasks, functions, forms and methods of work, etc.), as well as the guarantees are the factors of influence on the content of the rights and obligations of the entity, other (organization of the territorial scope of activities, the internal structure of the body, the procedure and method of its establishment, reorganization and liquidation procedure for settling in a body subordinate issues, funding agencies, etc.) – are related to such features as a legal entity organizational unity and legal form and content are prerequisites for the formation and volume personality administrative entities.

Thus, the structure of the administrative and legal status of entities represents the following: 1) administrative legal (administrative capacity and administrative capacity); 2) Rights and obligations of a legal entity, fixed rules of administrative law (competence, authority and administrative responsibility, etc.).

So administrative and legal status of legal entities is a set rules of administrative law of subjective rights and obligations in legal entities implemented them in the field of public administration, the content of which is conditioned by the extent and nature of administrative personality mentioned subjects.

REFERENCES

1. Administrativnoe pravo Ukrainy: [uchebnik] / pod red. S.V. Kivalova. – X.: Odissej, 2004. – 880 s.
2. Ivanov A.V. Ekspert u provadzhenni u spravah pro administrativni pravoporushennja: monografija / A.V. Ivanov, T.O. Kolomoec'. – K.: Istina, 2009. – 184 s.

3. Vitruk N.V. Status lichnosti v politicheskoj sisteme obshhestva / Nikolaj Vasil'evich Vitruk. – M.: Politologija, 1993. – 152 s.
4. Vashhenko S.V. Administrativna vidpovidal'nist': Navchal'nij posibnik / S.V. Vashhenko, V.G. Polishhuk. – Zaporizhzhja: Juridichnij institut MVS Ukraïni, 2001. – 142 s.
5. Juridicheskij jenciklopedicheskij slovar'. – M.: «Juridicheskaja literatura» – 1984. – 786 s.
6. Ćrmolenko D.O. Pravovij status ljudini i gromadjanina v Ukraïni jak social'nij derzhavi: Dis... kand. jurid. nauk: 12.00.01 / Ćrmolenko Dmitro Oleksandrovich. – Harkiv, 2002. – 176 s.
7. Obshhaja teorija gosudarstva i prava: Akademicheskij kurs v 2-h t./ Pod red. M.N. Marchenko. – T.1: Teorija gosudarstva. – Moskva: Zercalo, 1998. – 416 s.
8. Komarov S.A. Obshhaja teorija gosudarstva i prava: Kurs lekcij / Sergej Aleksandrovich Komarov. – M.: «Manuskript», 1996. – 312 c.
9. Mickevich A.V. Sub#ekty sovetskogo prava / Aleksej Valentinovich Mickevich. – M.: Gosjurizdat, 1962. – 212 s.
10. Obshhaja teorija prav cheloveka / pod. red. E.A. Lukashevoj. – M.: NORMA, 1996. – 520 s.
11. Patjulin V.A. Sub#ektivnye prava grazhdan: Osnovnye cherty, stadii, garantii realizacii / V.A. Patjulin // Sov. gos-vo i pravo. – 1971. – № 6. – S. 28.
12. Teorija gosudarstva i prava. Kurs lekcij / pod red. N.I. Matuzov i A.V. Mal'ko. – M.: Jurist#, 1997. – 672 s.
13. Alekseev S.S. Obshhaja teorija prava: Ucheb. 2-e izd. / Sergej Sergeevich Alekseev. – M.: TK Velbi; Prospekt, 2008. – 528 s.
14. Skakun O.F. Teorija derzhavi i prava: Pidruchnik. – 2-e vid / Ol'ga Fedorivna Skakun; per. z ros.. – Harkiv: Konsum, 2005. – 656 s.
15. Juridichna enciklopedija: V 6 tomah / redkol.: Ju.S. Shemchushenko (golova redkol.) ta in. – K.: «Ukraïns'ka enciklopedija», 2003. – Tom 5. – 736 s.
16. Administrativne pravo Ukraïni. Akademichnij kurs: [pidruchnik]: u 2 t. / [red. kolegija: V.B. Aver'janov (golova) ta in.]. – K.: Jurid. dumka, 2007 –. – T. 1: Zagal'na chastina. – 2005. – 536 s.
17. Kolomoec' T.A. Administrativne pravo Ukraïni. Akademichnij kurs : pidruchnik / Tetjana Aleksandrovna Kolomoec'. – K.: Jurinkom Inter, 2011. – 576 s.
18. Vasil'ev A.S. Administrativnoe pravo Ukrainy / Anatolij Semenovich Vasil'ev. – H.: Odissej, 2002. – 288 s.
19. Administrativne pravo Ukraïni: [pidruchnik] / [Ju.P. Bitjak, V.M. Garashhuk, O.V. D'jachenko ta in.]; za red. Ju.P. Bitjaka. – K.: Jurinkom Inter, 2006. – 544 s.
20. Bojarinceva M.A. Administrativno-pravovij status gromadjanina Ukraïni: dis. ... kand. jurid. nauk 12.00.07 / Bojarinceva Marina Anatoliïvna. –K., 2005. – 213 s.
21. Administrativnoe pravo: Uchebnik dlja vuzov / [D.N. Bahrah, B.V. Rossinskij, Ju.N. Starilov]. – 3-e izd., peresmotr, i dop. – M.: Norma, 2007. – 816 s.
22. Bahrah D.N. Administrativnoe pravo: Uchebnik dlja vuzov / Dem'jan Nikolaevich Bahrah. – M.: Izd-vo «Bek», 1996. – 355 s.
23. Kivalov S.V. Administrativne pravo Ukraïni: [navch.-metod. posibnik] / S.V. Kivalov, L.R. Bila. – [3-e vid., pererob. i dop.]. – Odesa: Juridichna literatura, 2006. – 488 s.
24. Osaulenko S.V. Administrativno-pravovij status Kabinetu Ministriv Ukraïni: avtoref. dis. na zdobuttja nauk. stupenja kand. jurid. nauk. spec: 12.00.07 «Administrativne pravo i proces; finansove pravo; informacijne pravo» / S.V. Osaulenko. – Odesa, 2010. – 20 s.
25. Stec' O.M. Administrativno-pravovij status Golovnogo upravlinnja derzhavnoï sluzhbi Ukraïni: avtoref. dis. na zdobuttja nauk. stupenja kand. jurid. nauk. spec: 12.00.07 «Administrativne pravo i proces; finansove pravo; informacijne pravo» / O.M. Stec'. – Odesa, 2011. – 20 s.

26. Lebid' N.V. Administrativno-pravovij status derzhavnih inspekcij v Ukraïni: avtoref. dis. na zdobuttja nauk. stupenja kand. jurid. nauk. spec: 12.00.07 «Administrativne pravo i proces; finansove pravo; informacijne pravo» / N.V. Lebid'. – Harkiv, 2004. – 18 s.
27. Sikors'kij O.P. Administrativno-pravovij status Derzhavnogo departamentu u spravah gromadjanstva, immigracii ta reestracii fizichnih osib MVS Ukraïni: avtoref. dis. na zdobuttja nauk. stupenja kand. jurid. nauk. spec: 12.00.07 «Administrativne pravo i proces; finansove pravo; informacijne pravo» / O.P. Sikors'kij. – Harkiv, 2011. – 19 s.
28. Podoljaka A.M. Administrativno-pravovij status Derzhavnoi avtomobil'noi inspekcii MVS Ukraïni: avtoref. dis. na zdobuttja nauk. stupenja kand. jurid. nauk.: spec. 12.00.07 «Administrativne pravo i proces, finansove pravo, informacijne pravo» / A.M. Podoljaka. – Harkiv, 2004. – 17 s.
29. Ponomar'ov A.V. Administrativno-pravovij status Antimonopol'nogo komitetu Ukraïni: avtoref. dis. na zdobuttja nauk. stupenja kand. jurid. nauk. spec: 12.00.07 «Administrativne pravo i proces; finansove pravo; informacijne pravo» / A.V. Ponomar'ov. – Kiïv, 2010. – 23 s.
30. Briginec' O.O. Administrativno-pravovij status derzhavnoi podatkovoi sluzhbi Ukraïni: avtoref. dis. na zdobuttja nauk. stupenja kand. jurid. nauk. spec: 12.00.07 «Administrativne pravo i proces; finansove pravo; informacijne pravo» / O.O. Briginec'. – Irpin', 2011. – 24 s.
31. Vihljaev M.Ju. Struktura administrativno-pravovogo statusu gromads'kih ob'ednan' jak novogo sub'ekta administrativnogo prava Ukraïni / M.Ju. Vihljaev // Visnik ZNU. Juridichni nauki. – 2012. – № 4 (ch. 2). – S. 150-154.

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ORGANIZATIONAL FORMS OF PUBLIC CONTROL: ESSENCE AND CONTENT

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An attempt to conduct a complex and systematical analysis of existing organizational forms of public control is made. The essence and peculiarities of public control as a type of social control is found out in the article. The author's definition of public control is formed. The author proposes his own classification of organizational forms of public control; special organizational forms of public control; indirect organizational forms of public control. The content of each mentioned group of organizational forms of public control is analyzed briefly.

Key words: control, public control, forms of public control, organizational forms of public control, subjects of public administration.

Сквирский И.О. ОРГАНИЗАЦИОННЫЕ ФОРМЫ ОБЩЕСТВЕННОГО КОНТРОЛЯ: СУЩНОСТЬ И СОДЕРЖАНИЕ / Запорожский национальный университет, Украина

В статье сделана попытка проведения комплексного и системного анализа существующих организационных форм общественного контроля. В рамках статьи выясняется сущность и особенности общественного контроля как вида социального контроля, формулируется его авторское определение. Автор предлагает собственную классификацию организационных форм общественного контроля, выделяя: общие организационные формы общественного контроля; специальные организационные формы общественного контроля; опосредованные организационные формы общественного контроля. Кратко анализируется содержание каждой из названных групп организационных форм общественного контроля.

Ключевые слова: контроль, общественный контроль, формы общественного контроля, организационные формы общественного контроля, субъекты публичного управления.

Сквiрський І.О. ОРГАНІЗАЦІЙНІ ФОРМИ СУСПІЛЬНОГО КОНТРОЛЮ: СУТНІСТЬ ТА ЗМІСТ / Запорiзький національний університет, Україна

У статті зроблена спроба проведення комплексного та системного аналізу існуючих організаційних форм громадського контролю. У межах статті з'ясується сутність та особливості громадського контролю як виду соціального контролю, формулюється його авторське визначення. Автор пропонує