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TOPIC:

PARTICIPANTS IN ADMINISTRATIVE PROCEEDINGS

CONTENT

[Abstract 3](#_Toc161094879)

[Introduction 4](#_Toc161094880)

[Main part 5](#_Toc161094881)

[1. Subjects and judicial-administrative legal relations arising between them. 5](#_Toc161094882)

[2. Rights and obligations of persons involved in an administrative case. 8](#_Toc161094883)

[3. Other participants in the CAS of the Russian Federation. 10](#_Toc161094884)

[4. Peculiarities of administrative proceedings in the Russian Federation. 11](#_Toc161094885)

[Conclusion 12](#_Toc161094886)

[List of sources used 13](#_Toc161094887)

# **Abstract**

In this project I study the position of participants in administrative proceedings. The main problem is that the number of administrative proceedings is increasing and its participants need to study their position in administrative proceedings in a short period of time, as well as to familiarize themselves with the content of emerging procedural legal relations. The project provides the results of systematization of information that will help participants to get acquainted with their position in administrative proceedings.

**Key words**

Participants of administrative proceedings, administrative proceedings, the content of procedural legal relations in administrative proceedings.

# **Introduction**

**Relevance:** in recent years the number of pending administrative cases has increased, in this regard, the number of participants in administrative proceedings has increased, it is important for them to study in a short period of time their position in this type of legal proceedings and the content of emerging procedural legal relations.

**Problem:** due to the complexity of this topic, many citizens do not always have a full understanding of the legal status, duties and rights of the parties. This can lead to incorrect assessment of the situation and wrong choice of positioning tactics by the participants of the process, which negatively affects the final result.

The aim of the project: to improve the skills of working with professional vocabulary in English; to expand the vocabulary on the chosen topic.

Project objective:

- to study the subjects of administrative relations;

- to identify the content of procedural legal relations;

- to study other participants in the CAS of the RF;

- to identify the peculiarities of administrative legal proceedings in the Russian Federation;

- translation of the text into English;

- expansion of vocabulary.

**Hypothesis:** the legislation clearly outlines the range of persons who are participants in administrative legal proceedings, as well as the content in the emerging procedural legal relations.

**Method:** collection and analysis of information, systematization and translation into English.

# MAIN PART

## 1. Subjects and judicial-administrative legal relations arising between them.

1.1 Judicial-administrative relations are procedural relations that are regulated by the CAS of the RF and arise between the court on the one hand, and other participants of legal proceedings, on the other hand, on the administration of justice in cases arising from administrative and other public relations. [3]

A. B. Zelentsov and O. A. Yastrebov judicial-administrative relations are divided into 3 groups:

1)basic- arise between the court and the parties to the dispute;

2) additional - arise between the court and other persons participating in the case;

3) auxiliary- arise between the court and persons assisting in the realization of justice. [3]

1.2 Subjects of judicial-administrative relations.

Subjects of judicial-administrative relations are participants arising in the consideration and resolution of cases of administrative legal proceedings, procedural relations. [6]

T.N. Radko divides subjects into 3 groups:

- physical person;

- organizations;

- social communities. [3]

In judicial-administrative law, all subjects of procedural relations are divided into groups (Chapter 4 of the CAS RF):

- court;

- persons participating in the case;

- other participants of the process. [3]

Table 1 participants in administrative proceedings

|  |  |  |  |
| --- | --- | --- | --- |
| number | Court | Persons involved in the case | Other participants in the process |
| 1 | Judge | Administrative Claimant | Representation |
| 2 |  | Administrative Respondent | Expert |
| 3 |  | Collector and debtor in administrative cases on the issuance of a court order | Specialist |
| 4 |  | Interested parties | Witness |
| 5 |  | Prosecutor | Translator |
| 6 |  | Bodies, organizations and persons applying to the court to protect the interests of other persons or an indefinite circle of persons or involved in the process to give an opinion on the case | Assistant Judge |
| 7 |  |  | Сlerk of the court |

1) Court

The court on the one hand the court acts as a participant in procedural relations, and on the other hand acts as a body vested with the power to resolve issues that may arise in connection with the consideration of a particular case. [6]

2) Persons involved in the case:

An administrative plaintiff is a person who has filed an administrative claim with the court in defense of his rights, freedoms and legitimate interests; a person in whose interests an application is filed by a prosecutor, a body exercising public powers, as well as an official or a citizen.

An administrative defendant is a person who has been sued for a dispute arising out of administrative or other public legal relations, or in respect of whom the plaintiff, exercising control or other public functions, has applied to the court.

According to Article 47 of the CAS RF interested persons are persons whose rights and obligations may be affected by the resolution of the case.

3) Persons assisting administrative proceedings:

3.1) Representatives

According to Chapter 5 of the CAS of the Russian Federation, the rights and legitimate interests of incapable or restricted citizens, as well as citizens who have not reached the age of majority, shall be defended in court by their legal representatives.

3.2) An expert is a person who has been entrusted to conduct an expert examination and give an opinion on the issues put before him/her, requiring special knowledge, in order to clarify the circumstances of a particular case.

3.3) A specialist is a person appointed by the court to give explanations, consultations, provide other assistance during the examination of evidence and performance of procedural actions and on issues requiring relevant knowledge and skills.

3.4) A witness is a natural person who has knowledge of any information about actual circumstances relevant to the examination and resolution of the case.

3.5) An interpreter is any person who is fluent in the language in which the court proceedings are conducted, as well as a person who is skilled in communicating with deaf, mute and deaf-mute persons (Article 52 of the CAS RF).

## 2. Rights and obligations of persons involved in an administrative case.

The content of procedural legal relations is the rights and obligations of subjects, as well as procedural action of participants in the process. [3]

Table 2 Types of Rights and Obligations of Participants in Administrative Proceedings

|  |  |  |
| --- | --- | --- |
| Rights and obligations | Common rights and obligations of participants | Special rights and obligations |
| Difference | characteristic for all participants of procedural-administrative legal relations | Characteristic for individual participants of procedural-administrative legal relations |

2.1 General procedural rights of persons participating in the case.

It follows from part 1 of Article 45 of the CAS RF that persons participating in administrative proceedings have the following general rights:

-to familiarize themselves with the materials of the case, as well as to make extracts and make copies of them;

- to make challenges and petitions;

-To present evidence, as well as to familiarize themselves with the evidence submitted by other persons participating in the case;

-participate in the examination of evidence;

-ask questions to other participants of the trial;

-Familiarize oneself with the minutes of the court session;

- give explanations to the court orally and in writing;

-Present their arguments on all issues arising during the trial;

-to oppose motions and arguments of other persons involved in the case;

-know about complaints filed by other persons participating in the case, about judicial acts adopted in the case, as well as receive copies of judicial acts adopted in the form of a separate document;

- familiarize themselves with the judge's dissenting opinion on the case;

-Persons participating in the case have the right to receive copies of judicial acts, notices, summonses and other documents and their copies in electronic form using the information and telecommunication network "Internet";

-use other rights provided for by the CAS RF.

2.2 The obligations in the CAS RF are common for all persons participating in the case:

-in cases stipulated by the CAS RF, persons participating in a case are obliged to conduct cases in court with the participation of representatives who meet the requirements established in the CAS RF;

-shall use in good faith all procedural rights belonging to them;

-in a motion to summon a witness, a person participating in the case must indicate what circumstances relevant for the correct consideration and resolution of the case the witness can confirm, and inform the court of his/her surname, name and patronymic, place of residence and other information known to him/her necessary for summoning the witness to court;

-In the event of a change of name or address, inform the court of such changes;

- are obliged to observe the order established in the court session and not to abuse procedural rights.

- are obliged to prove the circumstances to which they refer as the basis of their claims or objections, unless another order of distribution of duties of proof in cases is not provided by the CAS RF.

2.3 Special rights and obligations of subjects of administrative legal proceedings

Special rights and duties are those rights and duties that are characteristic for certain participants of procedural-administrative legal relations. They are provided for in Chapter 4 of the CAS RF.

3. Other participants in the CAS of the Russian Federation.

3.1 Foreign citizens and stateless persons.

CAS RF provides for cases with participation of foreign citizens and stateless persons such category of cases, in accordance with the law include the following cases:

- on placement of a foreign citizen subject to deportation or readmission in a special institution, extension of the period of stay of a foreign citizen in a special institution; [2]

- application of data to the courts for protection of their violated or disputed rights, freedoms and legitimate interests in the sphere of administrative and other public legal relations.

The rights and obligations of foreign persons, stateless persons are as follows:

- have the right to apply to the courts for protection of their violated or contested rights, freedoms and legitimate interests in the sphere of administrative and other public legal relations based on the authoritative subordination of one party to another;

- enjoy rights and perform duties on an equal footing with citizens of the Russian Federation, except for cases directly stipulated by the CAS RF.

3.2 Inappropriate respondent

Inappropriate administrative defendant is a person who was brought to participate in the case as a defendant and at the same time is not the bearer of the disputed public substantive legal obligation, or a subject in respect of which the question of application of restrictions or limitation of legal personality should be resolved. [6]

If it is established that the statement of claim is filed to the wrong person, the court with the consent of the plaintiff replaces the improper defendant with the proper one. If the plaintiff does not agree to the substitution, the court may, without the consent of the plaintiff, engage the proper defendant as a second administrative defendant.

4. Peculiarities of administrative proceedings in the Russian Federation.

4.1 Simultaneous participation of several plaintiffs and defendants:

1) Procedural complicity

Procedural complicity is the simultaneous participation in the process on the side of the plaintiff or on the side of the defendant of several persons. [6]

According to part 2 of Article 41 of the CAS RF procedural complicity is allowed if:

- the subject of a dispute arising from administrative or other public legal relations are common rights and (or) obligations of several administrative plaintiffs or several administrative defendants;

- rights and (or) obligations of several subjects of administrative or other public legal relations have one basis;

- the subject of an administrative dispute are homogeneous rights or obligations of subjects of administrative or other public legal relations.

2) Participation of a group of persons with a collective statement of claim.

According to Article 42 of the CAS RF, only citizens who are participants of administrative or other public legal relations, as well as other persons in cases specified in the federal law may apply to the court with a collective statement of claim.

2) Procedural succession

Procedural succession is the transfer of procedural rights and obligations from one person to another. [5]

According to part 6 of Article 44 of the CAS RF, all actions that were performed in the judicial process before the successor entered the case, are binding on him to the extent that they were binding on the person whom the successor replaced. [2]

**Conclusion**

Summarizing the above it becomes clear that the current legislation clearly delineates the range of persons who are participants in administrative legal proceedings, as well as the content in the emerging procedural legal relations.

Based on the study of the topic, the following conclusions are made:

1. The code of administrative legal proceedings distinguishes 3 groups of subjects of procedural legal relations: the court, persons involved in the case, as well as other participants in the process. They have rights and obligations, which can be divided into general and special. The Code also provides for actions to be performed by the participants of the process or to refrain from performing certain actions.

2. CAS of the RF provides besides the main groups of persons participating in the case, so other persons found in administrative proceedings, namely:

- foreign citizens, as well as stateless persons;

- improper defendant. It is found in administrative proceedings when a statement of claim is filed to the wrong person who should be responsible for the stated requirements, this person is called an improper defendant.

3. The following peculiarities occur in administrative proceedings:

1) Procedural complicity occurs in certain cases: when the statement of claim was filed by several plaintiffs and when the statement of claim was filed against several defendants. It is important for procedural complicity that the case corresponds to the features that are stipulated in the CAS RF.

2) Procedural succession, i.e. transfer of procedural rights and obligations from one person to another.

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