UDC 342.92

MODERNIZATION OF THE ADMINISTRATIVE LEGISLATION IN UKRAINE: THROUGH THE PRISM OF EUROPE EXPERIENCE

МОДЕРНІЗАЦІЯ АДМІНІСТРАТИВНОГО ЗАКОНОДАВСТВА: КРІЗЬ ПРИЗМУ ЕВРОПЕЙСЬКОГО ДОСВІДУ

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The article presents the author's conception of the development and legitimation of the reconciliation procedure as a new alternative procedure for resolving disputes in the public sphere. The author conducted a comparative analysis of the administrative legislation of Ukraine with the legislation of some European countries for the purpose of establishing and using an alternative dispute resolution procedure in the public sphere. The authors propose to modernize the administrative legislation of Ukraine taking into account the concept developed by them. The method of systemic analysis as well as the method of documentary analysis were applied for the achievement of the intended objective.

Modernization of administrative legislation of Ukraine in the direction of the use of alternative dispute resolution procedures between the administrative authorities and individuals due to: 1) changes in the approach of administrative bodies in the direction of resolving the conflict at an early stage and to create a favorable climate for productive activities in order to carry out its functions and tasks; 2) nature, functions and essential characteristics of administrative activity of the administrative authorities; 3) the ability to promptly and adequately respond to conflicts. Such changes are clearly manifested recently in many public relations, caused by the influence of the system on the rights of the various processes of innovative development. The main result of the author's contribution is the formation of the scientific concept of the interrogation of alternative procedures for discussing disputes in the public sphere. The scientific concept of use of the system of alternative dispute resolution consists of three areas: 1) scientific and methodological; 2) law-making; 3) enforcement. All three areas of activity must occur in accordance with the prepared environment of democracy, partnership, the desire to establish parity of interests of society and the state.

Key words: modernization, administrative law, legislation, the reconciliation procedure, an alternative procedure, the scope of public law, dispute the concept.

У статті представлено авторську концепцію розвитку та легітимізації процедури примирення як нової альтернативної процедури врегулювання спорів у публічній сфері. Автор провів порівняльний аналіз адміністративного законодавства України із законодавством деяких Європейських країн на предмет закріплення та використання в публічній сфері процедури альтернативного вирішення спорів. Основним результатом дослідження автора є сформована єдина наукова концепція запровадження альтернативних процедур врегулювання спорів у публічній сфері. Наукова концепція складається з трьох компонентів: 1) наука і методологія; 2) правотворчість; 3) правозастосування.

Ключові слова: модернізація, адміністративне законодавство, процедура примирення, альтернативна процедура, сфера публічного права, концепція.

В статье представлена авторская концепция развития и легитимизации процедуры примирения как новой альтернативной процедуры урегулирования споров в публичной сфере. Автор провел сравнительный анализ административного законодательства Украины с законодательством некоторых Европейских стран на предмет закрепления и использования в публичной сфере процедуры альтернативного разрешения споров. Основным результатом исследования автора является сформированная единая научная концепция внедрения альтернативных процедур урегулирования споров в публичной сфере. Научная концепция состоит из трех компонентов: 1) наука и методология; 2) правотворчество; 3) правоприменение.

Ключевые слова: модернизация, административное законодательство, процедура примирения, альтернативная процедура, сфера публичного права, концепция.

Introduction. The modern Ukrainian society and the state is still in the state of administrative law reform in connection with the dynamic European integration processes. Ukraine's strategic course is the course of European integration. Taking into account, an important factor in fully integrating into European space is to bring the legal system and legislation of Ukraine in accordance with the regulatory principles that operate in the European Union. Reformation of public administration in Ukraine today is the major task. First of all it concerns the relationship of reforming of public authorities and individuals. This type of relationship is often accompanied by the appearance of conflicts that are caused by confrontation between the interests of the state as a whole and individuals or groups of individual.

Today, these conflicts are outgrowing from management into legal, do not find a positive solution in the pretrial order, becoming the administrative and legal disputes are resolved in administrative proceedings. Judicial dispute resolution procedure is usually perceived by the parties as formally and financially burdensome, non-transparent, long-term, ineffective. The set of circumstances gives grounds to speak about the necessary for a more loyal and democratic procedures that meet European approach to the exercise of power.

The introduction of ADR to resolve conflicts and disputes with the participation of public authorities, necessitates reforming of administrative law, which in turn causes the need to introduce fundamental changes in the industry both administrative law, and in administrative and legal science. Theoretical background of procedures alternative dispute resolution were Karpenko A, Sosnowski A, Sevastyanov G, Nosyreva E, Lincoln Y, Kimberlin K. Kovach, Davydenko A, Ivanova E. and others. The basis for writing a scientific article are the work of foreign scholars in sociology, conflict resolution, conflict management, psychology, and administrative law, such as: Alekseev S., Herasina L., Dzoban A., Danilyan O., Weber M., Starilov N., Sukharev N., Kuznetsov V.

The author in the writing of scientific work used the dialectical method, method of systemic analysis as well as the method of documentary analysis which can provide integrative knowledge and comparative research.

The aim of this article is a detailed study and analysis of application procedures for reconciliation in the public sphere in the event of disputes between the public authorities and individuals. Regarding the purpose of the task is within the direction of the study and shape the future of the concept of conciliation in the public sphere. The usage of mediation in disputes between public authorities and private parties was partially stimulated by the Recommendation Rec (2001) 9 of the Committee of Ministers to member states on alternatives to

litigation between administrative authorities and private parties of the Council of Europe (the Recommendation).

Furthermore, the choice of this type of analysis was also influenced by the finding that at the same time France, Germany and England were all investigating mediation as an alternative to solving administrative law disputes. The necessity to review the practice of the application of mediation in the mentioned sphere became even more evident due to the fact that there has been no relative common practice in the Member States of the European Union, and a lack of common discussion concerning the application of mediation in administrative law disputes on the level of the European Union is observed. Therefore, the exigency to review the practice of the application of mediation in administrative disputes in the European Union countries as well as the possibility to apply this method in Ukraine has arisen.

Discussion. The task of the state as the most active subject of modernization is not only to control on going changes and their monitoring, but their purposeful organization, legal and other security, except for the process of duplication and copying of Western concept of ADR (mediation procedures) in disputes between administrative authorities and private individuals. Active position on the possibility of establishing of conciliation and bring them to the current legislation plays a law-maker. As, only prompt and timely government of response to current trends in the use and implementation of alternative procedures in public law disputes can create legal and regulatory platform for the operation of alternative procedures. The upgrade process should be interdependent by public and state interests, find a balance and seek to regulate relations between the parties themselves [Habrieva, T. 2007].

The main reasons for the introduction and use of ADR systems in the legislation in Europe to settle the disputes arising from public legal relations are: 1) reduction of burden on courts and judges; 2) the formation of a mediation cultural bodies with the aim of conflict management and dispute resolution; 3) the formation of dialogue between administrative authorities and private entities in order to develop trust in the authorities; 4) allowing the authorities to use alternative means in case of a dispute with a private individual; 5) functional change of the vector of relationship of administrative bodies – the use of contractual forms in relations with citizens; as well as the forms of their activities, including provision of bodies of state and municipal services make up the scope of public services, is the leading means of realization of citizens rights in the sphere of executive power, because the vast majority of cases solved by the public administration authorities are initiated by the citizens themselves and relate their subjective rights; 6) change in the principles of enforcement activities, in particular partnership, cooperation, openess and transparency, and others, efc.

Despite the growing importance of the application of mediation in the administrative sphere and the need of the introduction of practice applied in foreign countries, scientific interest in this issue in Ukraine administrative legislation could be considered far from adequate. There is an obvious lack of complex research concerning relative mediation practice in foreign countries, including the analysis of the legal basis, documentation related to the practice in question. Moreover, although certain attention to the question in issue is paid in the legal jurisprudence of foreign countries, it is, with some exceptions, usually focused on the practice of one country or on general issues related to mediation.

Research authors are focused on the study of foreign experience in the sphere of application of conciliation procedures (mediation) in the administrative sphere and the creation of its author's scientific conception.

The question of the modernization of the administrative legislation is a priority for the administrative and legal science, which meet the basic tenditsiyam development of administrative legislation of the European countries to use and to demonstrate how the alternative methods for resolving disputes between administrative authorities and private parties.

So, respectively Recommendation of the Cabinet of Ministers of the Council of Europe on May 14, 1981 № R (81) 7 states, member-states on how to facilitate access to justice, it is necessary to use measures to facilitate or encourage, where appropriate to reconcile the parties and an amicable settlement of the dispute before taking him to the proceedings before the court or in the course of this trial. Also, Recommendation (2001) 9 of the Council of Europe Committee of Ministers to member states on alternatives to litigation disputes between administrative authorities and private parties relating to such alternative means, such as: internal reviews, conciliation, mediation, negotiated settlement and arbitration. The use of alternative means should be allowed, or for all categories of cases or for certain types of cases that can be considered to be relevant, in particular those concerning individual administrative acts, contracts. Appropriateness alternative means varies depending on the subject matter. ADR, the term used in this publication, should be understood as a set of rules that govern the parties' dealings (or proceedings) in resolving their dispute. The term ADR model refers to the specific implementation of such a set of rules, within a court system or beyond it. Processes and models can, and often do, co-exist in a given jurisdiction, and while not every process can be implemented randomly through every model, a number of possible combinations between process and model warrant their separate presentation.

Despite political will favoring mediation, the laws of Ukraine posed a major obstacle to ADR. The law did not protect the confidentiality of information exchanged during mediation. As a result, mediators could be called into court as witnesses in cases where mediation failed. In order to obtain "mediator privilege"— preventing questioning as a witness in court – a law assuring professional standards for mediators became necessary to prevent abuses, such as the obtaining of mediator certificates by those seeking to escape being witnesses in court. Such a certification body turned out to require state authority, entailing a legislative process that stalled after a change of government. Due to the time it takes to develop and implement a successful ADR project and the potential for legislative intervention, ADR implementation requires a minimum level of political stability and government goodwill. Impending elections and the likelihood of change in policy, or shifts in priority at the ministry of justice or its equivalent in the country, can adversely affect the completion of projects, from serious setbacks to projected timelines to a complete foundering of reform activity [Carrie Menkel-Meadow, 2013].

In this regard, today is relevant and necessary to the change of the administrative legislation of Ukraine in the direction of the formation of a holistic concept of alternative dispute resolution procedures between administrative authorities and private parties.

The introduction of alternative dispute resolution mechanisms will be possible by modernizing legislation. The modernization of the legislation and law (including administrative and administrative procedure) begins with an explanation of the source theoretical propositions about the nature of the formed state, progress in administrative and legal regulation, the existing administratrative practice, contradictions and shortcomings of administrative enforcement, the nature and quality improved in the area of executive administrative error, the service issues of law and the practical conduct of state and municipal employees [Starilov, N. 2010].

Modernization of the administrative legislation of Ukraine in the direction of formation of alternative procedures for the settlement of disputes of public law – is one of the condition of the state development of Ukraine as a legal and democratic state. Legislative system as the common elements in their relationships and interactions is the external form of law and serves as the main normative legal system of a modern state

[Therborn, G. 1995]. The term "modernization" must be understand the "modernizing" (English modern – an updated, modern). That is – an update to bring something into line with today's requirements.

When used in legal literature, the concept of "modernization" in most cases means the analysis and setting goals to change the reformed state, law, legislation. The Ukrainian jurisprudence is cultivated understanding of modernization as the improvement process of law, the elimination of problems associated with underdevelopment of domestic positive law in the transitional period. Interpretation of the concept of modernization as "<...> universal process of adaptation to changing conditions"[Frisby, D. 1986] or "<...> a multidimensional, stadial transformation of societies caused by the need to adapt them to the changing conditions of time and space" with some nuances found in virtually all modern studies of this phenomenon [Weber, M. 1930, Komarov S. 1996)].

In any developing society and the state at all stages of their development modernization will always be relevant and useful, because modernization is a process of evolution in the new realities of government activities and the legal system, the development of legal concepts, legal institutions, public authorities, legislation, legislation and subordinate legislation rulemaking , procedures.

In our opinion, the concept of "modernization of legislation" should be associated mainly with the process of change certain characteristics of the legislative system, held in strictly defined conditions, procedures, limits, which it does not have the character of revolutionary, radical transformations. But it must be said that any modernization has gradual evolutionary process, the radicality and depth of which is directly dependent on the established objectives and goals of transformation. The difficulty lies in the fact that the processes of modernization in today's society have the nature of globalization. They are closely linked and intertwined with the processes of innovation development of the world community. In this case, the processes of modernization of the legislation affect the processes of globalization, especially economic issues [Boyron, S. 2007].

Modernization of administrative law and the legislation of Ukraine in the direction of the use of alternative dispute resolution procedures between he administrative authorities and individuals due to:

1) changes in the approach of administrative bodies in the direction of resolving the conflict at an early stage and to create a favorable climate for productive activities in order to carry out its functions and tasks;

2) nature, functions and essential characteristics of administrative activity of the administrative authorities;

3) the ability to promptly and adequately respond to conflicts. Such changes are clearly manifested recently in many public relations, caused by the influence of the system on the rights of the various processes of innovative development.

In our perception, the modernization of administrative law we connect mainly with the processes of embodiment as in the entire system of administrative law and legislation, and in their separate institutions, qualitative changes that this could have a fundamental character. But it must be said that any modernization has gradual evolutionary process, the radicality and depth of which is directly dependent on the established objectives and goals of transformation.

Accordingly, for the modernization of Ukrainian administrative law it is necessary identify the conditions under which the effectiveness of the activities will be the highest. Law and legislation are social events, so their functioning or deficiencies in this depends on the quality and characteristics of the environment in which they are established and exist. In this case, we can talk about the first condition of modernization of administrative law and legislation. The second condition can be considered a quality change of the law and legislation, as the impact on public including administrative relations takes place through legal and regulatory means formatted modernized system of administrative law and legislation. And the quality and direction of the administrative and legal statutes will depend on the final result of changes in the regulation of concrete relations and ultimately, in the reform of administrative and judicial and political systems of the state. Only together, these two conditions (depending on the levels of occurrence and impact on modernization can talk about the external and internal levels) may give a positive result during the upgrade.

Upgrade administrative law is the establishment of legal and administrative norms, institutions, industries, and ensure openness and availability of government; public administration to bringtion in the "proper" form, giving it a new form corresponding to the new requirements and established standards; observance and protection of human rights and freedoms human and civil rights, legitimate interests of organizations and entities. Modernization of administrative law should be based on the principle of "respect for human and civil rights to a useful, high-quality, efficient, good governance" [Sommermann K.-P., 2008].

Describing the external level as a sphere, which will be the modernization of administrative law and the legislation necessary to create the appropriate political and socio-cultural basis, since the success of the implementation of changes literally depend on the readiness of both society and the state to accept such changes. Among other components of the political and socio-cultural foundations on which we focus and believe in the basic structure of the political and socio-cultural foundations are legal culture, justice.

Broadly speaking, legal culture is a set of positive achievements in the legal field. In our case, legal culture of the society we discussed in the context of the possibility of forming conditions for establishing partnership relations based on parity basis, which means the possibility of dialogue among participants relations [Herasina, L., Dzoban, A., Danilyan, O. 2009]. Speech are talking about formation of culture dialogue between public authorities and individuals that may have legal disputes publychno character. First of all, this aspect involves guestion at formation of professional legal culture as modernized administrative legislation should apply it professional legal culture medium. They are required not only the knowledge and understanding of the changes in administrative legislative to introduce alternative procedures for resolving public disputes, but also initiate application of the relevant law in the activities of the relevant public bodies (if any officials or representatives of these authorities), the formation of officials, judges and individuals positive perceptions of appropriate measures conciliation.

For the modernization process a special role plays by the level of law and justice of society. Image rights had developed in the framework of a particular type of law, becomes the basis for the construction of legal theory and the principle of knowledge of all legal phenomena, events, procedures, institutions. Comprehension have a scientific theoretical and practical importance: the rights of the respective management's understanding of scientists, practitioners and legislators [Chestnov, I. 1999]. The prevailing social notions of the right, which significantly affect the theoretical construct, define and order itself of public relations. Type of law determines the paradigm, the principle and pattern of legal knowledge, subject and method of the corresponding concepts. Comprehension is a one-piece, interlocking concept of legal ideas that have a particular set of properties.

Today, in the modern Ukrainian jurisprudence is no single concept of law. This is due to the fact that the modern development of law occurs in the context of postmodern, characterized by a particular research paradigm, associated with the abandonment of social cognition, opening the same for all the truth.

This leads to the emergence of interdisciplinary subject of social cognition. Therefore, at the present stage, and there are different concepts of law: integrative, communicative, norma-

tivistskaya. The presence of several concepts of legal evidence not of its crisis, and is, on the contrary, a necessary condition for the existence of a complex social phenomenon – law [Wade, H. W. R.; Forsyth, C. F. 2004].

To date understanding of administrative law itself, are based on the formed in Soviet times normativism, which is under pressure from European integration requirements affected natural law. It is in this very state antagonism between normativism and natural law is thinking of scientists, law-maker, a law that, in our opinion, will further obstacle to change. Indeed, the domestic, the Ukraine legal tradition, which had at its core a qualitatively different type of rationality that has emerged due to the unique civilizational and cultural grounds, now have the ability to synthesize the achievements postnonclassical philosophy and distinctive Eastern Christian civilization and cultural experience for solving problems and overcoming the continuing even today, the Soviet-positivist approach to the theory of justice and remelting categorical meanings mechanically borrowed from the West in the 90th. XX century.

The third component, which forms the basis for social and cultural justice is legal awareness. Legal awareness is closely related to the legal culture and legal thinking [Rueschemeyer, D. 1976]. If there is a rather wide range definition of justice is perceived by us as a system knowledge about the history of formation and development of the law as a social phenomenon, its present state, as well as a set of legal assessments and specific proposals on ways of improving the methods, the development of the law in force. Concerning the introduction and use of conciliation as important is the creation of social and individual awareness [Kimberleek K. Kovach 2013].

Regarding social awareness, which is a set of legal concepts, principles, concepts, and emotions, which are separated by the society, the society gradually rebuilds his mind towards a peaceful settlement of conflicts both private law and public law by means of application of alternative dispute resolution procedures. Individual awareness makes up the totality of legal knowledge, assessments and feelings with own who were each the hospitality person. Reflecting, perceiving and forming by each person, and depending on its nature, education, gender, education, ethnicity, social class, which ultimately determines its position in the against conciliation. Becoming the path of reconciliation person learns to build relationships with the other party to understand and understand the conflict and try to solve it is not, and to resolve, given the interests of both parties. To our question is important as state formation and professional legal conscience. Legal conscience understand as a conscience that is in the special education preparation and implementation of practical legal. She is necessary to form a basis for effective implementation of ADR [Tikhomirov, Y. 2011].

It should be understand that to some extent the modernization of administrative law and legislation is only possible through the adaptation of society, public authorities to the possibility and the need to use in the activity of alternative procedures for the settlement of public disputes that arise between them and individuals.

Revealing the essence of domestic conditions relating to quality changes of administrative law and legislation, to talk about three areas of development that will ensure the successful modernization of administrative law and implementation of ADR in Ukraine. Changes must be made consistently in administrative and legal science, law-making and enforcement. Thus, the study of science of administrative law on ADR should be the basis for developing appropriate administrative legislation and administrative law, and in turn will be used by relevant public authorities.

In the framework of the scientific field is the question of development of scientific concepts using ADR in publicly-legal relations [Whinslade J., Monk G. 2008]. This scientific concept should form a theoretical model of legal regulation of alternative dispute resolution arising from public legal relations. It should be a scientific vision formed the philosophical and political-legal bases the possibility of introducing such a new institute for administrative law of Ukraine revealed methodological basis of alternative measures in extrajudicial and judicial, investigation of subjective and establishing relations circles, which can be used procedure this character study of the legal merits of these procedures and mechanisms for their application.

During the development of the scientific concept should be a comparison of administrative law of Ukraine with other administrative law enforcement and to identify public and legal interest in the possible import of certain legal and administrative procedures in the European administrative law, administrative law of the European states. Methods of alternative procedures have been used in Europe for many centuries. The institutionalisation of alternative procedures as a mechanism of dispute resolution in the European Member States, however, dates back only a few decades, in some cases only a few years. Hence, mediation as a method of dispute resolution is still developing and legislatures are in the middle of the process of establishing adequate rules. Some Member States have embraced mediation longer or quicker than others, for example the United Kingdom and the Netherlands. They offer valuable in-sights on the success factors for mediation as an institution as well as in the individual case. Other Member States have a rather short history of mediation legislation, but have prepared their rule-making by extensive comparative research and exchange with stakeholder groups, for example Austria and Germany.

By studying the international experience it is interesting to experience the introduction of mediation in public law disputes [Alekseev, S. 2004]. Thus, among the European countries in Switzerland, Belgium, Holland tax disputes are resolved successfully with the help of mediation from 2004 year, but on the whole territory of the Netherlands, the alternative resolution of a tax dispute during the mediation it was introduced by the first of April, 2005.

In Germany, since 2000, in administrative disputes using mediation, and every tenth judge is an active mediator. In Belgium, the institution of mediator exists in both public and private sectors and their task is to seek an out-of-court settlement between the parties, also to provide them with information, undertake inquiries and draw up recommendations. When analysing the practice of mediation in administrative disputes in Belgium, the attention should be focused on the role of federal mediators. Comparative knowledge on regulatory approaches of other jurisdictions promises to be help-ful since almost all countries share the same goals as regards alternative procedures. They have been pre-sented above and shall only be summarised here: alternative procedures promise sustainable and just solutions, a flexible procedure that strengthens the parties personally and socially as well as savings for the parties and the state in terms of costs and time. In addition, the comparison of laws is also promising since all European Member States and many countries across the world share the core functional definition of alternative procedures presented above.

Achievements administrative science as a scientific concept should be the basis for the activities of law-maker. Legislating alternative settlement procedures of public law disputes involves the formation of an appropriate regulatory framework by which the alternative procedures will be introduced and legitimizeled along with the judicial process, as well as to expand the competency component of administrative authorities, with the possibility of using ADR (such as mediation) in the event of public law disputes, including administrative

To date, regulatory support support application ADR in public-legal sphere, gently speaking imperfect. Fixation in the rules some legislative acts declarations possibility of conciliation in court (Art. Art. 111, 113, 135, 136 Code of Administrative Offenses of Ukraine) and pre-order (the Tax Code of Ukraine and

Customs Code of Ukraine) don not give a real opportunity to use the absence of mechanism of conciliation parties. While appreciating these provisions in terms of overall changes in administrative law, we can talk about the first tentative steps towards democratization of public power sector and partnerships. Law enforcement should be resulting stage and the main purpose of the administrative and legal sanctions prescribed in the rules of administrative law of Ukraine. The most critical and most difficult stage both in the implementation of the modernization and to the implementation of the amended administrative law when necessary and in the law is declared legal reality [Sukharev, N., Kuznetsov, V. 2010, Starilov, N. 2010]. Without the active participation of subjects of public legal relations, without their commitment and initiative on the application of the proposed ADR procedures may not effectively implementing the ADR.

Prepared environment where the guarantor and the main subject of administrative and other relations public – state political decision aimed at enabling a proper environment where possible and should cooperate, as appropriate to settle conflicts and disputes by applying alternative procedures. It is primarily about the formation of legal culture of justice and appropriate professional representatives of public authorities and officials, especially officials of state bodies, officials and employees of local authorities. Readiness for their application procedures which have powerful character requires preparedness not only with objective (the presence of appropriate legislation and powers) as well, and perhaps above all internal readiness for cooperation with society.

Conclusion. However, the conducted research has shown that in administrative law and legislation to use alternative procedures for resolving disputes between administrative authorities and private parties differs subject to the specific features of every legal system, the system of public and local administration as well as the existing practice of the solution of the said disputes. The strong objective of the promotion of application of mediation in administrative disputes between public authorities and private parties is observed.

Thus, the modernization of the legislation is a purposeful process of change, improving the entire system of forms (sources) of law in Ukraine, in accordance with globalization and the latest requirements of the modern Ukrainian society, because it is logical to define any rational and purposeful process of change, improvement, updating legal society sphere the term “modernization”.

We must not forget that legislation modernization of the state, state and legal construction is not possible without the appropriate ideas aimed at initiating the development of the modernization of legal policy. Modernization of the State and the entire system of state and legal construction is the product carried out in the country’s legal policy. The entry of Ukraine into the European Union requires modernization of the Ukrainian legislation including the introduction of procedures that were not inherent in public relations and legal sphere in Ukraine, which will be a part of the reform of administrative law and legislation. To conduct a successful modernization process it is necessary to act consistently embodying them through scientific, lawmaking and law enforcement activities. All three activities should take place in accordangly prepared by an environment of democracy, partnership desire to establish parity interests of society and the state.

The success of the state depend on the quality of the administrative modernization law, administrative law, administrative procedure law. Provide and maintain a constant mode of “success” of the state is impossible without the administrative and procedural (administrative procedures) and administrative and procedural legislation (administrative proceedings). This modernization in the field of application and implementation of alternative dispute resolution procedures in the public sphere becomes today the center of the Ukrainian state policy of modernization.

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