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## ECONOMIC AND LEGAL TRENDS OF EUROPEANIZATION OF THE ADMINISTRATIVE LAW OF UKRAINE

### ABSTRACT

Today, it is appropriate to talk about cooperation between Ukraine and EU member states in matters that are functional for their legal systems. The first is the protection of the rights and freedoms of citizens; providing asylum to refugees from other countries; adaptation of legislation on the regulation of relations in the field of migration, both legal and illegal; fight against illegal employment; and others. It was found that the administrative law of Ukraine is developing in complex political-economic and social-legal conditions. Therefore, the use of European experience in the field of administrative and legal regulation of social relations in Ukraine should not imply mindless copying, which can negatively affect society and the state. The topic of the research should be the creation of national methodological recommendations on quality indicators of individual branches of law in accordance with the quality standards of legislation and law of the countries of the European Union. The introduction of European approaches to the regulation of social relations at the administrative and legal level in Ukraine must be balanced and adapted so that there is no negative impact on the development of society and the process of state formation. At the same time, the comparative legal study and rational use of foreign experience in the development of administrative law allows to significantly expand the so-called "legal field", enriching it with the experience of foreign countries. The current conditions for the development of administrative law in Ukraine depend on globalization, which affects all spheres of life, affecting the development of unified legal values and democratic principles of European administrative law, and the national administrative law system of individual European countries. In fact, there are two parties of subjects endowed with the corresponding rights and obligations in the field of administrative-legal relations.

**Keywords:** administrative legislation, Europeanization, economic and legal dimension, rule of law, administrative law, subjects of administrative and legal relations, administrative legislation

**JEL Classification:** I38, J17, J44, J53

### INTRODUCTION

Administrative law of Ukraine is developing in a complex political, economic, social, legal and ideological environment. In the historical aspect, this is due to the absence of any political, legal, ideological and other influence on the development of administrative law in certain periods of state independence [1, p. 720–721]. Today, this is a large-scale attack by the Russian Federation, the consequences of which affect the regulation of administrative and legal relations in Ukraine. Current trends in the Europeanization of administrative law in Ukraine indicate the presence of stable features which have a dialectical relationship between the possibilities and reality [2, p. 158–160] of administrative law development. Therefore, one of the first steps in the Europeanization of administrative law in Ukraine should be the implementation of European legislative norms into the legislation of Ukraine, taking into account the administrative aspect (hereinafter – EU), which provides for its approximation to the system of European administrative law, which is one of the conditions for sustainable development of public administration in the state. One of the legal foundations for such approximation is the content of Article 51 of the Agreement on Partnership and Cooperation between Ukraine

and the European Union, which provides for the approximation of existing and future Ukrainian legislation with EU legislation [3].

At the same time, comparative legal study and rational use of international experience in the development of administrative law can significantly expand the so-called "legal field", enriching it with the experience of foreign countries. It is argued that the current conditions of development of administrative law in Ukraine to some extent depend on globalization, which affects virtually all spheres of human life while having both a positive and negative impact on the development of common legal values and democratic principles for European administrative law and national administrative law systems of individual European countries. Therefore, it was established that the administrative law of Ukraine, like other branches of law, is designed in order to protect the rights, freedoms and legitimate interests of citizens and organizations from unlawful actions or decisions of public authorities and the state as a whole.

## LITERATURE REVIEW

Today, we are not talking about rapprochement, but about corporate relations of Ukraine and the European Union on issues that are functional for the legal systems of these countries. First of all, it is the protection of the rights and freedoms of citizens; providing asylum to refugees from other countries; adaptation of legislation on normalization of migration relations, both legal and illegal; combating illegal employment; combating terrorism; cooperation in the field of justice and other areas related to the regulation of relations by international law.

Thus, according to T. Kolomoiets, the stages of development proposed by S. Stetsenko are important from a historical perspective. According to O. Dnipro and other scholars, the priority tasks in the field of public administration are Ukraine's European integration, the results of which in itself will justifiably affect the formation of national administrative law. The approach of E. Schmidt-Assmann to the provisions characterizing distinguishes the content of state administration in the public sphere. In this regard, it is relevant to analyze the quality parameters of legislation in the European Union and compare them with the indicators of Ukraine.

Generally speaking, domestic and foreign experts within the limits of administrative and legal relations are engaged in the study and analysis of the scientific issues under investigation in this article. For example, the following of them: Yu. I. Rymarenko, V. B. Averianov, I. B. Usenko, and others, actualized the proposed topic not only through opposition to the existing administrative and legal science but within its subject – by distinguishing institutions related to the application of measures of administrative coercion to participants in managerial legal relations; Hrytsenko I. S., Bevzenko V. M., Koval S. O., etc. offered for analysis documents that reveal unknown pages of the history of the struggle for Ukrainian statehood in the 20s and 30s of the 20th century; Yu. P. Bytyiak, V. M. Harashchuk and V. V. Zuyi focused attention on the fact that the study of administrative law acquires special importance in connection with the changes that have taken place in the state-legal system of Ukraine, the consolidation of the world and European standards regarding the rights and freedoms of a person and a citizen in the Constitution of Ukraine; O. S. Dnipro carried out an analysis of the system of executive authorities at all levels and the specifics of their organization in the context of modern state formation and the development of administrative and legal science; T. O. Kolomoiets and others, who based their research on the theoretical provisions and practice of the activities of the subjects of power, which corresponds to the values of the member countries of the European Union; Ye. V. Shulha focused mostly on the study of the principles of regulation of administrative-tortious relations, which, in his opinion, will help to more clearly understand their nature, in the future to reflect the essence and content of this type of relations as fully as possible, and others. Some foreign authors also somewhat touched on the proposed topic. In particular: M. Eliantonio & Y. Marique claim that administrative law is a complex dimension of comparison within the following aspects: firstly, it was closely related to national history; secondly, it is difficult for scholars to have detailed and up-to-date technical knowledge about a large number of administrative systems at the same time; thirdly, the definition of administrative law can be distinguished between two different approaches to the field - one related to public administration, the other related to judicial review; Stefan Kadelbach also researched the principles of implementation of accountability, legality and efficiency in various forms of cooperation of European and national administrations in the implementation of EU policy; Boughey Janina focused on why exactly the use of comparison differs so much between the two areas of public law, and others.

## AIMS AND OBJECTIVES

The purpose of the study is to identify the stages and patterns of the historical development of administrative law in Ukraine and their impact on the regulation of public relations. In order to realize this research goal, it was necessary to solve the following problems:

- to establish a link between historical stages and identify the patterns of development of administrative law in the context of Ukraine's Europeanization;
- to analyze the practice of applying the parameters of legislative quality in the EU countries and to formulate proposals for their implementation in the legal system of Ukraine;
- to identify and systematize the features of Europeanization of the administrative law of Ukraine;
- to determine the priority areas for further Europeanization of the administrative law of Ukraine.

## METHODS

The methodological core of this scientific investigation is formed within the influence of both general scientific and special methods of scientific and practical analysis of economic and legal relations and the theory of cognition. For example, method of scientific knowledge, methods of two types - formal and informal (expert knowledge) and the method of synthesis were used to determine a wide range of features which directly or indirectly affect the characterization of the concept of "Europeanization of administrative law of Ukraine"; the method of statistical analysis, comparison and analogy was used to conduct empirical studies of the dynamics of the value of the quality indicators legislative norms of the European Union, the United Kingdom and Ukraine in a particular time period, as well as the strategy of the level of implementation of the principles of the rule of law in the state. Finally, the methods of generalization and systematization were used to formulate the results of the study and draw conclusions.

## RESULTS

A general description of the Europeanization of administrative law in Ukraine should begin with the words of Simon Petliura, with which he outlined the development of Ukrainian statehood and its foreign policy course, which was to be directed towards the West [4, p. 15]. For example, the well-known European scholar Eric Aners in his book "History of European Law" (1996) notes that the formation of European legal norms is one of the significant contributions to the development of European civilization. It was in Europe that legal concepts were formed and improved, legal norms and their impact on the regulation of social relations were analyzed, and the impact of law on the activities of public administration in society and the state was determined.

While studying the history of the development of administrative law in Ukraine, T. Kolomoiets draws attention to the stages proposed by S. Stetsenko (2009). These include:

- the emergence of the science of cameralistics (derived from the German "kameralistik" – management of the palace treasury and property), which dates back to the beginning of the eighteenth century;
- historically determined division of cameralistics into 'old' (studied issues of finance, economics, and management) and 'new' (issues of police, manufacturing and mining);
- the formation of police law (as a branch intended for internal administration);
- the transition to administrative law (2nd half of the 19th century);
- the latest stage, which is characterized by a radical revision of the essence, content and purpose of administrative law [5, pp. 7–9].

Without going into details of each of the proposed stages of development of administrative law, let us pay attention to the "modern period" of development of administrative law which began in 1991 after the proclamation of Ukraine's independence. Article nine of the Constitution of Ukraine recognizes as a part of national legislation - current international treaties, the binding consent of which was given by the Verkhovna Rada of Ukraine [6]. The content of this provision of the Constitution should be considered as one of the grounds for the Europeanization of the administrative law of Ukraine and its gradual development in the context of the constant influence of the rules of European administrative law on relations between the public authorities of Ukraine and international organizations and other international entities.

There is a fairly wide list of features which directly or indirectly affect the characterization of the concept of "Europeanization of administrative law of Ukraine" [7, p. 353–354]. These signs of Europeanization of the administrative law of Ukraine can be conditionally systematized:

in terms of their definition of administrative and legal relations, they have:

- dynamism of the provisions enshrined in the European administrative law;
- multi-vector provisions, which indicate different directions of the European administrative law;
- multidimensionality and multiplicity, covering the activities of public administration entities, taking into account their legal status in the process of lawmaking and law enforcement;
- duality, which indicates the direct or indirect international influence of international law through the application of techniques and means developed by international legal practice (for example, signing, and ratification of international treaties that affect the formation of new norms of national administrative law).

*by the territory* that has relevant restrictions relating to one country or several countries (for example, member states of the European Union);

*by legal consequences* arising in the course of implementation of administrative law provisions and aimed primarily at the realization of the principles of justice and freedom of democracy.

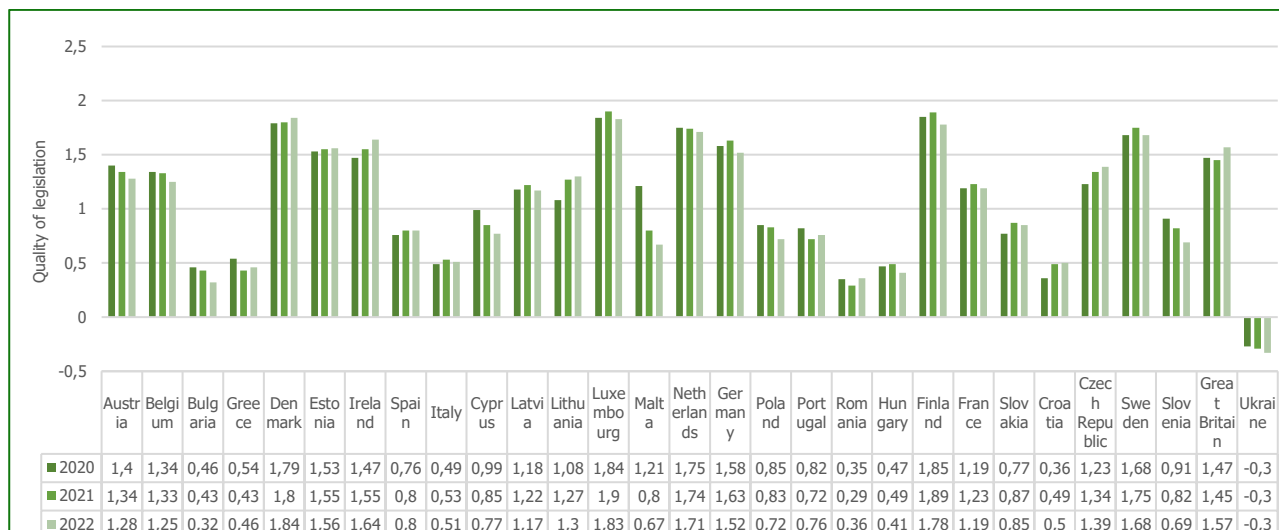
It is necessary to state that the specified list is not absolutely exhaustive of features characterizing the Europeanization of administrative law in Ukraine. They are optimal in their effect, permanent and short-lived in time, multiple in terms of the range of subjects, and, by their specific application, have an impact on state policy, public administration, the formation of legal ideology in society, and so on.

Administrative law of Ukraine, like other branches of law, is designed to protect the rights, freedoms and interests of citizens and organizations from unlawful actions or decisions of public authorities and the state as a whole. At the same time, public administration bodies must have the powers regulated by administrative law to effectively fulfil them in the interests of citizens and the state. This means that there are in fact two sides of subjects endowed with respective rights and obligations in the field of administrative and legal relations.

For the European Union countries, rights and duties of citizens in administrative and legal relations are exercised through the use of a diverse number of rules which, in turn, are included in certain administrative law institutions, and are manifested in procedural and organizational forms that have an impact on the methodology and structure of regulation of these relations. Among the current approaches to the Europeanization of administrative law in Ukraine, there is a need to consider its General and Special Parts. The essence of the first approach lies in the need to formulate constitutional provisions in both the General and Special Parts of administrative law, which will allow, taking into account the changing nature of social relations, to implement the idea of creating a democratic and legal state (Article 1 of the Constitution of Ukraine) [6], whose public administration bodies should act in conditions of normative orderliness and legitimacy. The meaning of the second approach to the Europeanization of the administrative law of Ukraine should be considered by explaining its Special Part, which has legal institutions of various directions and administrative and legal regulations which justify the activity of public administration in the public sector governance in sectoral and intersectoral areas development of the state.

In view of this, the existing administrative and legal regulation depends on the emergence and legal consolidation of new social relations in socio-political and other spheres of social life, which require a transition from executive to regulatory administrative law justified by norms of administrative law within the limits of its self-sufficiency of administration.

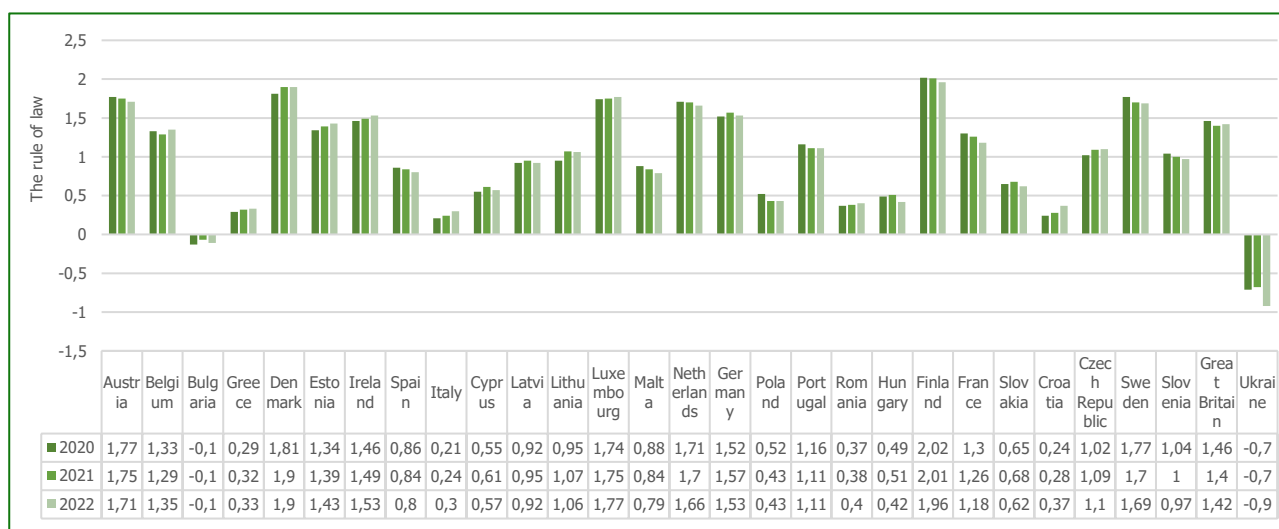
Obviously, ensuring the rapid achievement of a positive result requires balanced decisions in the legal sphere, so it is of utmost importance to study the parameters of the high level of legislative regulation in the European Union and compare them with the indicators of Ukraine. In this context, the World Bank's international calculations on the study of a high level of legislative regulation of social relations at the international level, the results of which within the European Union, the United Kingdom and Ukraine in 2020-2022, are quite reasonable and appropriate, as shown in Figure 1.



**Figure 1. Dynamics of legislative quality indicators in the European Union, the United Kingdom and Ukraine in 2020-2022.** (Source: calculated on the basis of: [8; 9; 10])

The figure shows that the values of the indicators of the legislation quality in the context of the analyzed countries are positive and negative, and are also characterized by a significant degree of unevenness and uncertainty. Since, the methodological foundations of the indicator of the quality of legislation in a country involve determining the ability of the public administration apparatus to timely, efficiently and effectively carry out activities related to the formation of regulatory and legislative support and the ability of legislative authorities to implement laws and regulations, it is worth noting the different levels of the lawmaking process in different European countries, which are determined by the quality of the relevant documents and the degree of compliance and implementation of norms and provisions. Obviously, in highly developed countries, the quality of legislation is recognized as higher than in countries with transition economies and those that have recently completed the processes of transformational adjustment. In particular, the highest values of the legislative quality index are recorded in Denmark (1.79 – 1.84), Luxembourg (1.83 – 1.90) and Finland (1.78 – 1.89), and the lowest – in such countries as Romania (0.29 – 0.36), Bulgaria (0.32 – 0.46) and Hungary (0.41 – 0.49). At the same time, Ukraine has a catastrophically low value of the legislation quality indicator, which is in the range of –0.3. This situation indicates the need to improve the quality of legislative and regulatory acts and the need to harmonize them with the legal basis of international law and EU law.

In addition, countries with a low level of legislative quality have rather low indicators of the rule of law. At the same time, most European highly developed countries also show a gradual decline in the rule of law, as evidenced by clear signs of recession in 2020-2022 (Figure 2).



**Figure 2. Dynamics of the Rule of Law Indicators in the European Union, the United Kingdom, and Ukraine in 2020-2022.** (Source: calculated on the basis of: [8; 9; 10])

The situation with regard to ensuring the rule of law is quite critical in Ukraine, where the value of the indicators is the lowest and amounts to  $-0.7$  in 2020 and 2021 and  $-0.9$  in 2022, as well as in Bulgaria, where the parameters of this indicator are also negative and are at the level of  $-0.1$  throughout the study period. The situation is somewhat better, but negative, in Greece, Italy, Croatia, Romania, and Hungary, where, despite the positive values of the rule of law indicator, its basic principles are implemented rather poorly, and citizens feel a low level of legal protection.

For a more thorough study of the state of the legal provision in the European Union, the United Kingdom and Ukraine, we propose to group these countries by a high level of legislative norms and the application of the principle of the rule of law indicators in terms of periods, this will make it possible to define acceptable and unacceptable traits and characteristics of each of the formed groups of countries. The necessary calculations will be carried out in Statistica 8.0 using the technology of multivariate cluster analysis based on the k-means method, and the results of clustering will be systematized in Table 1.

**Table 1. Grouping of the European Union, the United Kingdom and Ukraine by the quality of legislation and the rule of law indicators in 2020-2022.** (Source: calculated on the basis of: [8; 9; 10])

Quality of legislation and the rule of law					
2020		2021		2022	
Country	Cluster number	Country	Cluster number	Country	Cluster number
Denmark	1	Austria	1	Austria	1
Luxembourg		Denmark			
Netherlands		Ireland			
Finland		Luxembourg			
Sweden		Netherlands			
Austria	2	Germany	2	Germany	2
Belgium		Finland			
Estonia		Sweden			
Ireland		Belgium			
Germany		Estonia			
France	3	Latvia	3	Belgium	2
Great Britain		Lithuania			
Spain		France			
Cyprus		Great Britain			
Latvia		Czech Republic			
Lithuania	3	Spain	3	Spain	4
Malta		Cyprus			
Poland		Malta			
Portugal		Poland			
Slovakia		Portugal			
Czech Republic	4	Hungary	4	Slovakia	4
Slovenia		Slovakia			
Bulgaria		Slovenia			
Greece		Bulgaria			
Italy		Greece			
Romania	4	Italy	4	Romania	4
Hungary		Romania			
Croatia		Croatia			
Ukraine		Ukraine			

According to the results of empirical calculations, it is expedient to state that the states used in the study were divided into three levels based on common specifics of the rule of law and the level of legislative regulation. At the same time, there is no stable trend in their placement in a particular cluster. Moreover, in 2020-2022, there was a shift of highly developed countries within the first and second groups. In particular, it is worth noting a steady positive trend in progress in improving the level of legislative regulation and implementation of the principle of the rule of law in individual states, such as Austria, Ireland, Estonia, the Netherlands, and Germany, which in 2021-2022 rose in their rankings and entered

the group of the most legislatively developed countries with developed legislation and perfect mechanisms for ensuring the rule of law.

On the contrary, the countries of the fourth group, such as Bulgaria, Greece, Italy, Romania, Hungary, Croatia and Ukraine, are characterized by low rates of improvement in the problem of the level of legislative norms and implementation of the principle of the rule of law remains unresolved. These countries require special attention from the international community to ensure legal protection of their citizens, as it has been proven that legal protection should focus on defending protection of the rights, freedoms and legitimate interests of citizens and organizations against illegal actions, decisions of authorities and the state in general: firstly, it guarantees that citizens and organizations can seek legal assistance in case of violation of their interests; secondly, providing such protection helps to strengthen trust in state institutions and the legal system; thirdly, it helps to minimize the risk of abuse of power by public authorities. Thus, effective legal protection becomes a guarantee of stability and justice in society.

Among the areas of Europeanization of administrative law in Ukraine, it is worth paying attention to its entry into, or rather return to, the Romano-Germanic legal system. Given that the national administrative law, starting from pre-revolutionary times (before 1917), belonged to the Romano-Germanic legal system, and its main features were formed under the influence of European law, the main sources of which were and still are regulations and codified legislation [11, p. 127–130; p. 7–129], modern administrative law of Ukraine, taking into account its development, can be conditionally divided into the areas provided for by the Concept of Administrative Reform [12]. According to Yu.P. Bytiak, the main purpose of implementing the provisions of the Concept is the requirement to actually improve the organization of the executive branch, to make it one of the important factors in accelerating economic, political, social and legal transformations [13, p. 46]. Supporting the author's opinion, we would like to draw attention to the fact that the processes of reforming the activities of executive authorities in Ukraine continue to have a developmental dynamic which could be better, provided that a comprehensive mechanism of organizational support with optimal characteristics is created, aimed at obtaining effective results in the field of management activities of public administration entities. It is worth noting that virtually all European countries had similar problems in creating such a management mechanism, given the historical experience of the creation and development of administrative law in these countries.

Therefore, the priority areas for further Europeanization of administrative law in Ukraine can be considered as follows:

- clarifying and defining the essence of administrative law and the tasks associated with its development;
- studying the functions and principles of public administration and municipal management;
- analysis of the establishment and activity of the local self-government system and its constituent elements;
- study of the problems of the executive branch in Ukraine;
- further development of the principles and functions of modern administrative law;
- creation of new administrative legislation in terms of content and focus in the regulation of public relations with its further systematization and codification;
- studying the administrative jurisdiction of public authorities authorized to consider cases of administrative offences and administrative disputes arising between the state, individuals and legal entities;
- substantiation of the grounds for the allocation and consolidation of new sub-branches of administrative law;
- analysis and identification of problems related to the civil service, strengthening the rule of law and discipline in the field of public administration.

We are convinced, that the Ukrainian legal system is influenced by the German legal system. In this regard, the scientific work of Eberhard Schmidt-Assmann "General Administrative Law as an Idea of Regulation" (2009) is of interest. The author focuses on the idea with the main attention and foundations of the development of administrative law, which through revolutionary changes should become the common administrative law of Europe. The analysis of currently available publications by domestic scholars, which are to some extent devoted to the Europeanization of administrative law, shows new approaches to the constitutional foundations of administrative law; the system, tasks of the general and special parts of administrative law; the activities of public administration bodies; control and responsibility for compliance with and enforcement of administrative law.

Considering the development of European administrative law, E. Schmidt-Assmann pays attention to the provisions characterizing the essence of public administration in the common space; the concept of public administration, which contains the principles, priorities and rules of its activities; levels of administrative law with due regard for national interests, as well as the common constitutional and legal framework for the development of European administrative law [14, p. 436–470].

The most clearly defined models can be considered the basis for the development of European administrative law:

1. The French model of administrative law.
2. The German model of administrative law.
3. The model inherent in countries with Anglo-Saxon legal traditions.

Each of these models has its own peculiarities and, at the same time, general principles of development of European administrative law with the definition of rights, freedoms and legitimate interests of administrative law subjects.

We would like to draw attention to the approach of Germany and other countries to the "German administrative and legal model" regarding the special role of fines as a type of penalty imposed for committing an administrative offence. It is worth noting that an administrative fine and an administrative offence in the German legal system are two components of one whole, in which the former is a punishment for the latter, but the latter cannot be itself if it is not punished by the former [15, p. 276].

Moreover, V.O. Zarosylo, analyzing the legislation of European countries on administrative liability, notes that most of these countries do not have codified administrative legislation, which is the legal basis for the administrative and jurisdictional activities of administrative law subjects [16, p. 6–8]. Also, O. Dniprov, considering the priorities of executive authorities as one of the largest entities in the context of public administration is convinced that Ukraine's European integration should be a top priority for all levels of government, but first of all for executive authorities, which will affect the intensification and increase the effectiveness of its activities. According to him, the current system of central executive authorities is built on the basis of the obligations imposed on Ukraine by international documents on European integration in each area of public administration. However, solving this problem, given that Ukraine has long been the object of hostile aggression by the Russian Federation, is quite difficult, since the system of executive bodies and their activities are aimed at protecting statehood both independently and with the help of other countries [17, p. 200–201].

Without diminishing the relevance and importance of the ideas expressed by scholars, it should be noted that the tasks related to the further Europeanization of administrative law include the implementation of the legal policy of the Ukrainian state through the normative and legal regulation of public relations in the field of public administration; the development and use of regulatory methods in the field of public administration based on their practical applicability (for example, administrative and legal regulation in the field of economics); the use of the experience of the European Union countries in determining the quality of legislation, taking into account its qualitative and quantitative indicators, which affect the formation of the regulatory and legislative framework for the activities of public authorities; protection of rights and freedoms of citizens and organizations who are participants in administrative legal relations by the norms of administrative law; the development of public administration in areas such as social support, insurance, material provision, etc.; the system of administrative law should cover state tasks provided for by the norms of the Constitution of Ukraine and other regulatory legal acts, which are mandatory for executive authorities and other state bodies to fulfill; and the development of the doctrine of administrative social and legal relations within the framework of the formation of a democratic and legal state.

## DISCUSSION

It should be noted that the fulfilment of tasks related to the Europeanization of administrative law is taking place under the conditions of military aggression from the Russian Federation. This challenging situation for our state is one of the obstacles to Ukraine's further integration into the European Community. Nevertheless, on June 17, 2022, the European Commission recommended granting Ukraine candidate status for membership in the European Community, and on June 23, 2022, the European Council adopted a decision granting Ukraine a recommendation regarding the continuation of reforms aimed at Ukraine's European integration. These reforms, once implemented, will positively influence the Europeanization of administrative law. Among these reforms are the reform of the Constitutional Court of Ukraine; the continuation of judicial reform in Ukraine; the continuation of the fight against corruption in state authorities; combating money laundering; the adoption of an anti-oligarch law; harmonization of audiovisual legislation with the legislation of the European Union; and amendments to Ukraine's legislation on national minorities (for example, the adoption of the Strategy for Promoting the Rights and Opportunities of Persons Belonging to the Roma National Minority and the law "On National Minorities (Communities) of Ukraine," which complies with the requirements of the Council of Europe Convention for the Protection of National Minorities).

## CONCLUSIONS

Summarizing the discussion of issues related to the Europeanization of Ukraine's administrative law, it has been established that:

1. The term "Europeanization of Ukraine's administrative law" refers to the further development of administrative law and administrative legislation, taking into account the direct and indirect influence of European administrative law norms on public relations in the field of public administration to protect the rights and freedoms of citizens and organizations.
2. The Europeanization of Ukraine's administrative law should include changes that will positively affect the essence and social role of this legal field, as well as the activities of public administration, which should comply with the principles of European democracy in public governance.
3. To ensure the rule of law in Ukraine, especially regarding the regulation of administrative legal relations, it is essential to focus on the quality indicators of the application of legislation and its results.

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## ADDITIONAL INFORMATION

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### AUTHOR CONTRIBUTIONS

*All authors have contributed equally.*

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### CONFLICT OF INTEREST

*The Authors declare that there is no conflict of interest.*

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## ЕКОНОМІКО-ПРАВОВІ ТЕНДЕНЦІЇ ЄВРОПЕЇЗАЦІЇ АДМІНІСТРАТИВНОГО ПРАВА УКРАЇНИ

Сьогодні мова йде не про зближення, а про співпрацю України з державами-членами ЄС з питань, що є функціональними для правових систем цих країн, а це такі як: захист прав і свобод громадян; надання притулку біженцям з інших країн; адаптація законодавства щодо регулювання відносин у царині міграції; боротьба з нелегальним працевлаштуванням; боротьба з тероризмом; співробітництво в царині судочинства – та інші напрями, пов'язані з регулюванням відносин нормами міжнародного права. Відтак з'ясовано, що адміністративне право України розвивається в складних політичних, економічних, соціальних, правових, ідеологічних умовах. Тому констатовано, що використання європейського досвіду в галузі адміністративно-правових засад формування суспільних відносин в Україні не має бути його бездумним копіюванням, що може негативно впливати на розвиток суспільства й державотворення. Предметом спеціального дослідження повинне стати створення національних методичних рекомендацій щодо показників якості не тільки законодавства України, а й окремих галузей права відповідно до стандартів якості законодавства й права країн Європейського Союзу. Упровадження європейських підходів до регулювання суспільних відносин на адміністративно-правовому рівні в Україні має бути обдуманим і адаптованим, адже пряме копіювання може мати негативний вплив на розвиток суспільства й процес державотворення. Водночас порівняльно-правове вивчення та раціональне використання зарубіжного досвіду щодо розвитку адміністративного права дозволяє значно розширити так зване «правове поле», збагативши його досвідом зарубіжних країн. Сучасні умови розвитку адміністративного права України в певній мірі залежать від глобалізації, яка зачіпає фактично всі сфери людської життєдіяльності, маючи різний вплив на формування єдиних правових цінностей і демократичних принципів для європейського адміністративного права й національних систем адміністративного права окремих країн Європи. Це означає, що фактично існує дві сторони суб'єктів, які мають відповідні права та обов'язки в царині реалізації адміністративно-правових відносин.

**Ключові слова:** адміністративне законодавство, європеїзація, економіко-правовий вимір, верховенство права, адміністративне право, суб'єкти адміністративно-правових відносин, якість законодавства

**JEL Класифікація:** I38, J17, J44, J53