

Volgograd State Medical University
Department of Philosophy, Bioethics and Law

Lectures on Law

Lecture 3.

Administrative law.

What is Administrative law?

- **Administrative law** is that branch of the law, which is concerned with the composition of powers, duties, rights and liabilities of the various organs of administrative agencies of the Government.
- **Administrative law** is considered a branch of public law.

History of Administrative law

- The rapid growth of administrative Law in modern times is the direct result of the growth of administrative powers.
- Administrative law expanded greatly during the twentieth century, when legislative bodies worldwide created more government agencies to regulate the increasingly complex social, economic and political spheres of human interaction.

- The ruling ideology of the 19th century was *Laissez faire* which manifested itself in the theories of individualism, individual enterprise and self help. The management of social and economic life was not regarded as government responsibility.
- Thus the growth of administrative law is to be attributed to a change of philosophy as to the role and function of State. The shifting of gears from *laissez faire State* to *social welfare State* has resulted in change of role of the State.

- The State today pervades every aspect of human life.
- The administrative law has come to stay because it provides an instrument of control of the exercise of administrative powers.
- The administrative law has to seek balance between the individual rights and public needs.

Rule of law

- The Expression “Rule of Law” plays an important role in the administrative law.
- It provides protection to the people against the arbitrary action of the administrative authorities.
- Simply speaking, it means supremacy of law or predominance of law .

Basic Principles of the Rule of Law

- Law is Supreme, above everything and everyone. Nobody is the above law.
- All things should be done according to law and not according to whim.
- No person should be made to suffer except for a distinct breach of law.
- Equality before law and equal protection of law.

- Discretionary should be exercised within reasonable limits set by law.
- Adequate safeguard against executive abuse of powers.
- Independent and impartial Judiciary.
- Justice procedure.

Code of the Russian Federation on Administrative Offenses

- It is the administrative offences law for Russia.
- The Code of Administrative Offences of the Russian Federation was adopted on December 30, 2001.
- The Code serves as a comprehensive legal act to set the forms and extent of administrative liability for offences in various aspects of Russian law.

Aims of the Legislation on Administrative Offences

- The aims of the legislation on administrative offences are: the protection of the person, of human and civil rights and freedoms, of citizens' health, of the sanitary-and-epidemiological well-being of the population, the defense of public morals, protection of the environment, of the established procedure for exercising state powers, of public order and security, of property, the protection of the lawful interests of natural persons and legal entities, society and the state from administrative offences, as well as the prevention of administrative offences.

Principle of Equality before Law

- Persons who have committed administrative offences are equal before the law.
- Physical persons are administratively liable, regardless of their sex, race, nationality, language, origin, property or official status, residence, attitude to religion, opinions, participation in social associations, or other circumstances.

Presumption of Innocence

- A person shall be administratively liable only for those administrative offences, in respect of which his guilt has been established.
- A person who is on trial for an administrative offence shall be regarded innocent until his guilt is proved in the procedure established by Code and determined by a lawful decision of the judge, or of the body, or of the official who has considered his case.

Administrative Offence

- A wrongful, guilty action (omission) of a physical person or legal entity which is administratively punishable under Code or the laws on administrative offences of subjects of the Russian Federation must be regarded as an administrative offence.

Administrative Responsibility of Foreign Citizens

- Foreign citizens, stateless persons and foreign legal entities who have committed administrative offences on the territory of the Russian Federation are administratively liable on general grounds.

Age at which Person Becomes Administrative Liable

- A person who has attained the age of sixteen years old by the moment of committing an administrative offence are administratively liable.

Aims of an Administrative Penalty

- An administrative penalty is a punitive measure for committing an administrative offence, established by the State, and it is administered for the purpose of preventing the commitment of new offences either by the offender himself, or by other persons.

Types of Administrative Penalties

- warning;
- administrative fine;
- confiscation of the instrument or the object of an administrative offence;
- deprivation of a special right granted to a physical person;
- administrative arrest;

- administrative deportation from the Russian Federation of a foreign citizen or a stateless person;
- disqualification;
- compulsory work.

Types of administrative offences

- Administrative Offences encroaching Upon Citizens' Rights
- Administrative Offences endangering the Health and Sanitary-and Epidemiological Well-Being of the Population and endangering Public Morals
- Administrative Offences in the Area of Property Protection
- Administrative Offenses Concerning Environment Protection and Wildlife Management

- Administrative Offenses in Industry, Construction and Energetics
- Administrative Offenses in Agriculture, Veterinary Medicine and Land Reclamation
- Administrative Offenses on Transport
- Road Traffic Administrative Offenses
- Administrative Offences in the Area of Communications and Information
- Administrative Offences in Business

- Administrative Offences Concerning Finance, Taxes and Fees, as Well as Security Market
- Administrative Offences in Customs Area (Violations of Customs Rules)
- Administrative Offences encroaching upon State Power Institutions
- Administrative Offences in the Area of Safeguarding the State Borders of the Russian Federation and treating Aliens and Stateless Persons on the Territory of the Russian Federation

- Administrative Offences against Government Procedures
- Administrative Offenses encroaching upon Public Order and Security
- Administrative Offenses in Military Registration