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A REVIEW OF TYPES OF ADMINISTRATIVE-JURISDICTIONAL PROCEEDINGS

Relevance of the problem. The administrative jurisdiction of executive authorities is central to the mechanism of ensuring legality in the field of public administration, since it is within this jurisdiction that the State resolves administrative and legal conflicts, applies administrative and disciplinary liability measures, and also restores the violated rights of individuals through administrative appeal. In the current environment, the importance of administrative and jurisdictional proceedings is growing significantly due to three interrelated factors.

First, there is a complication of administrative relations and an increase in the number of public administration decisions that directly affect the rights and obligations of individuals and legal entities. This objectively increases the conflict potential of the administrative sphere and makes the need for effective and fair procedures for handling complaints, tort cases and disciplinary materials more urgent.

Secondly, the legal regulation of administrative and jurisdictional proceedings in Ukraine is characterised by regulatory fragmentation and heterogeneity of procedural guarantees. Special procedures (in tax, disciplinary, law enforcement and other areas) are often formed autonomously, with different logic of stages, evidentiary regime, time limits, rules of participation of a person, requirements for motivation of decisions and review procedures. As a result, situations of the same legal nature may receive different levels of procedural protection, which undermines the principle of legal certainty and creates risks of inequality of participants before the procedure.

Thirdly, the institutional modernisation of administrative law (in particular, in terms of general administrative procedure and standards of good administration) raises the issue of revising the established approaches to "classical" proceedings, especially complaint proceedings and their correlation with the general rules of administrative procedure. This, in turn, requires doctrinal clarification: which proceedings are undoubtedly jurisdictional in nature, what features distinguish them from non-jurisdictional administrative procedures, and what the minimum "procedural standard" should be for all administrative-jurisdictional forms.

Thus, the relevance of the study is stipulated by the need to develop a holistic, scientifically sound approach to administrative and jurisdictional proceedings as a key instrument for ensuring the rule of law, protecting individual rights and improving the quality of public administration. In the science of administrative law, the issues of administrative jurisdiction and administrative-jurisdictional proceedings are studied in several interrelated areas.

The first area is represented by the works in which administrative jurisdiction is understood as a type of law enforcement activity of public administration and as an institutional mechanism for resolving public law conflicts. This approach focuses on the features of jurisdictional activity (presence of a public law conflict, procedural form, elements of adversariality, jurisdictional act as a result), as well as on the correlation of administrative jurisdiction with administrative proceedings and judicial control. In the Ukrainian doctrine, this approach is developed, in particular, in the works of V. Kolpakov (the problems of jurisdiction and the administrative tort phenomenon), in conceptual courses of administrative law edited by V. B. Averyanov, as well as in the works of O. V. Kuzmenko (administrative procedure law) and O. M. Bandurka and M. M. Tyshchenko (administrative process as a category and system of procedures). Additionally, the controversial limits and criteria of administrative jurisdiction are outlined in the publications of V. M. Bevzenko, who focuses on the criteria and limits of jurisdictional competence.

The second area focuses on administrative offence proceedings and administrative tort doctrine. The works of this block systematically reveal the dual nature of administrative tort proceedings (combination of competence of administrative bodies and courts), stages, functions of administrative liability (law enforcement, preventive, education-

al), as well as the problem of harmonisation of substantive and procedural rules in a codified tort act. In Ukrainian science, these issues are developed by O. Mykolenko (procedural guarantees, stages and human rights potential of administrative tort regulation), S. Hnatiuk (structure of proceedings in cases of administrative misconduct), and R. Kaliuzhnyi (doctrinal approaches to administrative liability and proceedings). In the comparative and general theoretical dimension, this area often involves the works of D. N. Bakhrakh, Y. N. Starylov, and A. P. Shergin, who develop discussions on the correlation between administrative process and jurisdictional procedures, the stages and functional purpose of proceedings.

The third area covers the study of disciplinary proceedings as a procedure for exercising disciplinary responsibility in the public service and related status regimes. This section substantiates the intersectoral nature of disciplinary proceedings, the differentiation of general and special disciplinary liability, the importance of an internal investigation (inspection), and the specifics of the subject composition and procedural guarantees. Among the Ukrainian researchers whose works are directly relevant to your topic, it is worth mentioning N. Yaniuk (disciplinary liability in the context of civil service and the latest approaches to its regulation), L. Kornuta (a comprehensive dissertation study of disciplinary liability of a civil servant), T. Humeniuk (problems of legal consolidation and application of disciplinary liability). At the same time, scientific publications document the unevenness of procedural guarantees depending on the category of subject (civil servants, prosecutors, judges, lawyers, etc.), which raises the issue of unifying minimum standards of procedural justice (the right to be heard, access to materials, motivation of the decision, effective review).

The fourth area is related to the study of administrative appeal and complaint proceedings, especially in the light of the introduction of a general administrative procedure. In this area, the complaint proceedings are viewed as an extrajudicial remedy, an element of internal administrative control and a tool for improving the quality of public administration; at the same time, the insufficiency of traditional "appeal" regulation to meet modern requirements of procedural certainty (stages, evidence, algorithm of procedural decisions, requirements for an administrative act, guarantees of impartiality) is emphasised. After the entry into force of the Law of Ukraine "On Administrative Procedure", scientific and practical comments and special studies of the stage of appealing against administrative acts and procedural decisions have been significantly updated. In this context, the works of the scientific school of administrative procedure, in particular, V. P. Tymoshchuk (scientific editing and development of standards for interpretation and application of the Law, including through scientific and practical commentary), O. F. Andriyko, V. M. Bevzenko (participation in the author's teams of commentaries and doctrinal developments), as well as modern articles devoted directly to appealing against an administrative act and administrative procedure, in particular, by O. O. Markova, are significant.

Summarising the state of scientific development of the issue, it should be noted that although administrative jurisdiction and individual jurisdictional proceedings have been thoroughly studied, the complex issue of common procedural features of administrative and jurisdictional proceedings, as well as the model of a general procedural standard which could ensure consistency of special procedures and the minimum required level of guarantees of an individual's rights regardless of the type of jurisdictional case, remains insufficiently developed. Filling this scientific "gap" is the logic of this study.

The purpose of the article is to provide a scientific and legal substantiation of the system of administrative and jurisdictional proceedings of executive authorities and to identify their distinguishing features on the example of three basic proceedings – proceedings on complaints, proceedings on administrative offences and disciplinary proceedings, with further formulation of proposals for unification of minimum procedural standards.

To achieve this goal, the following research objectives have been identified

1. to clarify the conceptual and categorical apparatus of administrative jurisdiction and administrative jurisdictional procedure, highlighting its key features and legal consequences;

2. to carry out a comparative analysis of the regulatory framework of the three basic administrative and jurisdictional proceedings in terms of stages, subject composition, evidentiary regime, requirements to the jurisdictional act and the procedure for its review;

3. to identify the main problems of law enforcement caused by regulatory fragmentation, terminological inconsistencies and heterogeneity of procedural guarantees;

4. to identify areas for improvement of legislation through the formation of a single general procedural

standard for administrative and jurisdictional proceedings which ensures legal certainty, fairness of procedure and effective protection of individual rights.

The object of the study is public relations arising in the course of exercising administrative jurisdiction by executive authorities. The subject matter of the study is the legal regulation and practice-oriented characteristics of complaint proceedings, proceedings on administrative offences and disciplinary proceedings as the main forms of administrative jurisdictional procedure.

General principles of administrative and jurisdictional proceedings

The administrative jurisdiction of executive authorities is exercised in administrative-jurisdictional proceedings, the type of which depends on the nature of the cases considered within a particular procedure. It is the nature of an administrative case, i.e., the presence of an administrative and legal conflict, a tort event or a dispute over rights and obligations in the field of public administration, which determines the specifics of jurisdictional activity, its procedural form, the range of subjects, stages, and legal consequences of the adopted act [1, p. 546].

Guided by this criterion, different authors within the science of administrative law offer different lists of administrative and jurisdictional proceedings. However, the approach according to which three basic types of administrative-jurisdictional proceedings are traditionally distinguished in the doctrine is relatively stable: 1) proceedings on administrative offences (administrative tort proceedings), 2) disciplinary proceedings, and 3) proceedings on complaints.

As for other types of proceedings and their belonging to jurisdictional proceedings (in particular, conciliation procedures, proceedings for the enforcement of property sanctions, enforcement procedures, etc.), there is an ongoing debate in the science of administrative law. The controversial nature of this issue is explained by the fact that such procedures often combine regulatory and administrative and security and jurisdictional components: on the one hand, they are aimed at implementing management functions, and on the other hand, they may end with the use of coercion or conflict resolution, i.e., acquire "jurisdictional" features. Therefore, a clear distinction between jurisdictional and non-jurisdictional administrative procedures requires an analysis of its subject matter, objectives, consequences and procedural guarantees.

To highlight the peculiarities of administrative and jurisdictional proceedings, it is advisable to focus on two interrelated tasks

1. to analyse the legal regulation of these proceedings with a view to establishing specific features that distinguish them from other types of administrative proceedings

2. to determine whether there are any problematic issues in the regulatory design and law enforcement practice, and to outline possible ways to resolve them.

The subject of the study is three types of proceedings: proceedings on complaints, proceedings on administrative offences, and disciplinary proceedings.

Complaint proceedings as a form of administrative appeal and procedural problems of its regulatory model

Complaint proceedings are aimed at protecting the rights and legitimate interests of persons who have filed a complaint in the field of administrative law and are one of the key instruments of extrajudicial (administrative) control over the legality of public authorities' activities. Pursuant to Article 40 of the Constitution of Ukraine, everyone has the right to apply in person, as well as to send individual and collective appeals to state and local self-government bodies and their officials, who are obliged to consider these appeals and provide a reasoned response within the time limit established by law.

Administrative proceedings on complaints are part of the administrative and jurisdictional activities of executive authorities, although such proceedings have their own specifics:

– **subject matter of complaints** (appeal against decisions, actions, inaction; appeal against administrative acts or procedural violations);

– **by the range of bodies and officials** that consider complaints (higher-level body, special commissions, control bodies, etc;)

– **by the procedures for consideration and resolution** (time limits, procedure for requesting materials, participation of the applicant);

– **departmental regulations** that detail procedures in a particular area.

The specificity of the complaint proceedings is also due to the fact that there is an institutional asymmetry in the relationship between an individual and an administrative body. That is why the modern standard of good administration provides for enhanced guarantees for the applicant: the administrative body should not passively "evaluate the arguments" but actively clarify the circumstances, check the legality of its decisions and ensure that the result is motivated. In this logic, it is appropriate to talk not about the "presumption of guilt"

of the challenged entity (which is terminologically incorrect for an administrative procedure), but about the obligation of the authority to substantiate the legitimacy of the challenged decision/action and provide proper motivation for the response or administrative act.

The executive authorities carry out administrative and jurisdictional activities related to complaints alongside their positive (regulatory and service) administrative activities. For certain areas of public administration, the legislator establishes detailed models of administrative appeal [2, p. 176]. Thus, in the tax area, administrative appeal is considered as a pre-trial procedure for resolving a dispute and has a specially regulated procedure.

The procedure for citizens' appeals to public authorities is regulated by the Law of Ukraine "On Citizens' Appeals" [3], as well as other acts – the Law of Ukraine "On Administrative Services", the Code of Administrative Offences of Ukraine, the Tax Code of Ukraine, etc. The Law of Ukraine "On Citizens' Appeals", which contains elements of legal regulation of the administrative procedure and applies to various areas of public administration, has long remained the basic law.

It is advisable to analyse the content of the provisions of the Law of Ukraine "On Citizens' Appeals" through the prism of comparison with modern approaches to administrative procedure enshrined in the Law of Ukraine "On Administrative Procedure" [4]. Such a comparison allows us to identify the weaknesses of the current model and identify ways to overcome them.

Firstly, the Law of Ukraine "On Administrative Procedure" is built from the general to the specific: it starts with the principles as the fundamental regulatory framework that ensure that the activities of administrative bodies comply with the standards of good administration and form a "programme order" for bodies, individuals and legal entities. Instead, the current Law on Citizens' Appeals does not contain a systematic list of principles, although some of the fundamental provisions are present in fragments (in particular, the prohibition of discriminatory grounds for refusing to accept or consider appeals, guarantees of the right to appeal, etc.)

Secondly, the Law on Citizens' Appeals does not contain detailed provisions on the subject composition of the proceedings (procedural statuses of participants) and the evidentiary framework. Instead, the Law on Administrative Procedure deals with the categories of participants in administrative proceedings, their rights/obligations, case materials, and the procedure for clarifying circumstances, which is typical of the procedural approach. Indeed, in this sense, we can observe the use of "procedural logic" inherent in judicial procedures (the right to be heard, the right to materials, the reasoning of the decision), but adapted to the administrative context.

Thirdly, a negative aspect of the Law of Ukraine "On Citizens' Appeals" is the lack of a coherent, procedurally complete structure of the appeals proceedings:

– the procedural actions of the administrative body and the applicant within the stages are not regulated consistently;

– there is no system of "filtering" appeals in the procedural sense (leaving them without motion, suspending/closing proceedings, etc. as standardised procedural decisions);

– no algorithm for considering appeals as an administrative case has been established.

It is also important to correctly reflect the historical and regulatory context: the current Law of Ukraine "On Citizens' Appeals" was adopted in 1996 and was formed in the institutional conditions of the early period of state formation. Therefore, despite its undoubted positive role in ensuring communication between citizens and the state, the current administrative reform requires a paradigm shift in the regulation of the sphere of appeals towards proceduralisation with maximum guarantees and opportunities for the full exercise of the constitutional right to appeal.

It is in this context that the Law of Ukraine "On Administrative Procedure" is a modern, procedural standard: it establishes uniform rules for consideration of administrative cases and adoption of administrative acts in relations between administrative bodies and individuals. Therefore, the approach where appeals/complaints that relate to the resolution of an administrative case should be considered within the procedural framework of the general administrative procedure is promising.

Proceedings in cases of administrative offences.

Proceedings on administrative offences are the most important type of administrative and jurisdictional proceedings. It is characterised by several features that distinguish it from other procedures. First, its nature is dual. This dualism means that the proceedings are simultaneously (a) the administrative jurisdiction of authorised officials and (b) in cases specified by law, a form of administration of justice by courts in cases of administrative offences [5, p. 324]. This is enshrined in the Code of Administrative Offences, which establishes general rules of procedure for both courts and other authorised bodies (officials) [6].

The following characteristic features of proceedings on administrative offences are emphasised in the literature

– it is a jurisdictional proceeding arising in connection with the commission of an administrative offence;

– it is the means by which administrative liability measures are implemented;

– it is carried out by specially authorised subjects, the range of which is wide;

– the legislator has provided for a single legal regulation that applies to proceedings both in court and in administrative bodies;

– the proceedings are characterised by the specificity of law enforcement acts at each stage (protocol, resolution, decision on complaint/review, enforcement acts, etc.).

The purpose of proceedings on administrative offences is to ensure that legal entities and individuals, as subjects of administrative liability, are confident that: (1) offences are stopped by adequate measures of state coercion; (2) rights and legitimate interests are reliably protected from unlawful encroachments; (3) offences are combated on the basis of the principle of legality. The peculiarity of the proceedings is also manifested in its functions [7, p. 234]. Based on the analysis of the tasks of the CUAO (in particular, the general orientation of the Code), law enforcement and preventive functions are traditionally distinguished. At the same time, when courts consider such cases, they fulfil the tasks inherent in judicial proceedings: protection of violated rights, strengthening the rule of law, prevention of offences and formation of respect for the law and the court. This allows us to additionally talk about the educational function of the proceedings, which corresponds to the preventive and educational nature of administrative liability.

Proceedings in cases of administrative offences are staged. There is pluralism in the doctrine regarding the number and names of the stages, but the prevailing position is that the proceedings include four stages

1. administrative investigation;

2. consideration of the case and adoption of a decision;

3. review (appeal) of the decision;

4. execution of the decision.

An analysis of the provisions of the CUAO in terms of fixing the stages shows that the legislator structurally "separates" the regulatory material by sections/chapters, which sometimes creates discussions about whether certain blocks of rules are independent stages. For example, the section on case consideration and the section on resolution may be perceived as separate stages in the Code, although it is generally accepted in the scientific community that consideration of case materials and adoption of a resolution constitute a single stage, since the resolution is the result of the case.

The discussion on the name of the initial stage should be noted separately: some authors call it "case initiation", but there is a reasoned position that the receipt of information about the offence precedes the commencement of proceedings as a procedural activity; therefore, "receipt of information" should be considered as a basis for commencement, but not as a procedural moment of case initiation. The distinction between the concepts of "initiation of proceedings" and "initiation of an administrative offence case" allows to overcome terminological contradictions that exist in the literature and practice.

The third stage (appeal against the decision) is reasonably suggested by a large part of the doctrine to be called the stage of review of the decision, since it covers various forms of verification of the legality and validity of the jurisdictional act and is in line with European approaches to the review of administrative and tort decisions.

A separate set of provisions is devoted to the enforcement of an administrative penalty resolution, which is explained by the fact that enforcement may be carried out on a voluntary basis (within the provisions of the CUAO) or compulsorily with the involvement of enforcement mechanisms in accordance with a special law. Thus, the enforcement stage has its own specifics both in terms of procedural tools and subject matter.

Disciplinary proceedings. Moving on to the third type of administrative and jurisdictional proceedings, we note that disciplinary proceedings in public authorities also belong to administrative and jurisdictional proceedings, since the basis for its initiation is a disciplinary offence (disciplinary misconduct) committed by a state or municipal employee or other subject of a special public law status. The purpose of disciplinary proceedings is to bring a person to disciplinary responsibility. Disciplinary proceedings are regulated by both laws and by-laws (departmental acts). It is a multi-stage process, and the stages may be specific depending on the type of disciplinary offence and the scope of activity of the public authority. The specificity is manifested in the types of disciplinary sanctions, the system of mitigating/aggravating circumstances, the procedure of internal investigation, the timing and forms of review, etc.

It is fundamental that disciplinary sanctions are established by law and cannot be arbitrarily changed by the management bodies [8, p.75]. A characteristic feature of disciplinary proceedings is that disciplinary sanctions are imposed in the order of official subordination: the subject of disciplinary power is a manager or other authorised person to whom the employee is subordinated. Thus, the Law of Ukraine "On Civil Service" [9] establishes the basic types of disciplinary sanctions (remark; reprimand; warning of incomplete service compliance; dismissal).

Let us describe the peculiarities of disciplinary proceedings.

1) Regulatory and legal regulation. Traditionally, science distinguishes between acts regulating disciplinary proceedings within the framework of general disciplinary liability and acts of special disciplinary liability. The first group includes the Constitution of Ukraine (in terms of the requirement of legislative definition of liability), labour legislation (the Labour Code in terms of labour discipline), and general provisions of statutory laws. The second group includes laws and statutes establishing special disciplinary regimes for certain categories (prosecutors, judges, lawyers, police, military personnel, etc.) Depending on the category of the subject, disciplinary proceedings differ significantly in terms of grounds, procedure, review and revision bodies [10, p. 167].

2) Intersectoral nature. Disciplinary liability "crosses" labour and administrative law, as well as status legislation, which leads to different densities of procedural guarantees: in some regimes, the legislator sets out exhaustive lists of grounds for liability and a detailed procedure, while in others, the regulation is fragmented.

3) Grounds for disciplinary proceedings. The grounds may be negative (committing a disciplinary offence) or positive (proceedings for incentives). This is important for understanding the differences in stages: proceedings for encouragement usually do not involve the same level of conflict as proceedings for misconduct.

4) Types of disciplinary proceedings and stages. There are simplified and general disciplinary proceedings. General disciplinary proceedings include the following stages: internal investigation; decision-making; review/appeal; execution of the decision. In a simplified procedure, the number of stages may be reduced, but the stage of execution of the decision must always be present, otherwise the proceedings lose their functional meaning.

In addition, it is important to emphasise the difference between the stages of disciplinary proceedings for promotion and for disciplinary offences. For incentives, we can distinguish opening of proceedings; consideration; decision-making; execution [11, p. 56]. Review of decisions in such cases is usually not typical, although it may be provided for in special disciplinary regimes (for example, cancellation of the promotion in case of revealing false grounds or violation of the procedure).

The initial stage of disciplinary proceedings should be referred to as "opening of disciplinary proceedings", as this term is used in a number of special laws (in particular, in disciplinary procedures against prosecutors) and more accurately reflects the procedural essence of the stage: establishing grounds, determining the subject matter of the proceedings, and making a decision to initiate an internal investigation or inspection.

An important feature of disciplinary proceedings is the presence of participants (subjects) with a certain procedural status. Legal science offers various models of classification of subjects of disciplinary proceedings, but the practical division into: (1) subjects of initiation; (2) subjects of official investigation (commission/authorised person); (3) subject of the proceedings; (4) involved persons (witnesses, representatives of HR/legal departments, etc.) is significant. Procedural rights and obligations of participants in disciplinary proceedings are currently enshrined in various regulations and do not always form a unified standard, which creates risks of unequal practice [12, p. 11].

Based on the results of the analysis, it can be stated that the peculiarities of disciplinary proceedings are manifested

1. in the areas of regulation;
2. in multi-level regulatory support (general and special);
3. in the intersectoral nature of disciplinary liability;
4. differentiation of procedural models depending on the status of the subject.

Conclusions. The specifics of the administrative-jurisdictional procedure are revealed through the prism of proceedings which are a form of its implementation. The administrative-jurisdictional procedure is characterised by a wide variety of administrative-jurisdictional proceedings. We have focused on three types of proceedings with a view to highlighting their specific features, which are manifested in the mechanism of legal regulation, in the functions they perform, and in the characteristics of the stages. Each type of proceedings is regulated by sepa-

rate legal acts which contain procedural provisions. Having analysed the provisions of the current Law of Ukraine "On Citizens' Appeals" in terms of procedural provisions, we note that this act plays a positive role in the proper functioning of public authorities and local self-government bodies. However, this legislative act does not meet the current needs of society in terms of the effectiveness of the implementation and protection of citizens' rights in relations with administrative entities.

Analysing the proceedings on complaints, we concluded that instead of the Law of Ukraine "On Citizens' Appeals", the Law of Ukraine "On Administrative Procedure" should be adopted and the scope of application should be explicitly enshrined in the provision on "scope of application". The Law of Ukraine "On Citizens' Appeals"

When analysing proceedings in cases of administrative offences, we note the dual nature of the activity, which is manifested in the possibility to consider cases of administrative offences both by executive authorities, law enforcement agencies represented by specific officials, and judicial authorities – the court. The specificity of administrative tort proceedings is currently the application of unified norms of the Code of Administrative Offences of Ukraine by both judicial authorities and administrative jurisdiction bodies.

The peculiarity of disciplinary proceedings is manifested in the existence of regulatory and legal regulation that sets out provisions on disciplinary proceedings within the general programme and special liability, in intersectoral regulation, in the existence of grounds for disciplinary proceedings that may be both negative and positive, as well as in the difference in the stages of disciplinary proceedings depending on whether the disciplinary proceedings are for a disciplinary offence or for encouragement.

Despite the existence of special legal acts regulating different types of proceedings within the administrative and jurisdictional procedure, we believe that it is necessary to establish a single general procedural standard for administrative proceedings regardless of their type to develop a common approach.

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Markova O.O. A REVIEW OF TYPES OF ADMINISTRATIVE-JURISDICTIONAL PROCEEDINGS

This article provides a structured legal analysis of administrative-jurisdictional proceedings as the primary institutional form through which public authorities exercise administrative jurisdiction and resolve public-law conflicts by non-judicial and judicial means. The core premise is that administrative jurisdiction should not be reduced to administrative coercion; rather, it encompasses legally regulated procedural activities aimed at establishing legally relevant facts, evaluating evidence, making a reasoned decision, and ensuring its implementation while

safeguarding the individual's procedural rights. The doctrinal debate on the taxonomy of administrative proceedings is acknowledged, yet the article argues that three proceedings constitute the "core" of administrative-jurisdictional practice: (1) complaint (administrative appeal) proceedings, (2) proceedings in administrative offence cases, and (3) disciplinary proceedings.

Complaint proceedings are examined as a remedial administrative procedure designed to restore violated rights and legitimate interests in the field of public administration. The article highlights the ongoing shift from fragmented regulation of citizens' submissions towards a procedural model based on the principles of good administration, including the presumption in favour of the individual's claims, the authority's duty to clarify the circumstances of the case, and the obligation to provide reasons for the act taken. The analysis identifies typical structural shortcomings of traditional complaint-handling regulation uncertain procedural stages, the absence of a coherent set of interim procedural decisions, and an underdeveloped evidentiary framework and proposes directions for addressing them through procedural standardisation and legal certainty.

A separate part addresses proceedings in administrative offence cases as the central element of the administrative-delict mechanism. The article explains their dual nature: cases may be considered by authorised administrative bodies and, in several situations, by courts, which creates a complex interaction of procedural regimes and generates practical difficulties for consistent law enforcement and legal understanding. Disciplinary proceedings are analysed as administrative-jurisdictional procedures in the realm of public service and professional statuses, characterised by inter-branch regulation and multiple models (general and special disciplinary liability). The article concludes that the most promising vector of development is the establishment of a unified baseline procedural standard for administrative-jurisdictional proceedings, ensuring adversarial elements, impartiality, access to case materials, reasoned decisions, and effective legal remedies.

Key words: administrative jurisdiction, administrative-jurisdictional proceedings, administrative complaint, administrative offence, administrative liability, disciplinary proceedings.

Маркова О.О. ОГЛЯД ВИДІВ АДМІНІСТРАТИВНО-ЮРИСДИКЦІЙНИХ ПРОВАДЖЕНЬ

У статті здійснено комплексний аналіз адміністративно-юрисдикційних проваджень як інституційної форми реалізації адміністративної юрисдикції органів публічної влади та механізму вирішення публічно-правових конфліктів позасудовими і судовими засобами. Вихідним положенням є теза про те, що адміністративна юрисдикція не зводиться до застосування адміністративного примусу, а охоплює процедурно врегульовану діяльність компетентних суб'єктів щодо встановлення юридично значущих обставин, оцінки доказів, прийняття рішення у справі та забезпечення його виконання з належними гарантіями прав особи. Обґрунтовано, що видовий склад адміністративно-юрисдикційних проваджень у доктрині є дискусійним, однак найбільш усталеними є три провадження: (1) провадження за зверненнями, (2) провадження у справах про адміністративні правопорушення, (3) дисциплінарне провадження. Провадження за скаргами розкрито як процедура адміністративного оскарження, спрямована на відновлення порушених прав і законних інтересів у сфері публічного адміністрування.

Показано, що модернізація цього блоку процедур зумовлена переходом від фрагментарного регулювання звернень до процедурної моделі, побудованої на принципах належного адміністрування, зокрема на презумпції правомірності вимог особи, обов'язку адміністративного органу з'ясувати обставини справи та мотивувати рішення. Проаналізовано ключові прогалини «класичного» регулювання звернень (недостатня визначеність стадій, відсутність системи проміжних процесуальних рішень, слабка доказова рамка) та окреслено напрями усунення цих проблем через уніфікацію процедурних стандартів.

Окрему увагу приділено провадженню у справах про адміністративні правопорушення як центральному елементу адміністративно-деліктного механізму. Висвітлено його дуальну природу: поєднання позасудового розгляду справ уповноваженими органами та судового контролю/розгляду, що зумовлює складну взаємодію процедурних норм різних актів і практичні проблеми правозастосування. Дисциплінарне провадження охарактеризовано як адміністративно-юрисдикційну процедуру у сфері публічної служби та професійних статусів із міжгалузевим регулюванням і варіативністю моделей (загальна/спеціальна дисциплінарна відповідальність). Узагальнено, що ключовим напрямом розвитку є запровадження єдиного базового процедурного стандарту для адміністративно-юрисдикційних проваджень із забезпеченням змагальності, неупередженості, доступу до матеріалів, мотивованості рішень та ефективних засобів правового захисту.

Ключові слова: адміністративна юрисдикція, адміністративно-юрисдикційне провадження, адміністративна скарга, адміністративне правопорушення, адміністративна відповідальність, дисциплінарне провадження.

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