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LAIM AS PROCEDURAL MEANS OF PROTECTING THE RIGHTS, FREEDOMS AND INTERESTS IN ADMINISTRATIVE PROCEEDINGS

The article is devoted to the legal nature of administrative action as procedural remedy, freedoms and interests of public law issues, which is provided by the actual implementation of the subjective right of appeal to the administrative court to resolve public law disputes.

Creation administrative justice as an integral part of the national legal system and mechanism to ensure the rights and freedoms in Ukraine causes necessitates to research individual components of the institution. The problems associated with defining the characteristics of a human rights instrument, as an administrative claim, providing the initiation of judicial protection of the rights and freedoms of citizens against arbitrary decisions, actions or inaction of government agencies, which occurs by the rules of administrative proceedings.

It is analyzed the nature of the administrative and judicial protection of rights, freedoms and interests, not only aimed at recognizing the illegality of decisions, acts or omissions, but also for the restoration of the right to use certain social benefits or to encourage government entities to provide assistance in the realization of this right, as an example – eligible to receive certain social services.

The author explores the concept of action as a universal legal instrument that drives the entire legal process to protect the rights, freedoms and legitimate interests.

It is noted that the administrative claim is always associated with the dispute of right or interest, which leads to the presence of the parties and the dispute proceeds in procedural form. It is noted that the claim form and an administrative claim is a different legal category. Thus, there was a dispute about the right or interest is a fundamental and integral feature of an administrative claim as a claim for the protection of established order, the rights and freedoms of citizens, organizations and the state of public offenses, which implies the opposite party and the court obliged to consider solve the dispute between the parties. It is through administrative action is a transition of public law of conflict between the relevant entities of public law relations to the stage dispute shall be submitted to the administrative court.