



International Science Group

JSG-KONF.COM

|  
INTERNATIONAL SCIENCE CONFERENCE  
ON MULTIDISCIPLINARY RESEARCH

Berlin, Germany  
January 19 – 21

ISBN 978-1-63684-352-0

DOI 10.46299/ISG.2021.I.I

## THE CONCEPT OF CORPUS DELICTI IN UKRAINIAN ADMINISTRATIVE LAW

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All kinds of illegal behavior are characterized by a huge number of factual features, many of which have no legal significance. The sex of the offender, his marital status, race or nationality are completely irrelevant to the qualification of an act as an administrative offense. It doesn't matter if he acted alone or with accomplices. It does not matter at what time of year and in what weather the encroachment was committed, etc. Only certain features of the actual act (for example, age of the offender, his official position, form of illegal behavior, mental state, etc.) have qualifying value.

The answer to the question of which features of the actual act are legally significant, and which - insignificant, gives the administrative tort rule. It contains a legislative description of all important (from the point of view of qualification) characteristics of an administrative offense - its legal features. In order to qualify an administrative offense, the authorized entity must compare the actual act with the rule of law and establish the presence of all legal signs of administrative offense in the general array of factual signs of encroachment [1; 2].

Qualification of an administrative offense is a rather complex logical process. First, no separate administrative tort rule contains a complete description of an administrative offense. For example, Art. 175 of the special part of Code of Administrative Offenses "Violation of the requirements of fire safety established by the legislation" fixes only the general signs of the corresponding action. This article does not mention the content of illegal actions (inaction), nor the public danger of encroachment, nor the form of guilt with which it is committed. To establish the relevant features, it is necessary to refer to the provisions of the General Part of the Code of Administrative Offenses (Articles 9, 10, 11, 12, etc.), the Law of Ukraine "On Fire Safety", relevant acts of the Ministry of Internal Affairs of Ukraine and fire safety authorities. Secondly, from the huge number of circumstances of a particular life case, the subject of qualification must promptly and unmistakably select those that fully meet the characteristics of administrative offense specified in the law.

This is not easy to do, especially given the existence of very similar administrative offenses (for example, violation of the order of settlements in foreign currency (Part 3 of Article 155-1 of the Code of Administrative Offenses) and violation of rules on foreign exchange transactions (Article 162 of the Code of Administrative Offenses) and significant similarities certain administrative offenses, crimes and civil torts (see, for example: Article 89 of the Code of Administrative Offenses "Animal Cruelty"; Article 299 of the Criminal Code of Ukraine "Animal Cruelty"; Article 340 of the Civil Code of Ukraine ("Causing the death of a detainee neglected pet").

In order to facilitate the qualification process in administrative law, a special logical structure was formed - the *corpus* administrative delicti [3; 4]. The *corpus*

administrative delicti is a kind of template on the basis of which the factual features of any act are correlated (compared, compared) with the legal features of existing administrative offenses. It allows us to draw a conclusion about the social danger of the act, to specify it, to distinguish it from other similar ones, to choose the appropriate measure of state coercion.

The legislator does not disclose the meaning of the term “*corpus administrative delicti*” (the only official reference to this term is found in Article 247 of the Code of Administrative Offenses, which refers to circumstances that preclude proceedings in cases on administrative offenses) [5].

Based on the analysis of the scientific literature, the composition of an administrative offense can be defined as: a system of objective and subjective features provided by the law, which characterize a concrete factual action as an administrative offense.

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