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## TO THE QUESTION OF THE EVOLUTION STAGES OF THE ADMINISTRATIVE PROCEDURE

The process of the genesis of the administrative procedure is closely connected with such a phenomenon and the global process as legal convergence, since “it is not enough to arise, ” it is important to get further development (1). Intensive changes in administrative law such as: integration processes, public-law partnerships, new models and methods of public administration, as well as the process of administrative law are the main indicators of the country's progress and development in a democratic direction (2).

The emergence and further conceptualization of the administrative procedure was an important step in consolidating the rule of law in modern European states and in fundamentally revising the existing model of relations between the state and its subjects. The administrative procedure was at the same time a check for the authorities, and a guarantee for citizens in the process of exercising their rights in relations with the authorities (3). Analyzing the international doctrine, it should be noted that it was the historical conflict between the interests of the state and citizens that served as the main prerequisite that led to the evolving process of protecting human rights both in law and in practice. The issue of protecting human rights has always been a key one in relations with authorities in case of violation or abuse of their powers, which leads to negative consequences, such as an illegally made decision.

Along with judicial protection, administrative procedure was widely used and disseminated through which citizens could not only exercise their basic rights in relations with authorities, but also protect them.

The mutual influence of the legal orders of different national systems is evident throughout history, which leaves its “imprints” on the development of administrative procedures.

Studying the formation of administrative procedures in European countries, in the USA it should be noted that the evolution of administrative procedures goes through several stages: the first stage is emergence, the second is becoming, and the third is further development and modernization. Each stage is associated with a different historical era, political alignment of forces and economic factors that influenced the genesis of the administrative procedure. We have identified three stages in the process of the genesis of the administrative procedure.

The first stage of the 17th century – the first half of the 20th century. At this stage, the concept of an administrative act was fundamental in the legal characterization of public administration, since administrative activity, as one of the three functions of bodies, is objectified and materialized in acts, which are a form of its implementation (4).

Basically, scientists of this period pay attention to acts of government, see them, classification, without taking into account the procedural aspect in their adoption. Meanwhile, the first codifications of the administrative procedure at this stage appeared in some European countries. The first General Administrative Procedure Act in Europe was the Spanish Act of 1889.

The second stage – 1950-1980, the competence of government bodies was so expanded that it was necessary to procedurally regulate these powers in order to respect and take into account the legal interests and rights of participants in the procedure at all stages of the procedure. Rules of the legislative procedure were inappropriate for the state administration, so it was advisable to develop and adopt new autonomous rules that governed decision-making (5).

It should be noted that a special feature of the second stage of the evolution of administrative procedures in European countries in the second half of the 20th century was the central position acquired by the administrative procedure. This happens is not only due to the expansion of procedural rights and their consolidation at the level of laws and constitutions, but also because state bodies are increasingly in need of cooperation with citizens.

The end of one-sidedness in relations between citizens and bodies. The participation of citizens in administrative procedures, especially in the context of rule-making procedures, leads to further improvement of the administrative procedure. At this stage, there is a pan-European desire to develop legal regulation of administrative procedures, but the United States is especially important. The 1946 Administrative Procedure Act was the first to establish a common legal framework for administrative rulemaking procedures

The third stage is the end of the 20th century – the 21st century. In most European countries, at the end of the 20th century there is a tendency in a qualitative change in the legal regulation of administrative procedures: by this time national laws had been adopted, and in some countries – codes. There is also a tendency to expand the range of procedural rights of citizens (6). The end of the 20th century is characterized by a cardinal conceptual change in the paradigm of public administration, which was aimed at moving from a command-administrative method of regulation relations in the field of public administration, to partnership – based on cooperation between the public and private sectors, which was aimed at enhancing interaction between bodies and citizens, as well as legal and fair decisions regarding citizens.

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**Маркова О. О. До питання етапів еволюції адміністративної процедури**

Анотація. У тезах-доповіді автор відображає результати свого дослідження в сфері еволюційного розвитку адміністративної процедури. Автор проводить доктринальний та законодавчий моніторинг існуючих нормативно-правових актів у Франції, США та ФРГ на предмет закріплення положень про адміністративну процедуру. Пов’язує виникнення адміністративної процедури із конвергенційним процесом.

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## «ДІЯ ТРУДОВОГО ЗАКОНОДАВСТВА В ПРОСТОРІ», ЯК ПРИНЦИП ТРУДОВОГО ПРАВА

Будь-який акт законодавства, в тому числі й той, що має статус структурного елементу системи джерел трудового права, має свою дієву спрямованість. При цьому слід зазначити, що на сьогодні законодавчо закріпленого поняття «дія трудового законодавства» немає. Більш того, в спеціалізованій юридичній літературі з трудового права й науково-правових колах зазначена проблема або зовсім не розглядається, або розглядається фрагментарно в межах більш широкої проблематики або ж у межах проведення порівняльного аналізу з іншими інститутами трудового права. А тому з’ясування сутності дії трудового законодавства та визначення основних заходів підвищення його ефективності дозволить всесторонньо з’ясувати особливості системи трудового права України взагалі. Варто відзначити, що в рамках даного дослідження ми не можемо розглянути зміст кожного аспекту дії трудового законодавства, а тому нами особливу увагу буде приділено такій важливій засаді як дія трудового законодавства в просторі.

З огляду на специфіку досліджуваного питання, поняття «простір» у значені дії в ньому трудового законодавства слід сприймати саме із його територіального аспекту. Так, як зазначають в юридичній енциклопедичній літературі, дія нормативно-правових актів у просторі являє собою поширення їх впливу на певну територію (державу в цілому чи окремий її регіон) (1, с. 216).