PRIVATE PROFESSIONAL EDUCATIONAL INSTITUTION "KRASNOYARSK COOPERATIVE COLLEGE OF ECONOMICS, COMMERCE AND LAW"

Interdisciplinary educational project in the disciplines "MDK 01.02 The concept and principles of the administrative and jurisdictional process" and "English language"

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**Annotation**

The topic is relevant to this day, because the administrative process, along with civil, criminal arbitration and other types of legal process, occupies one of the fundamental places in the system of the domestic legal procedural form. As a normatively defined procedure for the implementation of individual procedural actions in the multifaceted management activities of authorized entities, this type of process has been used for a long time. It was and remains inseparable from administrative law, from its material norms, and, accordingly, in general, from public administration.

**Keywords**

Administrative jurisdiction, administrative-jurisdictional process, administrative-jurisdictional proceedings, administrative procedure for dispute resolution.

**Introduction**

**Relevance**: The topic of the course is relevant to this day, because the administrative process, along with civil, criminal arbitration and other types of legal process, occupies one of the fundamental places in the system of the domestic legal procedural form. As a normatively defined procedure for the implementation of individual procedural actions in the multifaceted management activities of authorized entities, this type of process has been used for a long time. It was and remains inseparable from administrative law, from its material norms, and, accordingly, in general, from public administration.

**The purpose** of the study is to study the topic "the concept and principles of the administrative and jurisdictional process" from the point of view of the latest domestic and foreign studies on similar issues.

**Tasks:**

1. Consider the concept of administrative jurisdiction, administrative-jurisdictional process, administrative-jurisdictional proceedings, administrative dispute resolution procedure, and show how they relate to administrative-jurisdictional activities.

2. Explain the current criteria for the classification of administrative and jurisdictional proceedings.

3. Identify the main administrative and jurisdictional proceedings that exist today as forms of administrative and jurisdictional activity.

**Method**: collection and analysis of information, systematization of the text.

**THE MAIN PART**

**1. Theoretical foundations of the administrative and jurisdictional process**

**1.1 The concept and features of the administrative process**

The administrative process is one of the most actively discussed administrative and legal categories in legal science. This is due to the fact that today there is no unanimous opinion among scientists about the content and structure of administrative procedural activities.

The main dispute over the definition of the content of the administrative process unfolded after the publication in 1964 of N.G. Salishcheva's scientific work "Administrative process in the USSR" in which she first outlined the so-called "narrow" concept of administrative process. The essence of this concept is its "jurisdictional" component. Proponents of this approach consider the administrative process as the activity of authorized state bodies for the consideration and resolution of disputes arising between the parties to administrative and legal relations, including the application of administrative coercion measures.

**1.2 Administrative and jurisdictional process to date**

The existence of such a category as an administrative-jurisdictional process is recognized by almost all scientists engaged in research on the administrative process. However, so far in the specialized literature and even more so in the legislation, there has not been a unified point of view on the concept, structure and main characteristics of the administrative and jurisdictional process. The criteria for classifying a particular order of activity in public administration as types of administrative proceedings and including them in the administrative and jurisdictional process are not clearly defined.

The clear procedural regulation of jurisdictional activities in the field of public administration is practically beyond anyone's doubt. It is important to note that the administrative and jurisdictional process is based on the presence of a legal conflict in the field of administrative law by most scientists. Such conflicts have become a reality of our daily life, they have their own specifics. It is the presence of powerful subjects in the administrative and jurisdictional process, resolving the case on the merits, that highlights the problem of ensuring the rights and freedoms of subjects who do not have authority in resolving administrative and legal conflicts.

Along with the existence of a broad and narrow explanation of the administrative process, scientists recognize the existence of a broad and narrow understanding of the administrative and jurisdictional process. I would like to remind you that many scientists put into the concept of administrative-jurisdictional process only proceedings in cases of administrative offenses - this is a narrow understanding, and in a broad sense, the administrative-jurisdictional process covers all proceedings arising from the resolution of individual administrative disputes.

**Chapter 2. The main types of administrative jurisdiction**

**2.1 Proceedings on administrative offenses**

In 2015, the State Duma of the Russian Federation adopted the "Code of Administrative Procedure of the Russian Federation", when a dispute of any nature arises, a person tries to figure out who and how can help in its resolution. Some wish to involve the competent authorities immediately, hoping that they will restore justice. Others insist on a peaceful solution to the problem. Folk wisdom says: "A bad world is better than a good quarrel."

Administrative offenses are numerous. The bodies dealing with cases of administrative offenses are also diverse. If we proceed from legal practice, then we must admit that most often citizens suffer from such an administrative offense as petty hooliganism. In Article 20.1 of the "Code of Administrative Offences of the Russian Federation". It is defined as follows: Petty hooliganism, that is, violation of public order, expressing obvious disrespect for society, accompanied by obscene language in public places, insulting harassment of citizens, as well as destruction or damage to other people's property. If this offense is committed, the victim must write a statement to the internal affairs bodies (police), at the place of committing minor hooliganism, that is, to the district, city department of internal affairs. Having collected the necessary evidence, the body of inquiry transmits the materials to the court, which makes the appropriate decision.

The objectives of the proceedings in cases of administrative offenses are a comprehensive, complete, objective and timely clarification of the circumstances of each case, its resolution in accordance with the law, ensuring the execution of the decision, as well as identifying the causes and conditions that contributed to the commission of administrative offenses.

Cases of administrative offenses may be considered:

• judges, commissions on juvenile affairs and protection of their rights;

• federal executive authorities, as well as other authorized state bodies;

• heads of the Department of Internal Affairs, their deputies, the head and employees of the State Road Safety Inspectorate, state inspectors of road supervision, local police commissioners;

**The first stage is receiving complaints and their initial processing**. At this stage, written appeals are received, oral appeals are listened to and processed, and appeals received through public information systems are accepted.

In accordance with the requirements established by the said Federal Law, a citizen must indicate in a written request:

• the name of the state body or local government body to which the written request is sent, or the surname, first name, patronymic of the relevant official, or the position of the relevant person;

• your last name, first name, patronymic (if any);

• the postal address to which the response, notification of the forwarding of the request and other documents should be sent;

• sets out the essence of the proposal, statement or complaint;

• puts a personal signature and date.

If necessary, in order to confirm their arguments, the citizen shall attach documents and materials or copies thereof to the written request.

Personal reception of citizens in state bodies and local self-government bodies is conducted by their heads and authorized persons. Information about the place of reception and the days and hours set for it is brought to the attention of citizens. At a personal reception, a citizen presents a document certifying his identity.

**The second stage is the consideration of complaints.** The Federal Law "On the Procedure for Considering Appeals from Citizens of the Russian Federation" clearly defines that an appeal received by a state body, a local government body or an official in accordance with their competence is subject to mandatory consideration. If necessary, the state body considering the appeal, a local government body or an official may ensure that it is reviewed on site.

A state body, a local government body or an authorized person:

provides objective, comprehensive and timely consideration of the appeal, if necessary, with the participation of the citizen who sent the appeal;

requests documents and materials necessary for consideration of the application from state, municipal, private organizations, and other officials;

Takes measures aimed at restoring or protecting the violated rights, freedoms and legitimate interests of a citizen.

When considering an appeal, a citizen (the author of the complaint) has the right:

to submit additional documents and materials or to request their request;

to get acquainted with documents and materials related to the consideration of an appeal, if this does not affect the rights, freedoms and legitimate interests of other persons and if these documents and materials do not contain information constituting a secret protected by federal law;

**The third stage of working with complaints is making a decision, preparing and sending a response.**

Based on the results of the audit, a decision is made to limit the response to the author of the complaint or a special decision that can be made:

 on the full satisfaction of the complaint;

about partial satisfaction of the complaint;

the refusal to satisfy the complaint (due to its unreasonableness, expiration of the deadline, the inability to verify it, etc.).

The decision on the complaint is not always taken: in some cases, it is enough to clarify that the right has not been violated, that a citizen does not have such a right, that such a case can only be resolved in court But the answer to the author must be given in writing for each substantive administrative complaint. The law establishes a number of exceptions to this general rule when a response to a complaint is not given if:

• the text is unreadable;

• during a personal reception, with the consent of the citizen, the answer is given orally;

• the surname of the citizen who sent the appeal and the postal address to which the response should be sent are not indicated.

If the written request contains information about the illegal act being prepared, committed or committed, as well as about the person preparing, committing or committing it, the appeal must be sent to the competent administrative authority.

**The fourth stage is the revision of the decision taken on the complaint in the form of a special decision or response to it**. The basis for review may be a protest by the prosecutor, a complaint by a person whose rights and legitimate interests are affected by the decision on the complaint, and a complaint by a person against the decision taken on his primary complaint. This stage is optional, since not all decisions on complaints are challenged by citizens or challenged by prosecutors. A complaint may be filed with a court, a higher authority of the public executive authority, a body,

**The fifth stage of complaints proceedings is the execution of the decision.** Of course, a complaint cannot be considered resolved if it is partially or completely satisfied, a response has been written and sent, but in fact nothing has been done after that or not enough has been done. In such cases, the subject of power is obliged to take the necessary measures to restore the violated rights of a citizen, to apologize to him. It seems that, at the request of a citizen, it is necessary to inform all persons interested in considering the complaint about the measures taken.

**2.3 Disciplinary proceedings**

As you know, disciplinary proceedings originate from the Latin "disciplina", translated in two meanings:

1) mandatory for all members of this team to obey a firmly established order;

2) restraint, the habit of strict order. In turn, the term "disciplinary" is defined as: 1) related to discipline; related to a violation of discipline; 2) carried out in order to prevent violations of discipline. In this regard, it can be assumed that disciplinary proceedings are related to some kind of violation of discipline and are carried out in order to stop such a violation. In this regard, it can be assumed that disciplinary proceedings are related to some kind of violation of discipline and are carried out in order to stop such a violation.

In Russian law, it is not customary to divide disciplinary proceedings into different types, despite the fact that such a division is necessary. The fact is that legal relations related to disciplinary liability relate not only to labor law, but also to administrative law. The author of this article proposes to change the name of disciplinary proceedings in the administrative process to administrative-disciplinary, as this, on the one hand, will allow to distinguish legal institutions belonging to different branches of law at the terminological level, and on the other hand, to emphasize the public—legal and administrative-procedural nature of the relevant legal institution.

**Conclusion**

I have reviewed the current state of administrative and jurisdictional activities in the Russian Federation. From this work, I learned the basic concepts of such legal terms as administrative jurisdiction, administrative-jurisdictional process, administrative-jurisdictional proceedings. She also got acquainted with various points of view on understanding administrative and jurisdictional activities.

I consider the goal set for myself in the course work to be not fully achieved for a number of reasons. Firstly, due to the lack of literature on this topic and the difficulty of accessing it. Secondly, the lack of time to write a term paper does not completely allow us to study this problem.

In the process of writing the work, the following tasks were solved: The concept of administrative jurisdiction, administrative-jurisdictional process, administrative-jurisdictional proceedings was considered, to show how they relate to administrative-jurisdictional activities.

The correlation of the concepts of administrative-jurisdictional activity and administrative-jurisdictional proceedings to date is shown, modern criteria for the classification of administrative-jurisdictional proceedings are shown. The main administrative and jurisdictional proceedings that exist today as forms of administrative and jurisdictional activity are disclosed.

**LIST OF SOURCES USED**

1. Salishcheva N.G. Administrative process in the USSR. M. Legal literature, 1964

2. Sorokin V.D. Administrative procedural law. M. "Legal literature", 1972. p. 125.

3. Bakhrah D.N. Administrative procedural activity of the state administration. Administrative Law and Process, 2009, No. 3. p.

3.4. Sorokin V.D. Selected works / Preface. Doctor of Legal Sciences, Professor, Honored Scientist D.N. Bakhrah; Doctor of Legal Sciences, Professor V.V. Denisenko. St. Petersburg: R.Aslanov Publishing House "Law Center Press", 2005. p. 468

5. The Assembly of Legislation of the Russian Federation, 06/21/2004, No. 25, Article 2485.6.

The Constitution of the Russian Federation (adopted by popular vote 12.12.1993) (subject to amendments made by the Laws of the Russian Federation on Amendments to the Constitution of the Russian Federation dated 12/30/2008 No. 6-FKZ, dated 12/30/2008 No. 7-FKZ, dated 02/05/2014 No. 2-FKZ, dated 07/21/2014 No. 11-FKZ). Collection of legislation of the Russian Federation, 14.04.2014, No. 15, Article 1691.

7. Collection of legislation of the Russian Federation, 08.05.2006, No. 19, Article 2060

8. Administrative Law: Textbook / Edited by Yu.M. Kozlov, L.L. Popov. – M.: Jurist, 1999. p. 385.

9. See: Umanskaya V. P. Proceedings on the adoption of normative legal acts of public administration as part of the administrative process: the impact of the ideas of Professor V. D. Sorokin // Administrative law and process. 2014. No. 3. p. 54