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**ON THE ISSUE OF THE PASSPORT OF SCIENTIFIC SPECIALITY 12.00.14 –
ADMINISTRATIVE LAW, ADMINISTRATIVE PROCESS**

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The article analyses the passport of scientific specialty 12.00.14 developed from April 15, 2013. The author makes proposals for systematization of the specialty content in part of administrative process on the base of the logical sequence of performing managerial process implemented by public administration bodies, and its control by the judiciary.

Keywords: passport of scientific specialty, administrative process, administrative procedures, administrative jurisdiction, administrative justice.

A new passport of scientific specialty 12.00.14 – administrative law, administrative process, has not yet been adopted. This is not surprising with such little consensus of scientists on the foundations of institutions of administrative process.

Currently, a narrow range of experts is developing a draft Passport of a new scientific specialty 12.00.14.

As is known, paragraph 12 of the order of the RF Ministry of Education and Science No. 5 from 10.01.2012 “On Making Amendments to the List of Specialties of Scientists, Approved by the Ministry of Education and Science of the Russian Federation No. 59 from February 25, 2009” prescribes to replace the line:

12.00.14	Administrative law, financial law, information law	legal
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by the line:

12.00.14	Administrative law, administrative process	legal
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And if there are no serious remarks of legal scholars to the draft’s direction “Administrative law”, then a completely different situation emerges in respect of administrative process.

According to the Draft Passport of specialty 12.00.14 on April 15, 2013 offered the following content of the specialty in part of administrative process: theoretical and practical study of the subject and content of administrative-procedural law; study of administrative-procedural norms, administrative-procedural relations, features and principles of administrative-procedural activity and issues of administrative justice; study of problems of institution of administrative legal proceedings, development of the procedural aspects of administrative courts’ activities; study of the issues of administrative and jurisdictional process; analysis and development of administrative proceedings; study and improvement of proceedings on administrative offences.

The draft passport was sent to all subject oriented higher educational institutions. The Institute of Legislation and Comparative Jurisprudence under the Government of the Russian Federation will accumulate all the suggestions, and then the draft will be discussed in the Expert Council of the State Commission for Academic Degrees and Titles. In mid May, 2013 all passports of juridical specialties will be discussed at the Meeting in Saratov (SGPA).

In the draft passport of specialty 12.00.14 propose “area of research “Administrative process”:

1. subject and content of administrative-procedural law.
2. administrative-procedural norms.
3. administrative-procedural relations.
4. features and principles of administrative-procedural activity.
5. administrative justice.
6. principles and system of administrative legal proceedings.

7. procedural aspects of administrative legal proceedings.
8. comparative legal study of the issues of administrative justice and administrative legal proceedings.
9. administrative-jurisdictional process.
10. proceedings on resolving administrative-legal disputes .
11. proceedings on the adoption of legal acts of management.
12. proceedings on consideration of appeals of citizens and organizations.
13. proceedings on the cases of promotion and imposing of disciplinary sanctions.
14. registration proceedings.
15. license proceedings.
16. execution proceedings.
17. principles and general provisions of proceedings on administrative offences.
18. subjects of administrative jurisdiction.
19. participants of proceedings on administrative offences.
20. proof and evidence in cases on administrative offences.
21. measures to ensure proceedings on administrative offences.
22. stages of proceedings in cases on administrative offences”.

On the basis of the analyzed scheme of the passport of scientific speciality “Administrative process” here is proposed, in our opinion, not quite logical sequence of consideration the institutes of the system of administrative process. The document initially for some reason says about “administrative-procedural activity”, which should be based on such institutes of administrative process as administrative procedures, administrative jurisdiction and administrative justice (“administrative justice and administrative legal proceedings”), then – “administrative-jurisdictional process” (without specifying in what order it happens – in court or out of court), then – eight types of “administrative proceedings”, some of which combine positive and law enforcement forms of enforcement (for example, proceedings on the review of appeals of citizens and organizations (and appeals can be either in the form of proposals and applications, and in the form of complaints); proceedings on the cases of promotion and imposing of disciplinary sanctions). And only one issue in the draft passport concerns the institute of administrative jurisdiction, which is formulated as “subjects of administrative jurisdiction”. Judging by the location of this issue, it likely would go entirely on the subjects of proceedings in cases on administrative offences.

In our view, the passport of scientific specialty “Administrative process” requires another logic of formation on the basis of consistently performed actions in a management process: first, law-making, then positive enforcement within the framework of the institute of administrative procedures, and in the case of a dispute or in violation of law norms both in out of court (pre-trial) and in court procedure, including with the use of judicial control by the judiciary – application of law enforcement forms within the frameworks of appropriate institutes of administrative jurisdiction and administrative justice.

Based on the logic of the reasoning, the direction of “Administrative process” should include the following areas of research:

1. *General characteristics of scientific specialty “Administrative process”:*

Subject and content of administrative process.

Administrative-procedural norms.

Administrative-procedural relations.

Principles of administrative law.

2. *Administrative procedures:*

Legal characteristic and types of administrative procedures.

Procedures of adoption normative legal acts.

Procedures of reviewing proposals and statements on the exercising of the rights and legitimate interests of citizens and organizations in the field of public administration.

Registration procedures.

Accounting procedures and reporting procedures.

Licensing and permitting procedures.

Procedures of technical regulation (certification and standardization).

Procedures for the conclusion of an administrative contract.

Procedures in the field of procurement of goods, works and services for ensuring public (state and municipal) needs.

Incentive procedures.

Procedure arising from the passage of public service.

Procedures for the introduction and exercising of special administrative-procedural regimes.

Other administrative procedures.

3. *Administrative jurisdiction:*

Subject of administrative jurisdiction.

Proceedings on the cases of administrative offences:

- *participants of proceedings on the cases of administrative offences;*
- *proof and evidences on the cases of administrative offences;*

- *measures to ensure proceedings on the cases of administrative offences; stages of proceedings on the cases of administrative offences.*

Proceedings on administrative-legal disputes and complaints.

Disciplinary proceedings.

Proceedings on exercising the institute of material responsibility.

Executive proceedings.

Other administrative and jurisdictional proceedings.

4. *Administrative justice:*

Principles and system of administrative legal proceedings.

Judicial administrative and jurisdictional process.

Comparative legal study of the issues of administrative justice and administrative legal proceedings.

5. *Administrative-procedural activity:*

Regulation of administrative-procedural activity.

Features of administrative-procedural activity in different spheres of public administration.

Principles and features of administrative-jurisdictional activity carried out extrajudicially.

Problems of exercising of a judicial administrative-jurisdictional process.

It seems that proposed by the author areas of study in the field of “Administrative process” as part of the new scientific specialty “12.00.14 - Administrative law; administrative process” will enable a more systematic and structured way to learning of current legal science of administrative law and process.