unaware of the expert's knowledge. The experts themselves are not always tactfully ready.

Presents the most common questions that experts face during interrogation in court and are intended to declare the expert's opinion inadmissible evidence. The expert's conclusions cannot satisfy both parties at the same time due to conflicting interests. During the interrogation, the most active party is not in favor of which the conclusion is given, seeing doubts about the professionalism of the expert.

Provided scientifically sound tactical advice on the conduct of the expert during the interrogation in court, taking into account the common ways in which the interested party may resort. The general subject-scientific principles of forensic examination are considered, examples of expert questions and objective answers to them are given, the effectiveness of which has been confirmed in practice. The article is intended for forensic experts of state expert institutions.

It is noted that to confirm the conclusion at the interrogation it is important to carefully draw it up, aggressive assertiveness of the defense during the interrogation of the expert is nullified by the quality of the examination, special knowledge, strict compliance with the law.

It is emphasized that in addition to special knowledge, forensic experts should be aware of the field of law in terms of examination, expert and typical objects of research, to the extent necessary and sufficient to direct the questioning of the expert in court within the limits of law, more effectively the solution of the issues covered in the article is to provide legal support to the expert during interrogation in court by an employee of the legal department of the expert institution.

Keywords: *expert, expert opinion, expert interrogation, expert questions, tactical recommendations.*

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CURRENT STATE OF ADMINISTRATIVE AND PROCEDURAL REGULATION IN UKRAINE

Олена Маркова. СУЧАСНИЙ СТАН АДМІНІСТРАТИВНО-ПРОЦЕДУРНОГО РЕГУЛЮВАННЯ В УКРАЇНІ. Досліджено існуючий стан адміністративно-процедурного регулювання крізь призму прийнятого Закону України «Про адміністративну процедуру», в якому розробники намагалися сформувати єдиний процедурний стандарт у порядку прийняття органами процедурних рішень та здійснення відповідних дій для всіх сфер публічного управління, не виключаючи наявності спеціального регулювання. На огляд автора, цей закон повною мірою не вирішує проблеми універсальності його положень та можливості їх застосування стосовно проваджень, які фактично залишаються поза сферою його регулювання. До таких передусім належать провадження у нетипових справах та провадження в органах місцевого самоврядування**.** Закон України «Про адміністративну процедуру» було прийнято в умовах, коли правове регулювання різних видів адміністративної процедури сформувалося на досить якісному рівні.

Тому питання формування уніфікованих положень для найбільш поширених видів адміністративної процедури, які реалізуються через різні види проваджень, набуває все більшої актуальності, оскільки постає нагальна потреба адаптувати їх в Законі України «Про адміністративну процедуру» до сучасних реалій – існування різнопланового адміністративно-процедурного регулювання у предметних сферах. Автором запропоновано сформувати уніфіковану модель адміністративної процедури, в рамках якої будуть акумульовані як типові, так і нетипові види проваджень.

Ключові слова: *адміністративна процедура, адміністративно-процедурне регулювання.*

Relevance of the study. In the current conditions of reforming the system of public administration, administrative and procedural form of implementation of the powers of the bodies of executive power is the most priority and demanded by the reality of society. It allows

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to establish a clearly defined framework of relations between the state, represented by the bodies of legislative power, local self-government and natural, legal persons, which implement their rights and legitimate interests [1, p. 172]. One cannot but agree with the opinion of Professor Y.N. Starilov about the fact that the executive power, which carries out public administration must have procedural and legal support. Of particular importance in such support is the state of administrative and procedural regulation of law and order activity, which is carried out by public administration bodies in the manner prescribed by the Constitution and laws of Ukraine. The indication that the organizations must act in a proper manner makes it necessary to give their activities the appropriate procedural form, which aims to resolve tasks to ensure the rights and legitimate interests of the citizens, legitimate interests of people and a citizen in the swindle on the part of officials and reduction of corresponding corruptive risks in the relations between them [2, p. 27].

On the procedural nature of law and order activity, which is carried out by the bodies of public administration, indicates the legal nature of law and order relations for which is characterized by a dual material-procedural nature of applying the law: substantive and procedural nature lies in the casual solution of a specific legal situation on the basis of the substantive legal norm, and procedural – in the form, which is a means of implementing its substantive legal content. The material-legal basis of enforcement is constituted by the norms that determine the nature of the case (that is, the norms that are to be enforced: regulatory or protective), norms that give powers to state bodies and officials to decide on administrative cases in essence (competence norms), as well as norms that determine the nature of the decision taken. Material norms allow answering the questions «what to decide», «what decision to take» for the essence of the case. Application of these rules is always mediated by procedural rules. They are intended to serve the organizational and procedural side of law enforcement. These norms define the order of consideration of the case and respond to the question «how», «in what manner», «in what order» should be applied substantive legal norm, considered and resolved specific substantive legal relations within the framework of administrative procedure. We emphasize that procedural norms define and form a single model of relations between administrative bodies and private individuals, which are enshrined in a number of legislative and regulatory acts, often with the norms of substantive law, which are of a rather peculiar nature.

Recent publications review. In the process of writing a scientific article, the author analyzed numerous legislative acts in order to form a general conclusion on the state of administrative procedure in Ukraine, as well as the work of scientists such as: O. Bandurka, A. Komzyuk, M. Tishchenko, R. Kuybida, O. Kuzmenko, V. Bevzenko, E. Demsky, T. Minka, V. Perepelyuk, A. Shkolik and others.

The research paper's objective is to analyze the state of administrative-procedural regulation in Ukraine through the prism of the adopted Law of Ukraine «On Administrative Procedure» and to formulate proposals for its improvement.

Discussion. Depending on the breadth of the sphere of legal regulation A. Shkolik divides the relevant sources that enshrine administrative and procedural norms into [3, p. 125]: *1) general legislative acts*, which regulate the administrative procedure for all spheres of public administration and for all entities vested with powers of authority: The Constitution of Ukraine, the Law «On Appeal» «On Access to Public Information», the Code of Administrative Proceedings in terms of the requirements of which the public administration is subject to verification by the administrative body. (paragraph 2 of Part 2 of the current wording); 2*) framework legislative acts*, which regulate extraordinarily broad functions, which are ensured by the public administration. We can include the Law of Ukraine «On the Principles of State Control (Control) in the Sphere of Public Activity», «On Administrative Services», «On the Licensing System», «On Licensing of Certain Types of Public Activity», «On State Aid» and others. *3) special laws* regulating the activities of those or other areas of public administration or relevant bodies. Among the examples are the Law of Ukraine «On Regulation of Municipal Activities», «On Improvement of Human Settlements», «On Public Procurement», as well as the Tax and Customs Code of Ukraine, the Land Code, the Code of Administrative Offences. As for these legislative acts, they contain not only administrative and procedural, but also substantive legal norms, comprehensively regulating the corresponding area of the public administration function. The new three-chlorine totality of legislative acts, which fragmentarily regulate administrative procedure may cause collisions and complications in the implementation of the law.

As a result, the current administrative and procedural regulation in Ukraine is rather

complicated and is carried out through the creation of specific administrative procedures in specific subject areas of public administration. As a rule, each of the procedures involves resolving one type of specific substantive issues. As a rule, such regulation is carried out at two levels: at the legislative level the general principles of procedure are regulated, and at the subordinate level – the details of the relevant procedure. The current procedural regulation is designed mainly for solving typical administrative cases, which are repeated many times.

Ukraine has its own peculiarities of normative regulation of certain types of administrative procedures, which are as follows.

First, we should pay attention to the fact that in Ukraine some kinds of administrative procedures are institutionalized at the level of certain laws or codes. Thus, the Law of Ukraine «On Administrative Services» and a great number of laws regulate the principles of registration, licensing and other procedures for providing administrative services. The Code of Administrative Offences of Ukraine contains the legal regulation of the procedure of administrative offences, which is the basis for the whole group of administrative and substantive procedures, including the procedure of violation of the rules of foreign affairs. Control and surveillance procedures are carried out according to the rules, which are enshrined in various normative acts. Supervision in the economic sphere is regulated by the Law of Ukraine «On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity», the procedure of state control over the use and protection of land is regulated by the Law of Ukraine «On State Control over the Use and Protection of Land», etc.

Secondly, in many cases the specificity of administrative procedure is conditioned by the subject matter of the case. For example, a rather specific procedure for application of influence measures by the Antimonopoly Committee of Ukraine in cases on protection of economic competition (the Law of Ukraine «On Protection of Economic Competition»). Procedures of interim measures implementation are specific and are prescribed by the Law of Ukraine «On Protection of National Commodity Producer against Damping Import» and «On Protection of National Commodity Producer against Subsidized Import». In this case, the procedures regulated by these laws can last for several years. Procedure of currency control exercised by the National Bank of Ukraine is specified in the Regulation on Currency Control approved by the Resolution of the NBU Board of Directors No 13 of 03.01.2019.

There are quite specific and detailed regulations on how the National Bank of Ukraine (the Law of Ukraine «On Banks and Banking Activity») and the Fund for Guaranteeing Individuals' Deposits (the Law of Ukraine «On the Deposit Guarantee System for Individuals») and so on. The Law of Ukraine «On Access to Public Information» regulates in detail the regime of access to administrative acts and their drafts.

Thirdly, the process of forming mixed administrative and judicial procedures is underway in Ukraine. Thus, in this order, using the possibilities of administrative proceedings, the procedures for suspending a public association (the Law of Ukraine «On Public Associations»), for suspending a political party or for stopping the registration of a political party (the Law of Ukraine «On Political Parties») are carried out; Implementation of measures to influence the results of the state control (Code of Civil Defense of Ukraine and the Law of Ukraine «On the Grounds of the State Control in the Sphere of State Activity»); Enforcement of penalties of a punitive nature and confiscation (Laws of Ukraine «On State Lotteries», «On State Regulation of the Turkish Market», «On Exclusive Marine (Economic) Zone of Ukraine»), etc.

The norms of the Code of Administrative Justice of Ukraine regulate the procedure in cases of appealing to the bodies of revenue and charges when they perform the duties prescribed by law; Proceedings in cases involving seizure of assets related to the financing of terrorism and relating to financial operations suspended in accordance with a decision taken under UN Security Council resolutions, and the lifting of seizure of such assets and granting access to them; Procedures in cases of administrative detention or deportation of foreign nationals or stateless persons; Proceedings in cases of claiming alienation of land plots and other items of non-tangible property located thereon for reasons of public necessity; proceedings in cases involving the exercise of the right to peaceful assembly, etc.

Fourthly, in Ukraine, the role of conceptual source for the regulation of administrative procedures to a large extent played by the CASU, in Article 2 of which in fact the principles of administrative procedure are specified.

Moreover, as a result of the implementation of the decentralization reform, the powers of local self-government bodies are significantly expanded, but local selfgovernment bodies, The local self-government bodies have the right to take binding decisions (acts) are collegial

bodies (councils and their executive committees) and the proceedings in such bodies have significant differences in the proceedings of single industry bodies. For example, the councils and legislative committees review draft decisions prepared in advance. If the majority of votes in a collegial body do not approve a decision, it is impossible to meet the requirements of the validity of the decision, because the results of the vote are not known.

According to the post, in Ukraine there are a large number of administrative procedures with an unspecified number of subjects. These are, in particular, various competitive procedures. Thus, competitive procedures exist in the sphere of disposition of property of state or communal property (e.g. lease of property or concessions), in the sphere of land relations (allocation of land plots for commercial construction), in the sphere of transport relations (selection of persons who will be granted the right to carry out passenger transportation within the boundaries of populated areas, etc.).

Therefore, the current state of administrative and procedural regulation of various types of administrative procedures is characterized by its specialized nature, focused on the subject area of activity of bodies of public administration. Therefore, the systemic and unified approach in the administrative and procedural regulation is gaining more and more relevance and significance.

Despite the fact that Ukraine adopted the Law of Ukraine «On Administrative Procedure» in which the developers tried to form a unified procedural standard in the order of taking procedural decisions and taking appropriate actions for all spheres of public administration, without excluding the presence of special regulation, in our view, this law does not fully solve the problems of lack of universality of its provisions and the possibility of their application in relation to the procedures, which are actually left outside the scope of its regulation. First of all, these include proceedings in non-typical cases and proceedings in local self-government bodies. *Non-typical cases* are situations when a public administration body has the competence to resolve the relevant cases, but there is no procedure under which it can be done. In such situations, the only way out is to appeal to the administrative court, the decision of which requires the body of public administration to perform certain actions in the same way as the known administrative procedures.

Procedures carried out by local self-government bodies are distinguished by great diversity considering that each local self-government body creates administrative procedures at its own discretion, which implement the collegial discretionary powers in the process of adopting individual legal acts in relation to private individuals [5]. Many administrative actions (e.g. on land plots for ownership or lease) are carried out by several authorities at once. Such proceedings are initiated by the legislative body of the council, which exercises its authority in the field of land relations, and the remaining decision is taken by the relevant council by vote. The governing body acts within the framework of the law, and the council adopts a decision (an administrative act in the meaning of the law) always at its own discretion. This situation is not safe because in some cases, the rights of individuals and legal persons can not be realized in view of the absence of the proper general procedure. In the resolution of their cases is denied on the basis of the absence of relevant regulations. On the other hand, the creation of administrative procedures «at one's own discretion» is threatened by the fact that such procedures are created in the interests of certain subjects, interfering with the rights of others. Thus, there is a corruption risk.

This situation is not safe because in some cases the rights of individuals and legal entities can not be realized due to the lack of proper procedure. In the solution of their cases are denied on the basis of the absence of relevant regulations. On the other hand, the creation of administrative procedures «at their own discretion» is threatened by the fact that such procedures are created in the interests of certain subjects, interfering with the rights of others. Therefore, there is a corruption risk. A clear example of this is the land legislation and procedures for granting free ownership of land plots.

The Law of Ukraine «On Administrative Procedure» was adopted in conditions when the legal regulation of various types of administrative procedure was formed at a very high level. Therefore, the formulation of unified provisions for the most widespread types of administrative procedure, which are implemented through different types of procedures is gaining more and more relevance, Since there is a general need to adapt them in the Law of Ukraine «On administrative procedure» to the current realities – the existence of differently planned administrative and procedural regulation in the subject areas [4].

Referring to the structure of the Law of Ukraine «On Administrative Procedure» for the

clarification of the types of administrative procedures within the unified model of administrative procedure, we can conclude that the normative structure of administrative procedure provided for in this Law is appropriate for administrative procedures in general, The law on administrative offences, as set forth in this Law, is applicable to the adoption by administrative authorities within the scope of their discretionary powers, decisions that interfere with the rights of natural or legal persons or create additional burdensome obligations for them.

At the same time, this normative structure is not very necessary for the low level of already existing administrative procedures, which are formally governed by the subject of regulation, specified in the Law:

– administrative procedures related to tenders (e.g., under the Laws of Ukraine «On Concessions» or «On Leasing of Public and Communal Property», etc.);

– administrative procedures related to the provision of administrative services;

– administrative offenses are associated with the distribution of material resources in the conditions of their scarcity to satisfy the interests of all those who are entitled to them (e.g., social housing);

– administrative procedures combined with control (inspection) procedures (e.g. imposition of penalties by the revenue authorities or bank supervision and application of influence measures by the National Bank of Ukraine or the Deposit Guarantee Fund).

In view of the above, it would be appropriate to change the structure of the normative structure of the Law of Ukraine «On Administrative Procedure» and expand the range of types of administrative procedures taking into account the specific features of administrative procedure, which is determined by several factors, the key ones being: 1) the method of initiation of administrative proceedings; 2) the type of public administration body; 3) the number of subjects or objects involved in the case.

The provisions of this Law require detailed revision and introduction of appropriate changes taking into account the need to form a unique model of administrative procedure within the framework of which both types and non-typical types of procedures will be implemented.

Conclusions. The review of the administrative and procedural regulation in Ukraine allows us to make the following conclusions.

Ukraine has its own peculiarities of legislative regulation of certain types of administrative procedures, which are implemented through administrative procedures: 1) most of them are institutionalized at the level of separate laws or codes: Registration, licensing, competitive procedures, procedures for providing administrative services, but not all types of procedures are regulated by separate laws, some of them – normative and procedures in the activities of collegial bodies are not regulated at the level of the law in general, They are characterized exclusively by secondary legislation and local nature, which negatively affects the quality of adoption of administrative decisions both regulatory and non-regulatory in nature; 2) in most cases, the specificity of types of administrative proceedings is determined by the subject matter of the case and the sphere; 3) the process of forming mixed administrative and judicial proceedings is underway; 4) there is a large number of administrative proceedings with an unspecified number of subjects, including various competitive procedures in the sphere of disposal of property of state or communal property (e.g. lease of property or concessions), in the sphere of land relations (allocation of land plots for commercial construction), in the sphere of transport relations (selection of persons who will be granted the right to carry out passenger transportation within populated areas, etc.).

Therefore, as a result of the analysis of the current state of administrative and procedural regulation, we assume that it is characterized by a formed and diverse nature, focused on the subject area of activity of bodies of public administration. Therefore, the systemic and unified approach in the administrative and procedural regulation does not lose its relevance and significance.

Despite the fact that Ukraine has adopted the Law of Ukraine «On Administrative Procedure» in which the developers tried to form a unified procedural standard in the order of taking procedural decisions and taking appropriate actions for all spheres of public administration, not excluding the presence of special regulation, however, this law has not solved the problem of unambiguous application of provisions to different types of procedures, which remained outside the scope of its regulation.

Referring to the structure of the Law of Ukraine «On Administrative Procedure» for the clarification of the types of administrative procedures within the unified model of administrative procedure, we have come to the conclusion that the regulatory structure of

administrative procedure provided for in this Law is attached only to administrative procedures, The law provides that the administrative and administrative procedure as set forth in this Law is attached only to administrative actions that interfere with the rights of natural or legal persons or create additional burdensome obligations for them. At the same time, this normative structure is not applicable to the following administrative offences, which formally must be governed by the subject of regulation specified in the Law: administrative procedures related to holding tenders (for example, provided for by the Laws of Ukraine «On Concessions» or «On Lease of State and Communal Property», etc.); administrative procedures related to provision of administrative services; Administrative procedures related to the distribution of material resources in the conditions of their scarcity to satisfy the interests of all those entitled to them (e.g., social housing); administrative procedures combined with control (inspection) procedures (e.g. imposition of sanctions by the revenue authorities or bank supervision and application of intervention measures by the National Bank of Ukraine or the Deposit Guarantee Fund for individuals as a result thereof).

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ABSTRACT

The author examines and analyzes the current state of administrative-procedural regulation through the prism of the adopted Law of Ukraine «On Administrative Procedure» in which developers tried to form a single procedural standard for procedural decision-making and appropriate actions for all areas of public administration, not excluding special regulation. in our opinion, this law does not fully solve the problem of universality of its provisions and the possibility of their application to proceedings that actually remain outside the scope of its regulation. These include, in the first instance, proceedings in atypical cases and proceedings in local self-government bodies.

The Law of Ukraine «On Administrative Procedure» was adopted in conditions when the legal regulation of various types of administrative procedure was formed at Therefore, the issue of forming unified provisions for the most common types of administrative procedure, which are implemented through different types of proceedings is becoming increasingly important, as there is an urgent need to adapt them in the Law of Ukraine «On Administrative Procedure» to modern realities – the existence of diverse administrative and procedural regulation a high quality level.

Therefore, the issue of forming unified provisions for the most common types of administrative procedure, which are implemented through different types of proceedings is becoming increasingly important, as there is an urgent need to adapt them in the Law of Ukraine «On Administrative Procedure» to modern realities – the existence of diverse administrative and procedural regulation.

The author proposes to form a unified model of administrative procedure in which both typical and atypical types of proceedings will be accumulated.

Keywords: *administrative procedure, administrative-procedural regulation.*