

# ADMINISTRATIVE RESPONSIBILITY

# Legal capacity

A person acquires a different capacity at different ages.

Age grading amount of capacity:

1) persons under 14 years of age (juvenile) are **partially capable**. They are free to do domestic transactions.

Have non-property rights to the results of intellectual and creative activity. All other civil transactions on their behalf and for their benefit done by parents (adoptive parents) or guardians;

2) persons aged from 14 to 18 years (minors) **have incomplete legal capacity**. A number of actions they can perform on their own: to dispose their earnings, scholarships, other income; to exercise moral rights to results of intellectual and creative activity; be the founders of a legal entity; enter into a contract of bank deposit. All other transactions they make with the permission of the parents (adoptive parents) or guardians;

3) coming of age (18 years old) or a person entering into marriage before the age gets a **full civil capacity**. In addition, the full civil capacity can be given to an individual who has attained 16 years of age working

## The amount of capacity:

- 1) by the court decision a person can be recognized **partially capable** in two cases: 1. alcohol, drugs or toxic dependence; 2. a mental disorder that significantly affects the ability to realize the significance of his actions. Such person shall be appointed a trustee who agrees to commit his/her civil legal action. **Partially capable** person can do on their own only small domestic transactions (buy food, movie tickets, etc.);
- 2) a person with chronic, persistent mental illness and does not understand results of his actions, by the court decision may be pleaded **fully incapable**. Such person is appointed a guardian who does civil actions on behalf of the ward. Thus, the restriction of the civil capacity is possible only **by court order**. In the case of changes in mental status (cessation of drinking or drug use, recovery) court removes these

# law

- Administrative law - the branch of law regulating social relations in the sphere of public administration.

The specifics of this kind of legal relations:  
imperious character - these relationship arise between rulers and ruled, between **subjects, unequal to each other.**

For example, a legal relationship between the **driver of the vehicle and inspector of traffic police who stopped him.**

# relationships:

## 1) subjects.

One of the participants of administrative legal relations - **official or body of the state executive authorities**, acting within its **jurisdiction**. The second participant can be **natural or legal person**.

Administrative capacity of a natural person arise from the moment of birth and ends with his death.

Administrative capacity of an individual depends on age. **Partial capacity** of citizens of Ukraine – achievement of **school-age children**.

Citizens of Ukraine of **16** are **required to have a passport and register their place of residence**. General age for possible offensive administrative responsibility is 16.

**Full administrative capacity - 18 years.**

Ability to be legally responsible for violations of administrative law depends on **the age and sanity**.

Sanity - it is a mental state in which the person at the time of offense is able to be aware of his actions and control them.

**For legal persons - at the moment of state registration;**

2) **object**. The object of administrative relations is a **social good, about which there was matter**. (normal functioning of the organs of state power; public order);

3) **contents**. The content of the administrative legal relations **are the rights and obligations of the participants**. We analyze the structure of the legal relations arising between the inspector of traffic police

Inspector of traffic police and car driver who exceeded the permissible speed.

- **The subjects** of this relationship are the representative of the government and subservient face.
- **The object** is a real social good - road safety.
- **Content** is entitled traffic police inspector to require termination of the offense and the driver's duty to obey a lawful request.

## CONCEPT and CHARACTERISTICS OF ADMINISTRATIVE RESPONSIBILITY

- Administrative responsibility - a type of legal liability, applied for an administrative offense and consisting of the imposition of restrictions on the offender of material and moral character.
- Administrative liability has all the features of legal liability and, at the same time, it has a special and unique features.

Signs of administrative responsibility:

- 1) Measures of this kind of liability are provided and regulated by administrative law;
- 2) is softer compared to criminal responsibility;
- 3) Applied by the executive authorities, and only in some cases - the courts;
- 4) the procedure for bringing to administrative responsibility is simplified in comparison with the criminal responsibility;

# The concept and features of administrative offense

- Administrative offense - is wrongful act upon social benefits, protected by administrative law.
- Signs of an administrative offense:
  - 1) **the illegality.** Violation of the specific rules of administrative law;
  - 2) **anti-social character.** Administrative misconduct, or real damage to the individual, society, the state, or threat of such harm;
  - 3) **guilt.** Misconduct is recognized only an offense. Guilt exists in the form of intent and negligence;
  - 4) **offense.** Administrative law establishes the type and measure of punishment for committing an administrative offense.
- The administrative offense may be committed in the form of actions (such as drinking alcohol at work) or omission (failure to comply with the responsibilities).



# Composition of Administrative Offences

- **The composition of administrative offense** - a set of statutory objective and subjective elements characterizing the act as an administrative offense.
  - 1) **the object of administrative offense** - it is public relations in the sphere of rights and freedoms of man and citizen, which infringes the offender;
  - 2) **the objective side of the administrative offense** - the act (action or inaction) and its harmful effects, the causal link between the act and its consequences, the place, time, environment, the instruments and means of committing the offense. The basic and essential feature of the objective side is a wrongful act. All other attributes are optional;
  - 3) **the subject of an administrative offense** - the citizens of Ukraine, foreign citizens, stateless persons who have reached at the time of the offense the age of 16, the officials who are responsible for non-compliance of part of their duties. The subject of an administrative offense in tax, financial law, legislation on business, can be a legal entity;
  - 4) **the subjective aspect of administrative offense** - related to the fulfillment of his mental state. The signs are: the motive and purpose of the offense. It is a mental attitude of a person to his actions in the form of intent and negligence. The motive and purpose of administrative offense are optional

# Types of administrative penalty

- **Administrative penalty** - a measure of state coercion against the person who committed an administrative offense. Penalty applies for the purpose of legal education of such persons, and to prevent the commission of further offenses. Forms and procedure for applying administrative penalties determined by the Code of Administrative Offences:
  - 1) **prevention**. Must be in writing;
  - 2) **fine**. The penalty is called monetary penalty;
  - 3) **compensated seizure of the object which appeared being instrument or subject of an administrative offense**.
  - 4) **confiscation of the object which appeared being instrument or subject of an administrative offense or the money received as a result of an administrative offense**.
  - 5) **deprivation of special rights for up to 3 years**. Applied for gross or systematic violation of the rules - driving license deprivation, the right to hunt;
  - 6) **correctional labor for up to 2 months**. Executed at the place of permanent employment of the offender by holding up to 20% of earnings to the state budget;
  - 7) **administrative arrest for up to 15 days**. For foreigners and stateless persons may be applied such a measure of

# ADMINISTRATIVE RESPONSIBILITY

- minors may be administratively liable persons from the age of sixteen. Cases of committing administrative offenses committed by minors (persons between 16 and 18 years), - district (city) court (judge). The juvenile may be assigned any administrative penalty, except for the administrative arrest. In addition, the court (judge) have the right to apply to juvenile offenders following measures:
  - 1) obligation to publicly or other apologize to the victim;
  - 2) prevention;
  - 3) reprimand or severe reprimand;
  - 4) the transfer of a minor under the supervision of parents or persons substituting them, or under the supervision of pedagogical or labor collective with their consent, as well as individual citizens at their request. The use of such interventions is a right not

