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THE CONCEPT OF ADMINISTRATIVE PROCEDURAL RELATIONS AND THE CATEGORY “INTEREST”

The article is devoted to the issue of establishing the essence of the category “administrative procedural legal relations” in their relationship with the category “interest”. The author defines the place of administrative procedural legal relations in the system of legal relations. The author focuses on the functional content of the administrative procedural legal relationship. The priority of such a function of legal regulation as the security function performed by administrative procedural legal relations is noted. It has been determined that the main aspects of the protective function of legal regulation include the protection of rights and freedoms, ensuring law and order, protection against abuse of power, and balancing private and public interests. It is concluded that the essence of the administrative procedural legal relationship is expressed in their ability to regulate the sphere of public administration, to establish social dialogue between the authorities, the population, the state and business. It has been determined that social management is a set of actions, processes and practices aimed at organizing and implementing policies and programs in the field of social justice, public well-being and social performance. It is argued that the main components of social management are: the formulation and development of policies, including the analysis of public problems, the determination of priorities and goals, as well as the creation of policies and programs aimed at solving these problems; implementation of programs and projects, which includes the allocation of resources, organization of activities and involvement of executive bodies to implement specific measures; monitoring and evaluation, which includes collecting data, analyzing results and adjusting strategies in accordance with identified problems and challenges; cooperation and partnership to ensure more efficient and balanced activities.

Key words: administrative-procedural legal relationship, signs, concept, public administration, public interest, social management.

O. V. Hladii. Поняття адміністративно-процесуальних правовідносин та категорія «інтерес»

Стаття присвячується питання встановлення сутності категорії «адміністративно-процесуальні правовідносини» у їх співвідношенні із категорією «інтерес». Автором визначено місце адміністративно-процесуальних правовідносин в системі правовідносин. Автором зроблено акцент на функціональному змісті адміністративно-процесуальних правовідносин. Наголошується на пріоритетності такої функції правового регулювання як охоронна функція, що виконується адміністративно-процесуальними правовідносинами. Визначено, що основні аспекти охоронної функції правового регулювання включають: захист прав і свобод, забезпечення правопорядку, захист від зловживань владою, збалансування приватних та публічних інтересів. Зроблено висновок, що сутність адміністративно-процесуальних правовідносин виявляється у їх здатності врегулювати сферу публічного управління, налагодити соціальний діалог між владою, населенням, державою та бізнесом. Визначено, що соціальне управління є комплексом дій, процесів і практик, спрямованих на організацію та впровадження політик і програм у сфері соціальної справедливості, громадського благополуччя і соціальної діяльності. Аргументовано, що основними складовими соціального управління є: формулювання і розробка політик, що включає в себе аналіз суспільних проблем, визначення пріоритетів та цілей, а також створення політик і програм, спрямованих на вирішення цих проблем; реалізацію програм і проектів, що включає виділення ресурсів, організацію діяльності і залучення виконавчих органів для здійснення конкретних заходів; моніторинг і оцінка, що включає збір даних, аналіз результатів і коригування стратегій у відповідності до знайдених проблем і викликів; співробітництво і партнерство, що сприяє забезпеченню більш ефективної та збалансованої діяльності.

Ключові слова: адміністративно-процесуальні правовідносини, ознаки, поняття, публічне управління, публічний інтерес, соціальне управління.

Formulation of the problem. Legal relations are relationships between legal entities that are based on legal norms. Legal relations can cover relations between individuals, organizations, the state and other entities regulated by laws and other regulations. The process of legal regulation involves the creation of legal norms and mechanisms for their application to ensure order and justice in society. This includes the creation of laws, regulations, the judicial system and other instruments to regulate legal relations. Legal regulation is aimed at achieving justice in society.

This means ensuring equality and protection of the rights of every citizen, as well as a balance between private and public interests. Law attempts to resolve conflicts and resolve disputes based on law and justice. The effectiveness of legal regulation is determined by the ability of the legal system to resolve specific public problems and conflicts. This includes speed and accessibility of judicial procedures, clarity and stability of legal rules, and the ability to adapt to changes in society. Legal regulation influences social development, creating conditions for economic growth, innovation, social stability and other aspects of development. It also helps to maintain the rights and freedoms of citizens, which contributes to the general welfare.

The theory of legal relations and their essence are the subject of scientific research in jurisprudence and the sociology of law. The study of these issues helps to understand the nature of law and contributes to the improvement of the legal system. It is generally accepted that the legal system is divided into areas of substantive law and areas of procedural law, where the latter perform the function of protecting the interests of a social person, and therefore belong to the mechanism for guaranteeing human rights and freedoms. The study of the content and criteria for the classification of legal relations in general, and in particular administrative procedural relations, does not lose its relevance and is necessary to establish criteria for the effectiveness of their implementation.

The state of scientific development of the problem. Establishing the content and system of administrative-procedural legal relations is one of the most urgent problems that concern both practitioners and scientists. It is appropriate to single out the scientific publications of such scientists as V. B. Averyanov [1], Y. P. Bityak [2], R. A. Kalyuzhny [3], Yu. O. Legeza [4], and others. At the same time, there is a variety of approaches to understanding the category of «administrative-procedural legal relations», which complicates the study of their content, but does not exclude such possibilities.

The *purpose* of the article is to formulate the concept of administrative-procedural legal relations and establish their functional content.

Presenting main material. Administrative and procedural legal relations are a type of legal relationship. The content and essence of administrative-procedural legal relations should be considered in the aspect of implementing the protective function of legal regulation. One of the main functions of legal regulation is the protective function. This function is aimed at ensuring the protection of the rights and interests of citizens, enterprises, organizations and society as a whole. The main aspects of the protective function of legal regulation include: protection of rights and freedoms, maintenance of law and order, protection against abuse of power, balancing of private and public interests. Legal regulation creates laws and norms that guarantee the protection of basic human rights and freedoms. This includes the right to life, freedom of expression, right to property, right to a fair trial and others. By giving legal status to these rights, the legal system ensures their protection from violations.

Legal regulation establishes norms and rules of behavior that contribute to the preservation of law and order in society. This means preventing and countering violations of the law, as well as maintaining law and order through law enforcement agencies, the police, and the court system.

Legal regulation sets limits for authorities and other subjects of power to prevent abuse of power. This helps to avoid authoritarianism and ensure a balance between the rights of citizens and the authorities. Legal regulation regulates economic relations, ensuring compliance with contracts and competition rules. It also protects the rights of enterprises and citizens in the field of property, intellectual property and other aspects of business.

The protective function of legal regulation plays a key role in ensuring justice, law and order, and protecting the rights and interests of various subjects of society. It contributes to the creation of a stable and harmonious society, where the rights and duties of citizens are respected in accordance with the law.

Summing up, legal regulation is an important component of society, and its effectiveness determines the degree of justice and harmonious development of society. Scientific research in the field of law helps to improve this system and ensure its compliance with the tasks and needs of modern society.

V. V. Kopechikov emphasizes that the essence of legal relations lies in their ability to normalize social relations and regulate the interaction of participants in social life [5, p. 152]. The normalization of social (public) legal relations should take place in all spheres of human life and the functioning of the state, legal regulation is therefore a universal tool of influence [6, c. 92].

Administrative-procedural legal relations are characterized by such features as: the special basis of their occurrence is the public-administrative sphere; the subject of regulation - disputes arise in connection with the use of objects of state, communal and other forms of ownership [7].

It should be noted that the right is realized through the adoption of regulations, and then the implementation of legal relations requires standardization [8, p. 47]. Thus, the implementation of administrative-procedural relations, as V. Galunko notes, requires their standardization. It is the normalization of relationships that allows us to establish the degree of possible procedural activity of an individual [9, p. 143–146]. A similar approach is supported in the studies of Kolpakov and Kuzmenko, where it is noted that legal relations cannot take place unless they are properly regulated [10, p. 172–175].

Thus, administrative procedural legal relations must be understood through their public management content [11, p. 57]. Kharitonova notes that the essence of administrative legal relations is revealed through the formation of the management sphere and contributes to the establishment of public order, while administrative procedural relations also perform the function of preventing violations and are a guarantee of the implementation of the compensatory function [12, p. 193].

Conclusion. Thus, the essence of the administrative-procedural legal relationship is expressed in their ability to regulate the sphere of public administration, to establish social dialogue between the authorities, the population, the state and business. Social governance is a set of activities, processes and practices aimed at organizing and implementing policies and programs in the areas of social justice, public welfare and social performance.

The main components of social management are: the formulation and development of policies, including the analysis of public problems, the determination of priorities and goals, and the creation of policies and programs

aimed at solving these problems; implementation of programs and projects, which includes the allocation of resources, organization of activities and involvement of executive bodies to implement specific measures; monitoring and evaluation, which includes collecting data, analyzing results and adjusting strategies in accordance with identified problems and challenges; cooperation and partnership to ensure more efficient and balanced activities; ensuring social justice and equality; public participation and openness, requiring an appropriate level of legal activity and involvement in the implementation of social programs; ensuring efficiency and effectiveness, because social management should be focused on achieving specific results and solving social problems. Social administration should promote equal opportunities and rights for all citizens, regardless of their race, gender, age, class, disability and other characteristics. It should help solve problems of social inequality and discrimination [12, p. 6].

Thus, administrative-procedural relations are implemented through a certain set of procedural and procedural norms, forming a mechanism for compensating for violated rights in the field of public administration.

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