

СПИСОК ВИКОРИСТАНИХ ДЖЕРЕЛ

1. *Радішевська О.Р.* Європеїзація адміністративного права України: питання теорії та практики: дис. ... д-ра юрид. наук. 12.00.07. Київ, 2021. 3 с.
2. *Goodnow F.J.* Comparative Administrative Law: An Analysis of the Administrative Systems, National and Local, of the United States, England, France and Germany. Reprinted. NY: Forgotten books, 2017. 706 p.
3. *Школик А.М.* Адміністративно-процедурне законодавство та його систематизація: монографія. Київ: Вид-чий дім “Гельветика”, 2020. 306 с.
4. *Jezewski J.* Porownawcze badania prawa a europeizacja prawa administracyjnego. Europeizacja polskiego prawa administracyjnego / red. Z. Janku, Z. Leonski, M. Szewczyk, M. Waligorski, K. Wojtczak. Wroclaw: Kolonia Limited, 2005. S. 51–55.
5. *Knecke M.* Tradition and change in administrative law. An Anglo-German Comparison. Berlin; Heidelberg; New York: Springer, 2006. 267 p.
6. *Ruffert M., Steinecke S.* The Global Administrative Law of Science. Max-PlanckGesellschaft zur Forderung der Wissenschaft e.V. 228. Springer, Berlin, 2011. 140 p.
7. *Klabbers J. Goldmann.* Variations. The Exercise of Public Authority by International Institutions / ed. A. von Bogdandy, R. Wolfrum, J. von Bernstorff, Ph. Dann, M. Goldmann. Springer, 2010. P. 713–725.
8. *Битяк Ю.П.* Доктринальні напрямки розвитку науки адміністративного права. Питання адміністративного права. Кн. 1 / відп. за вип. Н.Б. Писаренко. Харків: Право, 2017. С. 8–12.
9. *Шенбергер К.* Административно-правовая компаративистика: особенности, методы и история. ДПП ИМП. 2012. № 2. С. 175–242.
10. *Vincze A.* Europaisierung des nationalen Verwaltungsrechts – eine rechtsvergleichende Annäherung. Zeitschrift fur ausländisches offentliches Recht und Volkerrecht. 2017. S. 235–268.
11. *Хофманн Х.* Различение публичного и частного права: к вопросу о греко-римском наследии европейской правовой науки. ДПП ИМП. 2019. № 2. С. 156–191.
12. *Vobek M.* Europeanization of Public Law. The Max Planck Handbook in European Public Law. Vol. I: The Administrative State / ed. S. Cassese, A. von Bogdandy, P. Huber. Oxford: Oxford University Press, 2017. P. 631–673.

REFERENCES

1. *Radyshevska O.R.* (2021). Yevropeizatsiia administratyvnoho prava Ukrainy: pytannia teorii ta praktyky. “Europeanization of administrative law of Ukraine: questions of theory and practice: dis. Dr. Jurid. Sciences. 12.00.07. Kyiv. 3 p. [In Ukrainian].
2. *Goodnow F.J.* (2017). Comparative Administrative Law: An Analysis of the Administrative Systems, National and Local, of the United States, England, France and Germany. Reprinted. NY: Forgotten books. 706 p. [In English].
3. *Shkolyk A.M.* (2020). Administratyvno-protsedurne zakonodavstvo ta yoho systematyzatsiia. “Administrative and procedural legislation and its systematization”: monograph. Kyiv: Helvetica Publishing House. 306 p. [In Ukrainian].
4. *Jezewski J.* (2005). Porownawcze badania prawa a europeizacja prawa administracyjnego. Europeizacja polskiego prawa administracyjnego / red. Z. Janku, Z. Leonski, M. Szewczyk, M. Waligorski, K. Wojtczak. Wroclaw: Kolonia Limited. P. 51–55 [In Polish].
5. *Knecke M.* (2006). Tradition and change in administrative law. An Anglo German Comparison. Berlin; Heidelberg; New York: Springer. 267 p. [In English].
6. *Ruffert M., Steinecke S.* (2011). The Global Administrative Law of Science. Max-PlanckGesellschaft zur Furderung der Wissenschaft e.V. 228. Springer, Berlin. 140 p. [In English].
7. *Klabbers J. Goldmann.* (2010). Variations. The Exercise of Public Authority by International Institutions / ed. A. von Bogdandy, R. Wolfrum, J. von Bernstorff, Ph. Dann, M. Goldmann. Springer. P. 713–725. [In English].
8. *Bytiak Yu.P.* (2017). Doktrynalni napryamky rozvytku nauky administratyvnoho prava. “Doctrinal directions of development of the science of administrative law. Issues of administrative law. Book 1 / resp. for vip. N.B. Pisarenko. Kharkiv: Pravo. P. 8–12. [In Ukrainian].

9. *Shionberher K.* (2012). Admynstratyvno-pravovaia komparatyvystyka: osobennosty, metody y ystoryia. “Administrative and legal comparative studies: features, methods and history”. DPP IMP. No 2. P. 175–242. [Russian].

10. *Vincze A.* (2017). Europaisierung des nationalen Verwaltungsrechts – eine rechtsvergleichende Annäherung. Zeitschrift für ausländisches öffentliches Recht und Völkerrecht. P. 235–268. [In German].

11. *Khofmann Kh.* (2019). Razlicheniye publichnogo i chastnoho prava: k voprosu o hrekorimskom nasledii yevropeyskoi pravovoi nauki. “The distinction between public and private law: to the question of the Greco-Roman heritage of European legal science”. DPP IMP. 2019. No. 2. P. 156–191 [In Russian].

12. *Bobek M.* (2017). Europeanization of Public Law. The Max Planck Handbook in European Public Law. Vol. I: The Administrative State / ed. S. Cassese, A. von Bogdandy, P. Huber. Oxford: Oxford University Press. P. 631–673 [In English].

UDC 342.9(4)

Subbot Anatolii,
Doctor of Juridical Sciences,
Professor, Professor at the Department,
Leonid Yuzkov Khmelnytsky University of Management and Law,
Khmelnysky, Ukraine

COMPARATIVE ADMINISTRATIVE JURISPRUDENCE AS AN INSTRUMENT OF EUROPEANIZATION THE SCIENCE OF ADMINISTRATIVE LAW

Progressive distributional changes in the science of administrative law, in the field of administrative legislation significantly fill the system of Ukrainian administrative law, which in particular based on the traditions of European legal understanding. Significant role belongs to the updating of administrative and legal doctrine as a whole, which ensures the implementation of theoretical constructions in legal activity, in the current legislation, in the interpretation of law norms. Therefore, taking into account the proposals of domestic and European scientific communities on the issues of administrative and administrative legal reforms, the activities of administrative courts, the improvement of existing legislation is a promising model for the development of administrative law in Ukraine.

It is worth noting that the Europeanization of Ukrainian law directly linked with comparative legal research of administrative direction. Undoubtedly, the tasks of comparative legal research is to promote the development of legal sciences through a comparative study of national legal systems, to intensify contacts and exchange of information between scientists of different countries, to assist national organizations that study foreign law.

However, while developing a modern doctrine of administrative law and its conceptual justification, it is necessary to pay attention to the correlation of norms of this branch and norms of international and European law – bringing them in line with international legal requirements.

Considering that modern comparative law lies as a means of cognition of national law in the global context, a mechanism of awareness of both the unique features of the

© Subbot Anatolii, 2021

Ukrainian legal tradition and the place of Ukraine in the world and regional political and legal processes; therefore it is an instrument of improving national law based on comprehension of the world legal experience treasury and an integral element of integration of our state into the world legal space. Especially for modern administrative law always characterized by variety processes of reception and borrowing. No other area of law concerned and imported into national systems the rules of foreign legal orders so frequently as in administrative law.

Moreover, bear in mind that under the Europeanization of law, the question may be not only about reception (borrowing of foreign experience in order to improve the activities of a particular national institution), but also about the withdrawal (abolition) of the existing rule of law. Thus, two types of reception are conceptualized – positive and negative.

It is obvious that in the literature on European administrative law, there is an opinion that most of the acts adopted during the formation of the European Union and the Council of Europe and later implemented by its member states or by the signatory parties fall functionally within the scope of administrative law. However, we may state that this fact has even shaped the notion that EU law is exclusively administrative, and that private law is a preference for national choice and national autonomy. Thus, private law is national and public law is supranational.

Of course, assessing the current balance of scientific thought regarding comparative administrative law in Europe is a difficult task. Nevertheless, exactly the study of administrative law of foreign countries is necessary in order of better understand our own administrative law in order to find models for its improvement and reform.

Keywords: comparative administrative law, administrative law of European countries, administrative legal doctrine, comparative law, European administrative legal science.

Отримано 30.11.2021