

ФІЛОСОФСЬКІ ПРОБЛЕМИ ОКРЕМИХ НАПРЯМІВ ПРАВОНАВСТВА

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ADMINISTRATIVE AND LEGAL RELATIONS IN ENGLISH INTERPRETATION

The peculiarities of administrative-legal relations in the English interpretation are analyzed. It is determined that their object is the public good, which has a value for each subject of society. The problem of the role of the English language in the activity of a scientist-administrator is marked. The necessity of passing the law on obligatory English translation of any international act (agreement, agreement, notes) concluded between Ukraine and another state is emphasized in order to better and comprehensively understand the provisions of the international act for each subject of administrative-legal relations.

Keywords: administrative specialist, relation, European Union treaty, clarity, simplicity, globalization.

The rapid process of using English causes the emergence of new social relations between different members at the national and international levels. It does not matter what the importance of the communication process between different actors of public administration in one or another sphere. It is important that this communication should be clear, unambiguous and correct, in keeping with all applicable rules.

Nowadays, there is a need to investigate the essence of administrative-legal relations as social relations, taking into account the global processes of using English, which actively penetrate into different spheres of social life. Administrative law does not stand aside these processes. There is a need to substantiate the essence of administrative-legal relations in the English interpretation.

New research on the issues raised should be based on theoretical and practical research findings from both domestic and foreign leading scholars. The foundations for our study were the following scientists: S. Alekseev, V. Babyuk, I. Gumovskaya, O. Gutiryak, V. Galunko, O. Kostenko, Z. Kudelko, V. Reznik, O. Sadovsky and others. However, despite the significant contribution of these scientists to the research data of scientific problems, the indicated scientists did not disclose the administrative-legal relations in the English interpretation. But they investigated broader, special or related topical issues.

The purpose of the paper is to examine the administrative-legal relationship in the English interpretation.

In our opinion, administrative-legal relations in the English interpretation are social relations in the form of social interaction between subjects and objects of public administration using the English administrative-legal terminology in order to establish lasting legal relations and the emergence of legal consequences.

It is worth paying attention to the peculiarities of administrative and legal relations in France. According to John Hopkins of the Institute of Political Studies: «France has a quite sizable nonprofit sector that is heavily supported by the French state. However, this development is relatively new and is in part the product of social policies introduced by the Mitterand government in the early 1980s. During the 1960s and the 1970s, the French nonprofit sector grew mainly within a context of state provided welfare. More recently the Decentralization Acts, passed in 1982 and 1983, provoked a reappraisal of the role that central and local governments traditionally played in relation to public and private human service organizations» [1].

The French public service consists of three main sections – State civil service (central administrations, regional and departmental services of the State, public establishments of the State), – territorial civil service (civil servants of the municipalities, departments and regions), – hospital civil service (administrative and nursing staffs of the public hospitals [1].

Indeed, Ukraine and the international community must act with and in the interests of ensuring human and civil rights and freedoms. Person is a value and all managerial decisions must be taken only to improve the social being of each member of society.

Administrative-legal relations in English interpretation have their structure: subjects, objects, content of administrative-legal relations and legal facts.

The subjects of relations are participants in administrative-legal relations that have subjective rights and legal obligations and are endowed with specific legal properties. In other words, the subjects of administrative-legal relations from the point of view of public administration include both the subjects of public administration and objects of public administration, and from the point of view of administrative-legal regulation all subjects of administrative law [2].

One of the important roles in defining administrative-legal relations in the English interpretation is the parties to these legal relationships, since in most cases it can be states, governments, ministries, state bodies and public organizations that carry out cooperation with foreign states, governments, ministries, state and public organizations of foreign countries. Thus, the parties of the administrative-legal relations include various subjects.

In accordance with the Law of Ukraine «On ratification of the Financial Agreement (project “Municipal Infrastructure Development Program of Ukraine”) between Ukraine and the European Investment Bank», the state of Ukraine, with the other European Investment Bank, acts on the one hand by the data subjects of administrative legal relations. The given subjects of administrative-legal relations are endowed with state-power powers in the conclusion of such agreements.

According to the Law of Ukraine «On ratification of the Financial Agreement (project “Municipal Infrastructure Development Program of Ukraine”) between Ukraine and the European Investment Bank», a sample of the first Tranche in accordance with paragraph 1.02 of Article 1 shall be carried out upon receipt by the Bank, in the form and content satisfactory to the Bank, on the day or before the day that falls within 7 (Seven) Working Days prior to the Planned Sample Date, the following documents or attestations: legal opinion provided by the Borrower’s Ministry of Justice in English in respect of this Agreement the Borrower, its force, the possibility of enforcement and mandatory [3].

Obviously, cooperation between Ukraine and the European Investment Bank can only take place in English, documents must also be duly executed and translated into English.

This document once again emphasizes the importance of English at the international level in administrative legal relations. Note that these documents should be prepared at a high level and set out in professional English with the use of administrative and legal terminology.

According to Professor V. Galunko, an integral element of the research of administrative-legal relations is the object of administrative-legal relations, as material or non-material public good, as well as acts for the use or protection of which are subjective rights and legal obligations of public administration [4].

We think the object of administrative-legal relations in the English interpretation should be considered the public good, which has value added for each subject of society.

In accordance with the Memorandum of Understanding between the Government of Ukraine and the Organization for Economic Cooperation and Development on deepening cooperation, the object of data of administrative-legal relations is the fight against corruption; public administration and governance; regulation of certain branches of economy; competition and other issues, investing, small and medium-sized enterprises, business-related competitiveness; development of sectoral competitiveness, including in the sectors of agriculture and green economy; management of state enterprises; mobilization of domestic resources, including tax collection and solving issues related to the tax administration system; multisectoral development; collection, processing and dissemination of statistical data [5].

That is, objects that are public goods and have value for each subject of society, in the context of administrative-legal relations in the English interpretation is the absence of corruption, the proper functioning of the branches of the economy, fair competition, etc.

It is worth paying attention to the language of concluding the Memorandum of Understanding between the Government of Ukraine and the Organization for Economic Cooperation and Development in order to deepen cooperation. This international document states that it is made in four copies in Paris, two copies in Ukrainian and two in English. In case of discrepancies in interpretation, the English text will prevail [5].

Apparently, the linguistic aspect of this international act is again emphasized and the predominance of the English language is clearly defined.

Consider the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand, which is being applied provisionally from 1 January 2016. The subject of administrative-legal relations between Ukraine and the European Union and the European Atomic Energy Community is: the rapprochement of the Parties, based on common values and close privileged ties, and deepening Ukraine's relationship with EU policy and its participation in the programs, and agencies; political dialogue in all areas of mutual interest; peace and stability on a regional and international scale; cooperation in the field of justice, freedom and security; the rule of law and respect for human rights and fundamental freedoms [6].

Obviously, the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, clearly follows the value guidelines of administrative-legal relations in the English interpretation.

The next element of the administrative-legal relationship in the English interpretation is the content of these relationships.

Furthermore, according to the Memorandum of Understanding between the Government of Ukraine and the Organization for Economic Cooperation and Development to deepen cooperation, the content of data on administrative and legal relations is the rights and obligations of the Government of Ukraine and the Organization for Economic Co-operation and Development, namely: each party undertakes to use all possible measures to protect the confidential and/or sensitive information of the other party [5].

As a result, in the Memorandum of Understanding between the Government of Ukraine and the Organization for Economic Co-operation and Development to deepen co-operation, the duty of each of the parties is defined, which outlines the content of the data of administrative-legal relations.

Thus, mutual rights and obligations are an integral part of the administrative-legal relations in the English interpretation, as they outline their content and obligations of each of the parties.

The next element of the administrative-legal relationship in the English interpretation is legal facts, which include actions and events. In most cases, actions are committed by a person, therefore they may be lawful, comply with the rules of the current legislation.

It is important to note that such actions include the conclusion of treaties, agreements, the signing of international acts, decrees, orders, decrees, and so on. All these legal acts must comply with international standards, national requirements and not violate the rights and fundamental freedoms of a person and a citizen.

The opposite of lawful actions are unlawful actions, that is, those that contradict, violate the requirements of normative legal acts. These illegal actions are the nature of misconduct, offenses, and crimes that entail certain legal consequences.

Unlike actions, events can occur regardless of human activity, but also entail a number of legal consequences.

If we talk about legal facts in administrative legal relations in the English interpretation, it should be emphasized that in most cases it is lawful actions that meet international standards and domestic law. And they consist in the conclusion of international treaties, agreements, exchange of notes. In domestic legislation, this is expressed by the adoption of targeted laws on the implementation of the provisions of ratified international acts.

Administrative-legal relations in the English interpretation arise in accordance with certain legal facts between the subjects of these relations.

Of course, the legal fact for the emergence of administrative-legal relations can be the approval of a ruling, the conclusion of an agreement or agreement on the international level between the subjects of public administration. For example, the conclusion of an agreement between the Government of Ukraine and the Government of the United Kingdom of Great Britain and Northern Ireland on cooperation in the fields of education, science and culture, according to which the Contracting Parties will encourage and facilitate the development of exchanges and research on issues of common interest in science and technology, including the direct cooperation between the research institutions of both countries. This agreement is signed in duplicate in Ukrainian and English, both texts being equally authoritative [7]. The conclusion of this Agreement became a legal fact for the emergence of administrative and legal relations between schools, institutes and libraries in the field of education, science and culture.

In addition, in accordance with the Decree of the President of Ukraine «On Approval of the Agreement on the Establishment of a Ukrainian Science and Technology Center», the approval of the

establishment of the Ukrainian Science and Technology Center as an intergovernmental organization was approved. Each Party (Sweden, Canada, and the USA) contributes to the activities of the Ukrainian Scientific and Technological Center on its territory. In order to achieve its goals, the Ukrainian Scientific and Technological Center has the capacity to act in accordance with the laws and rules of the Parties, concludes contracts, acquires and disposes of immovable and movable property, as well as performs claims and liable in claims. This Agreement is signed in one copy in English, Ukrainian and French, all texts being fully authentic [8]. The conclusion of the above-mentioned Agreement became the legal fact of Ukraine's membership in the Ukrainian Science and Technology Center (Science and Technology center in Ukraine).

Moreover, according to the Declaration on Ukraine's membership in the International European Innovation Scientific and Technical Program «EUREKA» Ukraine became a full member of the International European Innovation Scientific and Technical Program «EUREKA» [9]. The main objective of the EUREKA program is to develop international cooperation to increase the productivity and competitiveness of European industry and the economy, as well as to create the basis for improving the quality of life and employment of the population. This task is realized through joint projects aimed at promoting the development of industrial, technological and scientific cooperation [10].

Obviously, the legal fact, in the form of action – the conclusion of the agreement was the starting point for cooperation and cooperation in science and technology between Ukraine and the United States of America.

Thus, from the foregoing we can draw the following conclusions:

1) administrative-legal relations in the English interpretation are social relations in the form of social interaction between subjects and objects of public administration using the English administrative-legal terminology in order to establish lasting legal relations and the emergence of legal consequences;

2) administrative-legal relations in the English interpretation inherent in the following features: these relationships are a kind of social relations; have a state power nature; managerial characters; one of the parties must be the subject of public administration; inequality of subjects of interaction in administrative-legal relations;

use of administrative and legal terminology for the establishment of stable legal relationships;

3) the object of administrative-legal relations in the English interpretation should be considered the public good, which has value added for each subject of society;

4) the legal facts in administrative legal relations in the English interpretation, in most cases, lawful actions that comply with international standards and domestic law. And they consist in the conclusion of international treaties, agreements, exchange of notes. In domestic legislation, this is expressed by the adoption of targeted laws on the implementation of the provisions of ratified international instruments;

5) consider it necessary to adopt a law on the mandatory translation of any international instrument (agreement, agreement, notes) concluded between Ukraine and another state for the sake of a better and comprehensive understanding of the provisions of the international act for each subject of administrative and legal relationships.

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Адміністративно-правові відносини в англійській інтерпретації

Проаналізовано особливості адміністративно-правових відносин в англійській інтерпретації. Визначено, що їх об'єктом є суспільне благо, яке має ціннісне наповнення для кожного суб'єкта суспільства. Окреслено проблему ролі англійської мови в діяльності науковця-адміністративіста. Наголошено на необхідності прийняття закону щодо обов'язковості англійського перекладу будь-якого міжнародного акта (угоди, договору, ноти), які укладає Україна та інша держава з метою кращого та всебічного розуміння положень міжнародного акта для кожного суб'єкта адміністративно-правових відносин.

Ключові слова: вчений-адміністративіст, відносини, соціальна взаємодія, Європейський Союз, ясність, однозначність, всесвітній простір.