

BASES FOR THE CLASSIFICATION OF NORMATIVE AND LEGAL ACTS

Several issues of classification of administrative and legal acts, which are issued or enacted by both public authorities and other organs and organizations, are considered. An attempt to define common bases for the classification as well as to classify all normative acts, issued in Ukraine, is done.

Keywords: *classification, normative acts, individual acts, bases for classification, criteria for the classification of normative and legal acts, construction of normative and legal acts.*

The issue of classification regulations has an exceptional value for their training and publications and in the future – for the legal regulation, as well as to the consequences of the adoption of regulatory legal acts. Normative and legal acts are to regulate clearly these or other legal relations, and errors or incorrect classification regulations can lead to a wrong interpretation of such acts and, consequently, to the violations. In addition, normative legal acts shall be in order, which are the administrative and legal regulations, and install by these regulations form. Departure from established forms and procedures of an adoption can lead to incorrect interpretation, improper application or to violations of the law. The following procedures and regulations are the basis for the classification of legal acts, and they must be clearly defined.

With this in mind, the purpose of our paper is an attempt to determine the reasons for the classification of both the regulations and the procedures for their adoption on the different levels of public administration. This classification may be useful for both researchers and practitioners who prepare normative-legal acts. A system of regulations that are issued by different authorities and officials in Ukraine, has repeatedly been the subject of analysis in many legal sources. The researchers

served a variety of definitions of administrative-legal acts. For example, O. Bandurka defines administrative legal act as unilateral, legal power expression of the subject of the executive power, which has the corresponding competence and powers, which is aimed at establishing, changing and termination of administrative-legal relations [1].

T. Kolomiets notes that regulations is power, taken in accordance with the requirements of the laws of prescription of the public administration on the issues of competence of all agencies (officials), institutions that give rise to legal consequences. Regulations is a means of implementing the tasks of public administration [2, p. 145]. O. Kuzmenko offers to call acts of public administration authorities embodied in fixed form expression of the will of the public administration, that directly affect the legal norms with the aim of improving them according to the public interest [3, p. 213]. S. Stetsenko defines as legal the acts of the State Administration determining the results of the voting which are officially the subjects of public administration made unilaterally and entail legal consequences [4, p. 169].

The legal act of management, according to S. Kivalov, there is a legal state document of nature, which is made by the authorized body of the Government or its official unilaterally to exercise managerial functions and tasks [5, p. 197]. Y. Bitiak believes that the Act of governance is the official instruction, which is based on law, adopted by management at any level of the hierarchy in the order the unilateral expression of the will and within its competence with observance of the established procedures and forms entailing the specific legal consequences of [6, p. 156] Thus, we can see that even the definition of normative legal acts of the scientists offer miscellaneous ones. Approaches to the classification of legal acts are also different. D. Bezzubov as criteria classification regulations defines: legal property of administrative-legal acts, functional role and scope, action in space, start date of the action, the action in time, form of expression of the Act, the nature of the competence of the bodies that take the Act, organs, taking acts and their name etc [7, p. 290].

T. Gurzhiy offers the following criteria for the classification of administrative and legal acts: legal content, legal force, by way of adoption, the action in time, scope of action, by way of the entry into force and termination [8].

B. Averyanov outlines the following criteria of classification of acts of management: the legal nature of the legal consequences for subjects who have the power to make regulations for the legal form of expression, a sphere of action, order taking, order of connectedness addressees of the actors, who issued the Act, according to the form of expression for a moment early in the action, in terms of the powers of the subjects, who issued the administrative-legal act [8]. As you can see, the reason for the classification of legal acts, which are issued by State authorities, are also different, so try something to unite these grounds and to identify more perfect of them.

If the language of the classification of regulatory administrative acts, then we first of all have to consider the diversity of such acts. When it is necessary to consider not only the administrative-legal acts of the State bodies, but also acts of local self-government bodies and associations of citizens, who also have a legal force. We agree with the individual researchers, administrative-legal acts primarily to classify the legal force and, in our opinion, this criterion is the principal. Legal force of regulations can only be categorized into the following types: international treaties and other international acts that ratified the Supreme Council of Ukraine, laws of Ukraine and the in-laws.

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Accordingly, each lower kind of regulations has less legal force, and thus the reason for the classification enables us to distinguish between regulations and define areas of their application. As the next criterion we consider the Division of

regulatory acts, individual and mixed, as B. Averyanov [9]. T. Gurzhiy selects universal normative acts in this classification [8]. Regulations establish specific rights and responsibilities, establish, change or cancel the legal norms. The regulations we see detection of regulatory nature of administrative law. Regulations establish obligatoriness of the rules of conduct in the field of public administration, but along with those they can set the rules of conduct in specific areas of law or specific areas as well. The regulations include the laws of Ukraine, presidential decrees, resolutions of the Supreme Soviet of Ukraine, decisions of other organs of legislative and executive authorities, orders of ministries and agencies, different rules, regulations, instructions and explanations that have legal force.

To individual acts of management related solution executive-administrative nature which are taken with regard to specific cases or specific individuals. Individual legal acts contain precisely defined legal prescriptions and are legal facts that are associated with the emergence, change or termination of certain administrative-legal relations. D. Bahrah offers such individual administrative-legal acts: binding, prohibitive, authorized and denying [10]. We agree with these grounds for classification, however the types of individual regulations propose to add and reglamentative, because they regulate the specific administrative-legal relations. For mixed administrative-legal acts, they contain both regulatory requirements and individual requirements, which are addressed to specific subjects of administrative-legal relations.

The next reason for the classification of administrative-legal acts is their functional purpose. This base is very broad, and therefore can be identified: binding, organizational, informational, regulatory, regulatory, planning, tick, guiding and prognosing administrative-legal acts. Administrative-legal acts are classified as a form of expression. According to this criterion, they may be divided into laws, ordinances, decrees, orders, orders, rules, regulations, instructions and provisions. However, some researchers do not include laws and decrees to form regulations [9]. The basis for the classification of administrative-legal acts are also the scope of their actions. For this reason, you can highlight the administrative-legal acts acting on the territory of the State, on the territory of specifically defined by the Act (for example,

territory where announced a special regime or territory that declared the area disaster, and etc.), in the region or district (legal acts, which are adopted by local authorities). Outline the administrative-legal acts acting in a particular industry sector or in the intersectoral area, within a specific organization, company or institution. You must also select the regulations that apply to a specific group of institutions or social organizations or certain groups of the population.

Administrative-legal acts are classified as a form of acceptance and the procedure for their adoption. They can be adopted by undivided authority, collegiate, together two or three or more subjects, as well as by the agreement with a certain number of subjects. Quite an important basis for the classification of normative acts is the timing of their actions. For this reason the administrative-legal acts are termless, urgent, (in which the term is defined in the regulatory act) and temporal (who operate only in a certain period of time). Individual authors are also the basis for classification, as a form of expression of the regulations [9,10]. Produce written and oral administrative-legal acts. The written regulations include all respectively decorated documents in which there are regulations, rules, instructions and etc. The oral regulations include special road signs, signals, various plaques and signs, movements of employees of the State automobile inspection, regulating traffic, etc.

The reason for the classification are also term early action regulations. Emit the regulations that come into force immediately after signing (orders, instructions), those which come into force from the time that is specified in the regulatory act, which will come into effect from the time that is specified in another regulatory act, those that come into force after the respective registration in the established authorities and publication. A reason may be such that indicates the period of expiration of regulations, but it almost coincides with the grounds of validity regulations altogether, so it should not isolate. D. Bahrah offers some grounds for classification regulations. This is the reason the degree of conformity of laws, legal significance and reality. He offers to split the normative acts on valid, those that can be challenged, and the paltry [10]. In principle, these grounds we agree.

Classification of administrative-legal acts necessary for a clear understanding of their power, significance, and formed in terms of action. After all, every citizen of

Ukraine in his life is faced with a multitude of administrative-legal acts, which, in turn, regulate the plethora of legal relations. For a proper understanding and use of regulations and require their classification. For legal reasons the classification also play a significant role. After using the classification regulations we can understand the strength and importance of enactment and use it for the purpose of protecting the rights and freedoms of citizens.

LIST OF USED SOURCES

1. Адміністративне право України : Загальна частина. Академічний курс : підручник / за заг. ред. академіка НАПРН України О.М. Бандурки. – Х. : Золота миля, 2012. – 583 с.
2. Адміністративне право України : підручник / за заг. ред. Т. О. Коломієць. – К. : Істина, 2012. – вид 2, змін. і доп. – 528 с.
3. Курс адміністративного права України : підручник / В.К. Колпаков, О.В. Кузьменко, І.Д. Пастух, В.Д. Сущенко та ін.; за ред. В.В. Коваленка. – К. : Юрінком Інтер, 2012. – 802 с.
4. *Стеценко С.Г.* Адміністративне право України : навч. посібник / С. Г. Стеценко. – К. : Атіка, 2007. – 624 с.
5. Адміністративне право України : Підручник / за заг. ред. С.В. Ківалова. – Одеса : Юридична література, 2005. – 896 с.
6. Адміністративне право : підручник / за заг. ред. Ю.П. Бітяка, В.М. Парашука, В.В. Зуй. – Х. : Право, 2012. – 2-ге вид., перероб. та доп. – 656 с.
7. *Беззубов Д.О.* Суспільна безпека (організаційно-правові засади забезпечення) : монографія / Д. О. Беззубов. – К. : МП «Леся», 2013. – 452 с.
8. *Гуржій Т.О.* Адміністративне право України : навчальний посібник / Т. О. Гуржій. – К. : КНТ, Х. : Бурун і К., 2011 – 689 с.
9. Адміністративне право України. Академічний курс : підручник : у 2 т. / ред. колегія В.Б. Авер'янов (голова). – К. : Юридична думка, 2004. – Т. 1. Загальна частина – 584 с.
10. *Бахрах Д.Н.* Административное право : Учебник / Д.Н. Бахрах,

Received 28.01.2014