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Khakhaleva E. V.

SOME ISSUES OF JUDICIAL CONTROL OVER THE LAWFULNESS OF ADMINISTRATIVE LEGAL ACTIONS (INACTION) THAT ENTAIL LEGAL CONSEQUENCES [1]

Khakhaleva Elena Vladimirovna,
Doctor of law, Associate professor of the Department of state and legal disciplines, North Caucasus branch of the Federal State Budgetary Institution of Higher Professional Education "Russian Academy of Justice", Krasnodar,
ekhakhaleva@kubansud.ru

It is noted that there is no unity of opinion among scientists regarding the essence of administrative-legal actions (or inaction). Here is suggested to designate administrative-legal actions as an authoritative expression of will of executive authorities and officials.

Attention is focused on the search for a criterion allowing distinguishing of administrative-legal actions from other types of managerial actions. Here is argued that the identification of this criterion is important not only for creation of a full-fledged theory of administrative acts, but also for forming of a quality judicial enforcement.

The author states that the introduction of the rules of mandatory appeal of administrative-legal actions (inaction) to a superior authority (superior official) is inappropriate and creates obstacles to access to justice.

Keywords: judicial control, administrative-legal actions, inaction, legal consequences of inaction, legal consequences of administrative-legal actions, types of managerial actions, administrative acts.

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Actions (inaction) of administrative bodies and their officials, which entail legal consequences, as a category of managerial actions has passed most recently into their independent kind and not been yet supported by all scientists [13, 23; 21, 87-90; 28, 53]. As a rule, the science studied public administrative acts, which covered all activities of administrative bodies. Accordingly, no actions (inactions) of a legal nature, if they are not public administrative acts, have been studied.

However, recently, scientists' gaze has turned to the consideration of other actions (inaction) of administrative bodies and their officials, which they perform in their daily activities on the implementation of executive functions [22, 284; 18, 73-76; 16, 22; 20, 83-93; 23, 12; 24, 11], and individual legal scholars have dedicated independent researches to such actions (inaction) of administrative bodies and their officials entailing legal consequences [27].

Interest of scientists to the problems associated with the recognition of the category of "actions (inaction)" as an independent form of managerial actions is dictated by the current legislation. Even the RF Law "On Court Appeal against the Actions and Decisions that Violate the Rights and Freedoms of Citizens" delimited public administrative acts and other actions (inaction), which can be appealed [1]. It is quite clear that such actions (inaction) can only be actions (inaction) entailing legally significant consequences for the individuals to whom these actions are addressed. Appeal against actions (inaction), which have no legal consequences, does not make sense.

Code of Civil Procedure of the RF (hereinafter CCP RF) in the current edition separates public administrative acts from other legal significant actions (inaction) of administrative bodies and their officials. So, article 245 CCP RF clearly provides an opportunity, for example, for citizens to appeal not only against decisions of administrative authorities, but also against their actions (inaction). Focusing on these provisions, we select out from the number of managerial actions and consider separately from public administrative acts both conclusion of administrative contracts and other actions (inaction) entailing legal consequences. At the same time, if the commission of a contested action (inaction) is referred to the discretion of a body or its official, the court has no right to assess the appropriateness of such action (inaction). Otherwise the court unlawfully interferes in the competence of administrative authorities.

In accordance with article 255 CCP RF, administrative-legal actions (inaction) of bodies of executive power, its officials, which can be challenged in the courts, include the actions that result in violation of the rights and freedoms, creation of obstacles to the implementation of the rights and freedoms, unlawful placing any

obligation on a person or illegal bringing to responsibility of this person. Judicial practice interprets the actions of executive authorities and their officials as authoritative expression of will of these bodies and persons, which is not framed in the form of decision, but which has entailed a violation of the rights and freedoms of citizens and organizations or has created obstacles to their implementation (hereinafter referred to as – The Decision of the Plenum of the Supreme Court of the RF No. 2 from February 10, 2009) [5]. Administrative-legal actions include, for example, emergency response, registration, conducting of veterinary supervision, planning of financing of state-owned factories, action to control the proper execution of transferred public powers both to executive authorities of the subjects of the Russian Federation and to non-authoritative subjects, permission to do certain actions, denial of issuing a passport, driver's license, etc. The judicial practice refers to such actions the demands of officials exercising state supervision and control (The Decision of the Plenum of the Supreme Court of the RF No. 2 from February 10, 2009).

Judicial practice recognizes inaction as "failure of a body of executive authority, official to perform the duty entrusted on them by normative legal and other acts, which define the powers of these persons (job descriptions, provisions, regulations, orders)" (The Decision of the Plenum of the Supreme Court of the RF No. 2 from February 10, 2009). Inactions include, for example, failure to consider an applicant's request by an authorized person (The Decision of the Plenum of the Supreme Court of the RF No. 2 from February 10, 2009), as well as not providing by an official of information that it must provide during an audit to the head, another official or authorized representative of a legal entity, individual entrepreneur or its authorized representative (article 21 of the Federal Law No. 294-FL [2]).

There is no unity of opinion on the essence of administrative-legal actions (inaction) among scientists. Some legal scholars disclose the essence of administrative-legal actions through the category of authoritative impact, which is not formalized through an individual administrative act [27, 23-24], while others represent actions as an authoritative volitional act of conduct of executive authority body [20, 84].

Definitely, authoritative impact and authoritative expression of will are virtually identical concepts. However, if we take into account the goal of modern society – the need to combine the impact and interaction of federal executive bodies with the institutes of civil society in order to achieve social peace in the country, then it would be more correct to denote administrative-legal actions as the authoritative expression of will of executive bodies and officials.

For the formation of the definitions of administrative-legal actions we need to determine the signs of this category of managerial actions.

So, I. A. Chizhov, defining administrative-legal actions, indicates such signs as their exercising within the competence in the course of implementation by executive bodies of executive functions; the order and procedure of exercising actions is governed by the norms of administrative law; is not formalized through an individual administrative act. I. M. Masharov, in fact, complements these signs by presence of, as a rule, written formalization and by an indication of the fact that administrative-legal actions precede adoption of individual administrative acts or are committed after the adoption of such acts [20, 85-86].

We have to agree with some of the above signs, because they fully reflect the peculiarities of administrative-legal actions. For example, we recognize the sign of existence legal consequences as the main sign distinguishing administrative-legal actions from the actions undertaken by executive bodies and their officials within the framework of organizational and logistical events. At the same time, using this sign, it is impossible to distinguish administrative act from administrative-legal action, since both entail legal consequences. A similar comment may also be given in respect of such a sign as the fulfillment of administrative-legal actions to implement executive authority functions within the competence of a body. This sign is common for all managerial action, including the issuance of administrative acts, conclusion of administrative contracts. Otherwise, managerial actions would not be recognized as such.

Thus, a written or oral formalization is, of course, a sign typical of administrative-legal actions. However, this sign is characteristic also for administrative acts, which can also be in written and oral form (for example, military orders [8, 254]). In turn, a written individual administrative act is accepted as in a certain form required by law (for example, an order of the supreme executive body of state power of the subject of the Russian Federation) and in an arbitrary form (for example, a written notice of an official to refuse to satisfy a citizen's request) (see: paragraph 1 resolution of the Decision of the Plenum of the Supreme Court of the RF No. 2 from February 10, 2009 "On the Practice of Court Consideration of Cases on Contesting the Decisions, Actions (inaction) of Public Authorities, Local Self-government Bodies, Officials, State and Municipal Employees" [5]).

The presence of such a sign as defining the procedure of exercising administrative-legal actions only by the norms of administrative law, in our opinion, is debatable, primarily because at present this procedure is regulated by normative legal acts of various sectorial affiliations. As a rule, it is reflected in the administrative regulations of the bodies of executive power [3]. However, partially the procedure of conducting inspections regarding compliance with the current

legislation is also established by the Federal Law No. 294-FL [2], the Labor Code of the RF, etc.

Definition of administrative-legal actions will be incomplete if we have not detected signs of this category of managerial actions, which allows distinguishing them from issuance (adoption) of administrative acts and administrative contracts. But first, we would like to notice that nowadays the scientists are in search for a criterion that allows separation of administrative-legal actions from other kinds of managerial actions. Identification of this criterion is not only important for creation of a full-fledged theory of administrative acts, but also for development of a quality judicial enforcement.

I. M. Masharov, for example, offers to distinguish administrative-legal actions under such signs as lack of certain legal consequences for the subjects, in respect of which these acts are committed; lack of an authoritative volitional decision of an administrative body and obligatoriness of official documenting [20, 100]. We assume, that I. M. Masharov while offering these criteria contradicts itself, since in the preceding pages of his research he claimed the opposite [20, 84-86].

We believe that administrative-legal actions always entail legal consequences for the subjects, in respect of which these acts are committed, they are authoritative volitional decisions of an administrative body that require or do not require written formalization. The fact is that these actions do not only show the process of executive authorities' activity, but also constitute in the whole process of implementation by them of executive functions. We remind that the forms of executive authorities' activity may be both legal (main) and security. Accordingly, only the legal forms, i.e. managerial actions, express the essence of the executive power, promote the implementation of its public functions, thus, entail legal consequences.

It seems to us that the most appropriate criterion for delimitation of administrative-legal actions from other managerial actions is the nature of management process, since the adoption of administrative acts or conclusion of administrative contracts as a result of executive authorities' activities requires performing of certain administrative legal actions aimed at achievement of this result. Here are a few examples.

So, issuance of an order as individual administrative act is preceded by gathering by official of documents (information), their study to identify violations of the current legislation. Provision of documents (information) is exercised on the basis of the demand of an official of control and oversight body. At that, article 19.17 of the Code on Administrative Offences of the RF (hereinafter CAO RF) establishes administrative responsibility for failure to submit or late submission of

the information. Let's note that this administrative offense is committed, usually, in the form of inaction and the place of its commission should be considered a place where should be performed the duty entrusted on the person [4, 6]. Throughout the period of inspection documents are provided by supervised entity as required, including repeatedly. Only after thoroughly study of the documents of audit an official decides on the adoption of individual administrative act, that is, issuance of order to eliminate violations revealed. We see that the requirement on provision of documents as an administrative-legal action precedes the issuance of order as its result.

Issuance of order on administrative penalty (order for termination of proceedings), usually, is preceded by drawing up of a protocol on administrative offense, except for cases when the protocol is not drawn up. However, in this latter case, the issuance of order is preceded by the exercising by an official of administrative-legal actions, such as, for example, stop of vehicle when the driver has committed an administrative offense, checking its documents (chapter 12 article 28.6 CAO RF) or, for example, providing to bailiff any false information about rights to property, failing to report about dismissal from work, about a new place of work, study, place of receipt of pension, other income or place of residence (part 1 article 17.14 CAO RF), etc.

Issuance of a normative administrative act is preceded by the commission of administrative-legal actions, which are expressed in requesting the materials needed to prepare a draft of this act, both in the body that is the developer of the draft and in other executive bodies. Accordingly, after the issuance of a normative administrative act appears the need in its implementation, which also entails commission of certain administrative-legal actions that are represented both in written and in oral form.

Refusal of application of a citizen as the final decision of an official, usually, is preceded by a number of its administrative-legal actions, expressed in non-acceptance of the application to consideration, absence of registration of the application, violation of the terms of consideration the application, etc.

Given examples illustrate that administrative-legal actions do not just rarely precede or derive from the adoption (issuance) of administrative acts, they show and describe management process before its completion, that is, before the issuance (adoption) of administrative acts, and management process after their issuance (adoption). Note that the presence of administrative-legal actions committed in pursuance of administrative acts involves the subsequent adoption of new acts, what indicates about interrelation of not only administrative acts adopted (issued)

by an executive authority, but also administrative-legal actions preceding or deriving from their adoption (issuance). This is one of the manifestations of the continuity of managerial process.

The same is true when considering the correlation of administrative-legal actions and administrative contracts.

All administrative-legal actions (inaction) of an executive authority body or its official have one goal, the achievement of which leads to the effectiveness of the very actions (inaction) – issuance (adoption) of administrative acts, conclusion of administrative contracts. Otherwise, there is no need for the functioning of the very body of the state.

Accordingly, administrative acts and administrative contracts are the culmination of all the administrative-legal actions of the body of the state. So, for example, the purpose of an official's requirement to provide documents for verification is a revealing of violations to restore the rights through an individual administrative act – order (proposal, etc.). The purpose of conclusion of an administrative contract is rational implementation of public powers by the bodies of executive power. Note that in some cases this final action also is of a mesne nature and formalized additionally by an administrative act. Bringing to administrative responsibility, usually, occurs on the basis of a protocol on an administrative offense, which, in turn, is an action entailing legal consequences. Application of the measures of ensuring proceedings on a case is formalized by such administrative-legal action as protocol. This action also entails a legal consequence – taking a decision on an administrative penalty (or on the termination of proceedings), which is an individual administrative act – the culmination of administrative-legal actions.

It means, on the one hand, issuance (adoption) of an administrative act, conclusion of an administrative contract and administrative-legal action – all these are independent forms of managerial actions, but on the other hand, administrative acts and conclusion of administrative contracts in some way are the result of administrative-legal actions of an executive authority body and its officials.

Thus, administrative-legal actions can be considered in broad and narrow senses. In the broad sense as administrative-legal actions can be considered each of the managerial actions of executive authority body, but in the narrow one – only direct administrative-legal actions of the bodies delimited from other types of managerial actions. That is why the issuance (adoption) of administrative acts, conclusion of administrative contracts – it is also administrative-legal actions, but they are just of final nature, i.e., they are final administrative-legal actions. This is a conscious establishing of final action (conduct) that expresses the authoritative

expression of will of a body (official), is binding, and aimed at achieving the objectives of an authority [9, 7-8; 17, 109-111; 25, 143].

Thus, the nature of management process aimed at achieving a particular result – it is an objective criterion of distinguishing committing of administrative-legal actions from adoption (issuance) of administrative acts and conclusion of administrative contracts. The essence of this criterion is that the first reflect management process, and the second – its result. Administrative-legal actions contribute to the occurrence of the management process results – adoption (issuance) of administrative acts and conclusion of administrative contracts.

In fact, a public unilateral authoritative expression of will of an executive authority body (administrative act) is a final complex action that finishes a whole set of simple administrative-legal actions of the executive authority body. The conclusion of an administrative contract initially requires some simple administrative-legal actions, expressed, for example, in an imperious expression of will of an executive authority body to develop an administrative contract project, project preparation and other actions.

If you follow the proposed by us criterion of delimitation simple (primary) and final administrative-legal actions, it will allow you to distinctly resolve all the practical issues associated with the delimitation of the primary administrative-legal actions and administrative acts. For example, what is a protocol on administrative offence – an administrative act of intermediate nature [26, 285] or an administrative-legal action [10, 270]? Applying the proposed criterion of delimitation administrative acts or administrative-legal actions, it can be argued that protocol is a written administrative-legal action aimed at achieving its result – decision on administrative punishment or termination of proceedings on a case. Note that scientists distinguish legal management acts and protocols on administrative offences, which follows from the fact that they consider protocol as a document of written nature, which has legal significance, in the context of its differences from legal management act [19, 174].

Or there is another example. Unlawful demands of the head on inclusion in statistical reporting unrealistic numbers –is it an individual administrative act or administrative-legal action? Some scientists recognize these demands as insignificant management act [15, 115]. However, it seems to us, that in this case there is no administrative act, but a wrongful action takes place, since this demand is not of final nature.

If an official's refusal to meet the application of a citizen about violations in respect of the last of the current legislation is an individual administrative act, then

as administrative-legal actions, which precede this refusal, should be considered actions aimed at revealing these violations, expressed, for example, in the form of a verbal or written request of the official to submit documents.

The same is true, for example, in the refusal of the registration of citizen's property rights and so on.

Administrative-legal actions (but not tacit administrative acts!) can include traffic constable gesture, gesture of an authorized traffic officer to stop vehicle. This is a special form of expression of not management acts, but administrative-legal actions performed by specially authorized officials. This conclusion is based primarily on the fact that traffic rules are applied by authorized officials through regulation of traffic by gestures. Traffic lights signal – it is a technical form of expression of administrative-legal actions. Traffic lights – it's a kind mediated form of the gesture of traffic constable through technical means, but not a technical form of expression of law norms. This action aimed at the application of law norms. The matter is that traffic lights during regulating the movement of vehicles promote the application of traffic rules, and does not reflect these rules.

So, we can conclude that administrative-legal action is an authoritative expression of will of executive authority bodies (their officials) of written or oral nature, aimed at detailed regulation of the process of taking (issuance) of final decision (administrative act, administrative contract).

Legislation does not provide for mandatory pre-trial procedure of consideration in general of administrative-legal disputes, including consideration of applications for appeal of actions (inaction) of executive authority bodies and their officials. This means that an applicant has the right to choose the procedure (administrative or judicial one) of protection its rights and freedoms from violations by administrative-legal actions (inaction) (see: paragraph 1 resolution of the Decision of the Plenum of the Supreme Court of the RF No. 2 from February 10, 2009 [5]). Mandatory pre-trial procedure is provided for only in respect of appeal against the decisions (individual administrative acts) of certain executive authority bodies (paragraph 5 article 101.2 of the Tax Code of the RF).

However, scientists support the idea about the obligatoriness of pre-trial ways of settlement disputes on appeal, for example, administrative-legal actions of customs authorities [14, 6-7].

In general, of course, there are certain positive points of having a mandatory administrative procedure for appeal of administrative-legal actions (inaction). First of all, it is rapidness and operativeness of complaints consideration. However, on the other hand, even without taking into account article 46 of the RF Constitution,

which is the basis of preserving alternative procedure of complaints consideration, including against administrative-legal actions (inaction), then what for to appeal against these actions (inaction) for the second time (we mean to appeal to a higher authority) if an official on behalf of administrative authority and consequently the administrative authority in general had already expressed its position on this issue? Note that an inferior administrative authority commits administrative-legal actions (inaction) almost always being based on the position of a higher authority. Accordingly, the abolition of such decisions of an inferior body is usually accompanied by their low number.

In turn, an applicant, who appeals against administrative-legal actions (inaction), already does not agree with the decision of the body or its official. If to provide obligatoriness of special administrative complaint, thus, we make the applicant to apply again in executive authority body on the same issue. As an alternative to resolving this issue can be suggested consideration of a complaint against an individual administrative act by a collegial body [14, 7]. Yet, we think that the introduction of the rules of obligatoriness of appeal against administrative-legal actions (inaction) to a higher authority (superior official) would be inappropriate and create barriers to access to justice.

There are no doubts that the administrative-legal actions must be performed in accordance with the current legislation, with clear grounds and procedure. Legal mechanism of committing administrative-legal actions, according to I. A. Chizhov, includes grounds, content, limits, procedure and the consequences of their commission, as well as a list of competent officials [27, 24].

Elements of the mechanism of committing administrative-legal actions proposed by I. A. Chizhov are similar to the elements of such mechanism of judicial practice. In particular, when considering cases of appeal against administrative-legal actions (inaction) courts also ascertain competence of a body (official), compliance with the order of commission of an administrative-legal action (form, timing, grounds, procedure, etc.) and compliance of the content of the committed action (inaction) to the requirements of the legislation [5]. Administrative-legal action (inaction) is recognized illegal in violation of at least one of these requirements.

While agreeing in general with such elements of the mechanism of commission of administrative-legal actions (inaction), it seems correct, similarly to the requirements for administrative acts [8, 254; 11, 377-381; 22, 286, 288-291; 7, 440; 12 8-10], also allocate requirements to the legality of administrative-legal actions: substantive and procedural. Respectively, the substantive requirements for administrative-legal actions consist of requirements of the lawfulness of their content (compliance

with legislation, list of competent officials). In turn, the procedural requirements are represented in part of the form of action, order of performance, their entry into force, consequences and limits of performing.

We believe we should also use the analogy of the presumption of legality of administrative acts and apply it to administrative-legal actions – they are legitimate until appealed through administrative or court procedure. Since the appeal these actions should be considered as challengeable. As a result of judicial control they may be reclassified to unlawful actions.

With that, let's focus attention on the following feature of the requirements for administrative-legal actions. Due to the fact that they precede the issuance (adoption) of administrative acts, the non-compliance of requirements for commission of these actions entails the illegality of administrative acts taken on their basis. For example, in cases prescribed by law the non-compliance with the written form of such administrative-legal actions as drawing up a protocol on the excitation of a case on administrative offence implies the illegitimacy of subsequently adopted decision on administrative penalty. The request by an official exercising control and supervision of any documents not related to the subject of auditing, entails the voiding of the audit results, expressed, including, in issuing a binding individual administrative act – order (article 20 of the Federal Law No. 294-FL).

Thus, the requirements for the lawfulness of administrative-legal actions lie in the requirements of their compliance with the current legislation, as well as the competence of an official to the commission of certain administrative-legal actions (inaction).

References:

1. RF Law No. 4866-I from April 27, 1993 "On Appeal to Court against the Actions and Decisions that Violate the Rights and Freedoms of Citizens" [Zakon RF ot 27 aprelya 1993 g. № 4866-I «Ob obzhalovanii v sud deistvii i reshenii, narushayushchikh prava i svobody grazhdan»]. *Vedomosti SND RF i VS RF – Gazette of the Congress of People's Deputies of the RF and the Supreme Soviet of the RF*, 1993, no. 19, article 685.

2. Federal Law No. 294-FL from 26.12.2008 "On Protection of Legal Entities and Individual Entrepreneurs Rights in Implementation of State Control (supervision) and Municipal Control" (as amended on 12.11.2012) [Federal'nyi zakon ot 26 dekabrya 2008 g. № 294-FZ «O zashchite prav yuridicheskikh lits i individual'nykh predprinimatelei pri osushchestvlenii gosudarstvennogo

kontrolya (nadzora) i munitsipal'nogo kontrolya» (red. ot 12.11.2012)]. *System GARANT* [Electronic resource], Moscow: 2012.

3. Procedure for development and approval of administrative regulations for performing state functions (provision of state services), approved by the Decree of the Government of the Russian Federation No. 679 from November 11, 2005 [Poryadok razrabotki i utverzhdeniya administrativnykh reglamentov ispolneniya gosudarstvennykh funktsii (predostavleniya gosudarstvennykh uslug), utverzhdennyi postanovleniem Pravitel'stva Rossiiskoi Federatsii ot 11 noyabrya 2005 goda № 679]. *SZ RF – Collection of Laws of the Russian Federation*, 2005, no. 47, article 4933.

4. The decision of the Plenary Session of the Supreme Court of the Russian Federation No. 5 from March 24, 2005 "On some issues that arise in courts when applying the Code on Administrative Offences of the RF" [Postanovlenie Plenuma Verkhovnogo Suda Rossiiskoi Federatsii ot 24.03.2005 № 5 «O nekotorykh voprosakh, voznikayushchikh u sudov pri primenenii Kodeksa Rossiiskoi Federatsii ob administrativnykh pravonarusheniyakh»]. *Byulleten' Verkhovnogo Suda RF – Bulletin of the Supreme Court of the RF*, 2005, no. 6.

5. The decision of the Plenary Session of the Supreme Court of the Russian Federation No. 2 from February 10, 2009 "On the practice of consideration in courts of cases against decisions, actions (inaction) of state power bodies, local self-government bodies, officials, state and municipal servants" [Postanovlenie Plenuma Verkhovnogo Suda RF ot 10 fevralya 2009 g. № 2 «O praktike rassmotreniya sudami del ob osparivanii reshenii, deistvii (bezdeistviya) organov gosudarstvennoi vlasti, organov mestnogo samoupravleniya, dolzhnostnykh lits, gosudarstvennykh i munitsipal'nykh sluzhashchikh»]. *Byulleten' Verkhovnogo Suda RF – Bulletin of the Supreme Court of the RF*, 2009, no. 4.

6. Review of legislation and judicial practice of the Supreme Court of the Russian Federation for the first quarter of 2010 [Obzor zakonodatel'stva i sudebnoi praktiki Verkhovnogo Suda Rossiiskoi Federatsii za pervyi kvartal 2010 goda]. *Byulleten' Verkhovnogo Suda RF – Bulletin of the Supreme Court of the RF*, 2010, no. 9.

7. *Administrative Law of Ukraine* [Administrativnoe pravo Ukrainy]. Under edition of S. V. Kivalov and others, Kharkov: Odissey, 2004.

8. *Administrative Law: Textbook* [Administrativnoe pravo: uchebnik]. Under edition of L. L. Popov, Moscow: Jurist ", 2002.

9. *Managerial Apparatus of a Socialist State* [Apparat upravleniya sotsialisticheskogo gosudarstva]. Part 2, Moscow: 1977.

10. Bakhrakh D. N. *Administrative Law: Textbook* [Administrativnoe pravo: uchebnik]. Moscow: Norma, 2002.

11. Bakhrakh D. N., Rossinskii B. V., Starilov Yu. N. *Administrative Law: Textbook* [Administrativnoe pravo: uchebnik]. 3rd edition revised and supplemented, Moscow: Norma, 2008.

12. Bakhrakh D. N., Khazanov S. D. *Forms and Methods of Public Administration: Study Guide* [Formy i metody deyatel'nosti gosudarstvennoi administratsii: Ucheb. Posobie]. Ekaterinburg: 1999.

13. Vasil'ev R. F. *Managerial Acts (meaning, problems of research, notion)* [Akty upravleniya (znachenie, problema issledovanii, ponyatie)]. Moscow: publishing house of MSU, 1987.

14. Davydova E. V. *Pre-trial Procedure for Appealing Decisions, Actions (inaction) of Customs Bodies and their Officials*: thesis of a candidate of legal sciences [Dosudebnyi poryadok obzhalovaniya reshenii, deistvii (bezdeistviya) tamozhennykh organov i ikh dolzhnostnykh lits : diss. ... kand. yuridich. Nauk]. Moscow: 2008.

15. Demin A. A. The Legality of a Managerial Act – a Written Request of Administrative Jurisdiction [Zakonnost' akta upravleniya – pis'mennoe trebovanie administrativnoi yurisdiktsii]. *Problemy protivodeistvoiya administrativnoi deliktnosti: materialy nauchno-prakticheskoi konferentsii, posvyashchennoi 75-letiyu zasluzhennogo deyatelya nauki RF d. yu. n., professora A. P. Shergina (g. Moskva, 23 iyunya 2010 g.) – Issues of Combating Administrative Delinquency: proceedings of scientific-practical conference dedicated to 75th anniversary of the Honored Scientist of RF, Doctor of law, Professor A. P. Shergin (Moscow, June 23, 2010)*, Editor-in-chief A. S. Dugenets, Mosc*ow:* All-Russian Research institute of the MIA of Russia, 2010.

16. Kozbanenko V. A. *Types and Legal Forms of State Managerial Decisions* [Vidy i pravovye formy gosudarstvennykh upravlencheskikh reshenii]. Moscow: 2002.

17. Kozlov Yu. M., Frolov E. S. *Law and Scientific Organization of Management* [Nauchnaya organizatsiya upravleniya i pravo]. Moscow: publishing house of MSU, 1986.

18. Kononov P. I. *Administrative Law. General part: Course of Lectures* [Administrativnoe pravo. Obshchaya chast': Kurs lektsii]. Kirov: 2002.

19. Korenev A. P. *Administrative Law in Russia. Textbook. In 3 parts. Part I* [Administrativnoe pravo Rossii. Uchebnik. V 3-kh chastyakh. Chast' I]. Moscow:

Moscow Juridical Institute of the MIA of Russia: publishing house Shchit-M, 1999.

20. Masharov I. M. *Administrative and Public Activity in Russia. Problems of Legal Regulation. Monograph* [Administrativno-publichnaya deyatel'nost' v Rossii. Problemy pravovogo regulirovaniya. Monografiya]. Moscow: 2009.

21. Mel'nikov V. A. *Administrative Law of the Russian Federation (General Part): Study Guide* [Administrativnoe pravo Rossiiskoi Federatsii (Obshchaya chast'): Uchebnoe posobie]. Volgograd: publishing house of Volgograd Academy of the MIA of Russia, 2004.

22. Popov L. L., Migachev Yu. I., Tikhomirov S. V. *Administrative Law: Textbook* [Administrativnoe pravo: uchebnik]. 2nd edition, revised and supplemented, Moscow: Prospekt, 2009.

23. Slesareva E. S. *Individual Acts of Management*: thesis abstract of a candidate of legal sciences [Individual'nye akty upravleniya. Avtoreferat dis. … kand. yurid. nauk]. Moscow: 1984.

24. Tokarev O. V. *Administrative Acts: Substantive and Procedural Issues of Modern Theory*: thesis abstract of a candidate of legal sciences [Administrativnye akty: material'nye i protsessual'nye problemy sovremennoi teorii. Avtoreferat dis. … kand. yurid. nauk]. Voronezh: 2001.

25. Tumanov G. A. *Management Organization in the Field of Public Order Protection* [Organizatsiya upravleniya v sfere okhrany obshchestvennogo poryadka]. Moscow: 1972.

26. Khazanov S. D. Code of Administrative Court Procedure: Concept and Juridical Instruments [Kodeks administrativnogo sudoproizvodstva: kontseptsiya i yuridicheskii instrumentarii]. *Teorija i praktika administrativnogo prava i processa – Theory and Practice of an Administrative Law and Procedure*: Proceedings of the all-Russian scientifically-practical conference dedicated to memory of Professor V. D. Sorokin (setl. Nebug, Ocnober 13-14, 2006), executive editor Professor V. V. Denisenko, Associate professor A. G. Ehrtel', Kuban'kino, Krasnodar: 2006.

27. Chizhov I. A. *Administrative-legal Actions*: thesis of a candidate of legal sciences [Administrativno-pravovye deistviya: Diss. … kand. yurid. nauk]. Belgorod: 2005.

28. Yusupov V. A. *Scientific Organization of Work of Executive Branch* [Nauchnaya organizatsiya ispolnitel'noi vlasti]. Volgograd: 1998.