

since the age of 15, while 1 in 10 has experienced sexual harassment or stalking via new technologies [3, p. 3]. From UN statistics, each 3 women in the world have faced gender-based violence once in their lives, 70 % of women that died by a violent death were killed by intimate partners [4, c. 87].

That is why in this thesis I will analyse violence against women as a form of gender-based violence.

According to the results of a report on the topic of gender-based violence (Special Eurobarometer 449), a large majority of respondents think that violence against women is more likely to occur at home. Respondents were asked where they thought violence against women was more likely to occur and the answers were:

– at home is by far the most common answer (86 %), and the only place mentioned by more than one in five respondents;

– almost one in five says violence against women is more likely to occur in public places, or online (both 19 %),

– while almost as many mention the workplace (17 %);

– fewer than one in ten think this kind of violence is most likely to occur on public transport (8 %), in schools and universities (5 %) or somewhere else (3 %) [3, p. 53].

The majority of respondents in all countries say violence against women is more likely to occur at home, and this is the most mentioned option in each Member State of EU:

– respondents in Malta (96 %) are the most likely to mention at home, followed by those in Sweden, Portugal, Lithuania and Denmark (all 95 %). At the other end of the scale 73 % of respondents in Hungary and 74 % in Austria mention at home;

– respondents in Hungary are the most likely to say violence against women is more likely to occur in public places (41 %), followed by those in Austria (32 %), Finland and Italy (both 27 %). In contrast, 6 % in Cyprus and 8 % in Malta and Spain mention public places;

– at least half of all respondents in the Netherlands and Sweden (both 55 %) say violence against women is more likely to occur online, followed by 40 % of those in Denmark and 32 % in Finland. In contrast, 8 % of respondents in Hungary and Romania and 9 % in Bulgaria and Portugal say the same [3, p. 53].

To summarise, I can assert that women are the main target for gender-based violence when compared to men. Women are more likely to become victims at home by being abused by intimate partners, rather than being victimised in public places or the internet by strangers. This can be explained by the existence of numerous stereotypes about gender roles of women (as having second place after men) and men (leader role at the family, place of patriarchy). Unfortunately, the existence of such kind of patriarchy myths makes women more vulnerable at home rather than in public places.

References

1. Качинська М. О. ґендерно-обумовлене насильство. *Право і суспільство*. 2017. № 2, ч. 2. С. 14–17.

2. Kachynska M. Gender-based violence issues in Ukraine. *The Journal of Eastern European Law*. 2018. № 55. P. 21–25.

3. Special Eurobarometer 449: November 2016 «Gender-based violence» // EUOpen data portal. 449 p. URL: <http://ec.europa.eu/COMMFrontOffice/PublicOpinion> (accessed 22.10.2019).

4. Качинська М. О. Окремі причини вчинення насильства в сім'ї: психологічний аспект // Правове регулювання суспільних відносин: актуальні проблеми та вимоги сьогодення : матеріали міжнар. наук.-практ. конф. (м. Запоріжжя, 22–23 лип. 2016 р.). Запоріжжя : Істина, 2016. С. 87–89.

Received 23.10.2019


UDC 342.9

Olena MARKOVA,

Candidate of Legal Science, Docent,

Associate Professor at the department of legal disciplines,

Sumy Branch of Kharkiv National University of Internal Affairs;

 <https://orcid.org/0000-0001-9970-0944>

ON THE QUESTION OF THE NECESSITY FOR LEGAL REGULATION OF ADMINISTRATIVE PROCEDURES

The lack of systematic legal regulation of administrative procedures is explained by a serious problem in lawmaking and consequently the lag of the science of administrative law, which leads to the formation of a «vacuum around the procedure» and creates administrative barriers that impede the realization of individual rights and freedoms and the solution of socio-economic problems facing the state and society. The administrative procedure from means of harmonizing relations in the field of administrative management turns into insurmountable barriers that impede the realization of the rights of citizens and the development of society as a whole [1, c. 68].

In European countries, which have a long practice of using administrative procedures for applying legislation on administrative procedures, the public administration system has established the proper legal order, democracy, the openness of the functioning of the apparatus of state bodies, the real responsibility of public servants and officials to society [2, p. 124].

The presence in the country of a high-quality mechanism for legal regulation of the administrative procedure is an indicator of the degree of democratic legitimation in relations between the state and citizens in the country, as well as an

indicator of the level of development of the country as a democratic and legal state. The Association Agreement between Ukraine and the European Union, ratified by the Verkhovna Rada of Ukraine and the European Parliament in 2014, was an important event for the further development of the country as a democratic state in the direction of strengthening the principles of the rule of law [3; 4].

This Treaty defined a new format of relations between Ukraine and the EU, which was aimed at Ukraine's European integration aspirations – rapprochement with the EU in the political, economic and legal spheres, including the obligation to create a stable democracy and a market economy. In the legal sphere, a gradual process of modernization of all institutions of administrative law, in particular public administration, and, as a result, legislation, is observed.

In the modernization of the state legal system, not only the active reception of the best analogues of legal regulation is necessary, but also a clear understanding of the importance of the principle of continuity in the development of law.

Legal modernization presupposes an active purposeful participation of the state in the development of conceptual and legislative foundations for a radical update of the legal system, harmonization of these transformations with other areas of public administration, control and general management, focused on Western governance models. The legal modernization of public administration through the introduction of an administrative procedure is aimed at creating the interaction of entities in the form of dialogue and is aimed at increasing the level of social activity of citizens and expanding the scope of their actual participation as a full-fledged subject of regulatory regulation [5, c. 224].

The purpose of legal modernization of public administration is to: 1) change the nature of interactions between entities within the system, for example, citizens – bodies, creating administrative procedures for this, 2) to use skillfully and develop the communicative properties of law, but not by updating and changing the law as a thing in itself, but by establishing and improving the legal interaction of society and the state, various social strata through various procedures, which are a kind of communicative platform.

This important legal institution is today in defective legal development and in a contradictory relationship with other substantive and procedural institutions of Ukrainian administrative law. This is due to the lack of detailed legal regulation and the existence of many ambiguities of its «legal fate» in the future. From how the administrative procedure will be regulated: the level of protection of individual rights and freedoms, the effectiveness of public administration, the development of the economy, the stability of the state as a whole. The task of legal consolidation of administrative procedures is very difficult, since it is necessary to balance the various interests – general and private, carefully calculate the consequences of decisions.

In Ukraine, unlike other European countries, there is no general law on administrative procedures, which is a negative indicator for the modern Ukrainian administrative and legal system. However, the European principles of the rule of law necessarily require the adoption of such a legislative act.

The legislative regulation of administrative procedures is designed to determine and establish a clear framework for the lawful behavior of participants in the legal relationship under consideration, reduce the degree of public authority discretion in making administrative decisions, ensure maximum consideration of the interests of citizens and legal entities in decision-making, as well as eliminate the manifestation of red tape and corruption, remove unnecessary administrative barriers and thereby ensure the protection of the rights, freedoms and legitimate interests of citizens, increase efficiency the functioning of public authorities.

References

1. Стариков Ю. Н. Модернизация административно-процессуального законодательства: основные задачи и главные направления законотворческой деятельности. *Юридическая техника*. 2015. № 9. С. 62–75.
2. Harlow C., Rawlings R. as well as commentary on this book // Michael Taggart. Reinvented Government, Traffic Lights and the Convergence Publican Private Law – Review of Harlow and Rawlings: Law and Administration. (1999).
3. Agreement on the Association of Ukraine and the European Union // Євроінтеграційний портал. URL: <https://eu-ua.org/en/general-overview-association-agreement> (accessed 29.10.2019).
4. Деякі питання реформування державного управління України : розпорядження Кабінету Міністрів України від 24.06.2016 № 474-р // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/ru/474-2016-%D1%80/page> (accessed 29.10.2019).
5. Тихомиров Ю. А., Емельянцева В. П., Аюрова А. А. и др. Эффективность законодательства: вопросы теории и практика : монография / отв. ред. Ю. А. Тихомиров, В. П. Емельянцева. М. : Ин-т законодательства и сравнит. правоведения при Правительстве Российской Федерации ; Инфра-М, 2015. 336 с.

Received 30.10.2019