



ADMINISTRATIVE LIABILITY IN UKRAINE: CONTEMPORARY CHALLENGES AND DEVELOPMENT PROSPECTS

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ABSTRACT

Objective: To analyze the current state of administrative liability in Ukraine, assess contemporary challenges, and outline development prospects amid European integration, public administration digitalization, and conditions of martial law.

Methods: The study employs formal-legal methods to examine existing legislation, comparative legal analysis to evaluate international and European practices, a systemic approach to interpret administrative liability as part of Ukraine's legal architecture, and logical analytical methods to identify major trends, shortcomings, and directions for reform. The empirical basis includes Ukrainian legal acts, judicial decisions, international agreements, and scholarly literature.

Results: Findings demonstrate that administrative liability remains a key mechanism for ensuring legality and public order. The research identifies essential developments driven by legal reforms, digital transformation and European integration requirements. Notable trends include the simplification of administrative procedures, the introduction of electronic systems for detecting and processing offenses, decentralization of administrative control, and reduction of regulatory pressure on businesses. At the same time, contemporary challenges, legal uncertainty, fragmented norms, risks of administrative abuse and the effects of martial law, highlight the need for substantial modernization of liability mechanisms.

Conclusion: The study concludes that Ukraine's system of administrative liability requires comprehensive reform. Key priorities include legislative improvement, enhanced transparency, protection of citizens' rights and freedoms, effective digitalization of administrative processes, and alignment with European standards. A holistic approach is necessary to ensure fair, efficient, and rights-respecting administrative enforcement in line with the principles of the rule of law.

Keywords: Administrative responsibility; Legal responsibility; European integration, Digitalisation, Administrative law, Legal reform, Martial law



RESPONSABILIDADE ADMINISTRATIVA NA UCRÂNIA: DESAFIOS CONTEMPORÂNEOS E PERSPECTIVAS DE DESENVOLVIMENTO

RESUMO

Objetivo: Analisar o estado atual da responsabilidade administrativa na Ucrânia, seus desafios contemporâneos e as perspectivas de desenvolvimento diante dos processos de integração europeia, digitalização da administração pública e condições de lei marcial.

Métodos: O estudo utiliza métodos jurídicos formais para examinar a legislação vigente, métodos comparativos para confrontar práticas internacionais e europeias, abordagens sistêmicas para compreender a responsabilidade administrativa como parte integrada do sistema jurídico ucraniano e métodos analítico-lógicos para identificar tendências, problemas e direções de reforma. A base empírica inclui atos normativos, decisões judiciais, acordos internacionais e literatura científica especializada.

Resultados: A pesquisa evidencia que a responsabilidade administrativa desempenha papel fundamental na manutenção da ordem pública e na garantia da legalidade. Foram identificadas transformações relevantes decorrentes das reformas administrativas, do avanço da digitalização e das exigências da integração europeia. Destacam-se tendências como simplificação dos procedimentos administrativos, introdução de sistemas eletrônicos de processamento de infrações, descentralização do controle administrativo e mitigação da pressão regulatória sobre atividades empresariais. Ao mesmo tempo, desafios contemporâneos, como incerteza jurídica, fragmentação normativa, riscos de abuso de poder e impactos do regime de lei marcial exigem atualização profunda dos mecanismos de responsabilização.

Conclusão: Conclui-se que o sistema de responsabilidade administrativa na Ucrânia requer modernização abrangente, com aprimoramento legislativo, maior transparência, fortalecimento das garantias dos direitos e liberdades, digitalização eficaz e harmonização com padrões europeus. Uma abordagem integrada é essencial para assegurar aplicação justa, eficiente e compatível com o Estado de Direito.

Palavras-chave: Responsabilidade administrativa; Responsabilidade jurídica; Integração europeia, Digitalização, Direito administrativo, Reforma jurídica, Lei marcial

1 INTRODUCTION

The article explores the current state of administrative liability in Ukraine, its role in maintaining public order, and the necessity of modernizing this legal institution in light of European integration processes, digitalization of public administration, and increasing security challenges.

At the present stage of Ukraine's economic and socio-legal development, administrative liability serves as a key mechanism for upholding legality and public order. It arises as a legal consequence of violations of administrative law norms due to improper fulfillment of rights and obligations by individuals and legal entities in various areas of public administration. Through the mechanism of administrative liability, the state regulates social relations, ensuring legal order and discipline.



In the context of European integration, digital governance, and growing security threats, particularly due to the ongoing state of war, administrative liability is acquiring new dimensions. On the one hand, it remains an essential instrument for implementing state policy; on the other, it requires modernization to align with contemporary law enforcement standards. The lack of clear legal mechanisms governing administrative liability in certain areas poses risks of excessive administrative pressure, which may adversely affect business freedom and citizens' rights.

Given the ongoing legal reforms in Ukraine, improving administrative liability regulations is crucial to enhancing transparency and efficiency in enforcement procedures. Achieving a balance between public order protection and safeguarding individual rights and freedoms is essential. The development of electronic governance, particularly the use of digital platforms for recording administrative offenses, enhances objectivity and reduces corruption risks in law enforcement.

As a legal phenomenon, administrative liability possesses a deep social nature, combining general characteristics with unique properties that define its role in modern legal order. It functions as a mechanism for responding to violations of administrative law norms that result from failure to fulfill obligations or abuse of rights by entities within public administration. Thus, administrative liability plays a crucial role in Ukraine's legal system, ensuring effective control over compliance with established norms and reinforcing the rule of law.

At this stage of Ukraine's societal development, the need for further improvement of the legal regulation of administrative liability remains highly relevant. This includes not only the precise definition of legal frameworks and procedures for imposing sanctions but also ensuring adequate protection of rights and freedoms for individuals subject to administrative jurisdiction. Establishing effective mechanisms for protecting individuals held administratively liable is a key factor in building a democratic and rule-of-law state. Therefore, continued research and improvement of theoretical and normative aspects in this field will contribute to ensuring fair and transparent enforcement in line with European legal standards.

The relevance of this study is determined by the need to enhance the effectiveness of administrative legal responses to offenses, improve liability mechanisms, and align national legislation with European Union standards. One of the primary challenges remains the lack of clear legal provisions, their fragmentation, and

the complexity of legal enforcement, which creates opportunities for abuse and legal uncertainty.

This article examines the current state of administrative liability in Ukraine, analyzes key challenges and problems in its functioning, and outlines prospective directions for its development, considering international experience and national regulatory specifics.

The institute of administrative liability has been studied by both domestic and foreign scholars, including V. B. Averyanov, O. A. Banchuk, I. V. Havrushchenko, S. T. Honcharuk, S. L. Dembitska, and others. They have explored various aspects of this legal phenomenon, including its nature, legal framework, scope of application, and role in public administration and law enforcement. Notably, N. V. Hryshyna has made significant contributions to the study of administrative liability, offering one of the most comprehensive analyses of the subject. Her research extensively examines legislative acts regulating administrative liability, its functional purpose, its correlation with other types of legal responsibility, and the specific application of administrative sanctions in different areas of public life. Her work has contributed to a deeper understanding of the mechanism of administrative liability enforcement and the improvement of relevant legislation.

2 METHODS

The methodological framework of this study is based on a combination of general scientific and special legal research methods, enabling a comprehensive analysis of the current state of administrative liability in Ukraine and an assessment of its development prospects. Specifically, the formal-legal method was applied to analyse existing legislation and law enforcement practices regulating administrative liability. The comparative-legal method was used to examine the experience of the European Union and international standards in the field of administrative law.

The systemic approach allowed for the consideration of administrative liability as an integral component of the national legal system, taking into account its socio-economic and political context. Methods of logical analysis and forecasting were employed to justify prospective directions for the development of administrative-legal regulation.

The empirical basis of the study comprises normative legal acts of Ukraine, judicial decisions, international agreements, and scholarly works of leading Ukrainian and foreign experts in the field of administrative law.

3 RESULTS AND DISCUSSIONS

The issue of responsibility is an object of active scientific research and is considered as a person's freedom to choose models of behaviour and perform certain actions. At the same time, responsibility is interpreted as the obligation to comply with certain norms, including moral, legal, political and other aspects (Grishina, N. V., 2006).

The modern approach to the concept of "responsibility" encompasses an expanded understanding that includes not only the retrospective aspect, which relates to the consequences of legal violations, but also positive responsibility. The latter reflects an individual's conscious attitude toward their own behavior, the fulfillment of obligations to society, the state, and specific social groups. This approach plays a key role in preventing legal violations and ensuring public order.

The scientific literature actively discusses the importance of administrative liability as a component of the legal liability system. It is through the mechanisms of administrative liability that public authorities exert influence on persons who violate the established legal provisions (Gavrushchenko, I. V., 2012).

As N. V. Grishina notes, 'responsibility is formed in connection with the social need to regulate the behaviour of individuals in the context of social relations, defining the boundaries, framework of acceptable behaviour and the requirements of society to each of its members. It implies the inevitability of consequences for one's actions to those persons or organisations that have the right to demand compliance with the rules' (Grishina, N. V., 2008). This leads to the conclusion that responsibility is an integral part of the existence of society and its legal order.

According to I. Holosnichenko, administrative liability is one of the forms of legal liability which is expressed in the system of administrative legal relations. It arises in cases where authorised bodies or officials apply special sanctions in the form of administrative penalties provided for by administrative legislation to persons who have committed an administrative offence (Averyanov, V. B., 2004).

There are also alternative views on the essence of administrative liability. Thus, L. Koval defines it as the process of applying to offenders the generally binding norms governing relations in the field of public administration and other areas of public life by imposing administrative penalties (Koval, L. V., 1996). At the same time, V. Kolpakov interprets administrative liability as a coercive legal mechanism implemented by authorised bodies in compliance with established procedures and provides for the application of legal measures to violators, which they are obliged to comply with (Kolpakov, V. K., 2004).

With regard to administrative and legal liability, T. I. Tarakhonych defines it exclusively as a type of negative (retrospective) legal liability which provides for the application of administrative penalties to violators. It has a distinct public nature, since its implementation is carried out by the state through authorised bodies (Tarakhonych, T. I., 2009).

V.F. Opryshko argues that administrative liability should be understood as the application by an authorised body or official of an administrative penalty to a person who has committed an offence which by its nature does not provide for criminal liability under current legislation. Administrative liability is established by laws and regulations or their provisions on administrative offences. These acts define the corpus delicti of administrative offences and sanctions, and in some cases, the procedure for their application (Opryshko, V. F., Shulzhenko, F. P., Shymon, S. I., et al., 2003).

O.M. Shchukin notes that administrative liability is a special type of legal liability, and is also a specific form of adequate state response to unlawful actions by individuals and legal entities. Measures of legal liability applied to the offender and which he is obliged to comply with lead to burdensome property, moral or other restrictions. Thus, the offender is liable to the state and society for unlawful behaviour (Shchukin, O. M., 2014).

At the same time, A. Oliynyk proposes a broader approach, considering administrative liability in two aspects: prospective (positive) and retrospective (negative). In the prospective sense, it is manifested in the conscious and responsible attitude of the subject of administrative law to the performance of its duties and compliance with the established restrictions. From the retrospective point of view, administrative liability reflects a special type of legal relationship between the state (its bodies or officials) and the offender, aimed at responding to the committed offence,

determining liability and applying appropriate administrative sanctions (Oliynyk, A. Yu., 2006).

A. Y. Oliynyk distinguishes among the features of administrative liability the basic and derivative ones. The key characteristics of this type of legal liability include the following: 1) it is a means of protecting the established legal order; 2) it is normatively defined and consists in the application of sanctions under administrative law; 3) it is accompanied by condemnation by the State of the offender and the offence; 4) it is associated with the use of coercion and negative consequences for the offender; 5) it is implemented in procedural forms determined by law.

According to A. Oliynyk, the derivative characteristics of administrative liability include the following: 1) the grounds for administrative liability are not only misdemeanours under administrative law, but also violations under other branches of law (e.g., housing, labour, land, etc.); 2) administrative liability consists in imposing administrative penalties on the perpetrators; 3) the right to bring to administrative liability belongs to state bodies and their officials; 4) there is a special procedure for bringing to administrative liability, etc. (Oliynyk, A. Yu., 2006).

It is worth noting that discussions on the nature of administrative liability in academic sources often raise the same issues that have been characteristic of the general definition of legal liability. In other words, the general theoretical problems of legal liability have frequently been transferred to the level of sectoral legal sciences, where they have undergone specialized and narrowly focused conceptualization.

At the time of the author's dissertation and monograph publication in 2006, scholars actively debated the essence of administrative liability. The evolving approaches to the subject of administrative law required a reassessment of the place and role of administrative liability in Ukraine's legal system. Given the transformation of national legislation and the search for an optimal administrative-legal regulation model, the analysis of various concepts and approaches to this legal phenomenon was both justified and necessary (Rodrigues, L. C., Dagobi da Silva, R., Espinosa, S. M., & Riscarolli, V. 2024). However, considering the modern development of the legal system, the question of defining the essence of administrative liability has lost its relevance due to several objective factors, which are discussed below.

The "Managerial Concept of Administrative Liability" originated under the influence of Soviet-era legal doctrines, where the state and its coercive power played a

central role in law enforcement. In this model, administrative liability was primarily viewed as a mechanism for maintaining state order and ensuring compliance with established rules. However, the modern approach to administrative liability has significantly evolved. While it remains a tool of state coercion, its primary function is no longer limited to protecting state interests or enforcing administrative norms. Today, administrative liability is increasingly regarded as a means of protecting the rights and legitimate interests of individuals and citizens, aimed at balancing public and private interests in a democratic society.

The "Public Service Concept of Administrative Liability" emerged as a reaction to the radical critique of the managerial concept. However, its proponents overemphasized the service-oriented nature of legal relations, disregarding the specific features of administrative liability. While public service relations indeed develop in the provision of public services, with administrative services playing a key role, attempts to classify administrative liability as a type of "protective service" are conceptually flawed. This approach not only alters the essence of administrative law but may also lead to its misinterpretation, which could negatively impact the development of administrative offense legislation and the formation of a modern national doctrine of administrative law.

The "Human Rights Protection Concept" of administrative liability presents a balanced approach to its content, as it acknowledges both state coercion elements and mechanisms for safeguarding human rights and freedoms. This concept perceives administrative liability not only as a law enforcement tool but also as a mechanism for restoring violated rights, making it a key element of a democratic legal system. By combining coercive measures with a human rights protection function, this approach has become dominant in modern legal scholarship, reflecting current trends in the development of administrative law doctrine.

D. M. Lukianets in his research notes that among all types of legal liability, administrative liability is one of the most diverse, as it covers a wide range of offences and a significant number of bodies authorised to exercise administrative jurisdiction. It combines two aspects: on the one hand, it is a component of the executive and administrative activities of public administration bodies, and on the other hand, it is a specific type of law enforcement activity related to the application of administrative sanctions to violators of administrative and other legal norms in the field of governance (Lukianets, D. M., 2006).

Analysing the peculiarities of administrative liability, O. Yashchuk defines it as one of the forms of legal liability which is a specific mechanism of the State's response to administrative offences. It is implemented through the activities of authorised bodies that impose administrative penalties on offenders, which cause negative consequences of both material and moral nature. In certain cases provided for by the Code of Ukraine on Administrative Offences (CUAO), administrative liability may also include additional measures of influence (Yashchuk, O., 2009).

In view of the above, administrative liability as a definition should be formulated as follows: 'administrative liability is a type of legal liability that manifests itself as the compulsory application of administrative penalties to offenders in accordance with the procedure established by law and by authorised bodies and officials, in compliance with the established procedure, which entail for these persons unfavourable burdensome consequences of measures of influence of a personal, property and other nature provided for by law for committing an administrative offence'.

Administrative liability can only be exercised if there are three interrelated components: 1) committing actions that violate the prohibition established by the Code of Administrative Offences or other regulatory acts; 2) initiating, investigating, considering a case and making a decision to apply to the person who committed the unlawful act a sanction provided for by the Code of Administrative Offences or other regulatory acts, or to release him/her from it; 3) executing the decision (Borodin, L. I., & Kruglov, V. A., 2012). Based on the foregoing, namely, on the study of scholars' views on the concept of administrative liability, it can be concluded that administrative liability has the following features 1) general features which are characteristic of legal liability in general; 2) special features which distinguish administrative liability from other types of legal liability (Zaiats, R. Ya., 2012).

Changes in Ukrainian legislation regarding administrative liability have consistently remained a subject of interest for scholars and practitioners, as they directly impact law enforcement efficiency, public order maintenance, and the protection of citizens' rights. Recently, due to internal and external challenges, including public administration reforms and European integration processes, there has been an objective necessity to rethink approaches to administrative liability.

Currently, the ongoing reforms in administrative and legal regulation aim not only to ensure a proper level of public order but also to harmonize the national legal

system with European standards. These changes reflect broader legal transformations, driven by socio-economic developments and Ukraine's international obligations. One of the key aspects of these reforms is the enhancement of regulatory efficiency, requiring the modernization of administrative liability mechanisms to address contemporary challenges.

One of the most noticeable trends in recent years has been the simplification of administrative liability procedures, which reduces judicial workload and accelerates the consideration of administrative cases (Panagiotou, 2025). A significant breakthrough in this area has been the digitalization of law enforcement, particularly the introduction of automated systems for detecting offenses, such as those in traffic regulation. Furthermore, substantial amendments have been made to substantive law governing administrative liability, particularly in public order protection, consumer rights defense, and environmental safety. These changes respond to the increasing number of socially significant offenses that pose a potential threat to public security.

While there has been a tightening of liability for socially hazardous actions, an opposite trend has emerged regarding business regulation—a reduction in administrative pressure on entrepreneurial activity. This is reflected in simplified administrative procedures and mitigated sanctions for small and medium-sized enterprises, fostering a favorable investment climate and promoting economic growth.

Another critical area requiring attention is changes in law enforcement practices. A major innovation has been the implementation of electronic platforms for handling administrative cases, enabling citizens to submit documents remotely, monitor case progress, and receive legal decisions. This significantly facilitates access to justice, minimizes corruption risks, and enhances public trust in state authorities.

The harmonization of national legislation with European standards remains a key vector in the development of administrative liability in Ukraine. This involves aligning legal norms with international agreements and conventions, thereby strengthening citizens' legal guarantees and reinforcing Ukraine's European integration efforts.

At the same time, domestic political challenges continue to shape the evolution of administrative liability. The martial law regime and crisis situations caused by armed aggression against Ukraine have necessitated new legislative measures to strengthen control over legal compliance and increase liability for actions that threaten national security. However, the state strives to maintain a balance between strict law

enforcement and human rights protection, which remains a cornerstone of democratic governance.

From our perspective, legislative changes in the field of administrative liability in Ukraine are multidimensional and systematic, aimed at modernizing the legal system in response to contemporary challenges and societal needs. These reforms reflect the aspiration to create a more adaptive and effective administrative regulatory mechanism, which integrates modern enforcement practices with Ukraine's strategic national priorities.

The contemporary challenges facing the system of administrative liability in Ukraine necessitate its further improvement and adaptation to dynamic law enforcement conditions. One of the key tasks remains ensuring an effective administrative liability mechanism under martial law, where compliance with public order becomes critically important. In this context, it is crucial to maintain a balance between strengthening state control and protecting fundamental rights and freedoms, which requires a flexible approach to the application of administrative sanctions that should serve both preventive and corrective functions.

Furthermore, the development of digital technologies introduces new demands on administrative law enforcement, particularly in automating the review of administrative cases. The implementation of electronic systems not only reduces case processing time and minimizes corruption risks but also enhances transparency and accessibility of administrative procedures for citizens. However, this requires appropriate technical infrastructure, highly trained personnel, and the development of a comprehensive legislative framework to regulate such systems. Additionally, risks related to cybersecurity, including data breaches and confidential information leaks, must be carefully considered.

Another strategic direction in the development of administrative liability is its harmonization with international standards, which is an integral part of Ukraine's European integration process. Aligning national regulations with international legal instruments will enhance trust in Ukraine's legal system, strengthen international cooperation, and ensure a higher level of human rights protection in administrative proceedings.

A crucial role in improving the administrative and legal mechanism is played by decentralization, which involves expanding the powers of local self-government bodies

in the area of administrative oversight. This approach will facilitate rapid responses to violations, taking into account regional specificities and community needs. However, it also requires clear coordination between central and local authorities, standardization of law enforcement practices, and the creation of effective mechanisms for cooperation.

An equally important aspect of administrative liability development is the consideration of global socio-economic changes. The increasing focus on environmental security and the need to combat climate change require enhanced administrative liability for violations of environmental protection laws. This entails expanding the list of administrative offenses in this field, increasing sanctions, and improving enforcement mechanisms. Additionally, ensuring public access to environmental information and creating effective legal remedies for challenging decisions of regulatory authorities is essential.

Thus, the future development of Ukraine's administrative liability system should be aimed at its comprehensive modernization, taking into account digitalization, European integration, decentralization, and global challenges, which will define the strategic directions for its enhancement.

4 CONCLUSIONS

The study establishes that administrative liability is a crucial legal mechanism requiring systematic improvement in response to new challenges, including digitalization, martial law, and European integration processes. Legislative changes aim to enhance legal enforcement efficiency, increase the transparency of administrative procedures, and harmonize Ukraine's legal system with European standards.

One of the key aspects of reform is the creation of an effective administrative liability mechanism, ensuring a balance between public order protection and safeguarding citizens' rights and freedoms. The automation of legal enforcement activities, the introduction of electronic systems for handling administrative cases, and the decentralization of administrative control will contribute to improving efficiency and transparency. However, maintaining legal certainty and preventing excessive administrative pressure on citizens and businesses remains crucial.

The harmonization of Ukrainian administrative law with international standards is among the core directions of legal reform. Aligning domestic norms with international treaties and conventions will strengthen legal guarantees for citizens and increase trust

in Ukraine's legal system at the international level.

The administrative liability system in Ukraine is undergoing significant transformations, necessitating a comprehensive approach to effectively address contemporary challenges. The success of these reforms depends on the state's ability to ensure adequate legal enforcement, adapt legislation to new realities, and simultaneously guarantee human rights and freedoms. This approach is key to establishing a transparent, fair, and effective system of administrative liability that meets society's needs and evolving challenges.

An analysis of legislative transformation in this area highlights Ukraine's commitment to adapting its legal framework to modern realities and European standards. In particular, the revision of administrative liability mechanisms, the optimization of case review procedures, and the active implementation of digital technologies are essential steps toward enhancing administrative regulation efficiency. However, the practical implementation of these changes requires not only legislative initiatives but also their effective execution, which significantly depends on the professional training of enforcement authorities and the active engagement of civil society.

It is crucial that proposed reforms foster greater public trust in the legal system and guarantee the protection of individual rights and freedoms. Thus, the further development of the administrative liability system should be based on improving legal norms, ensuring their effective application, and aligning them with international standards to promote legal stability and effective law enforcement.

Therefore, the future development of the administrative liability framework requires a comprehensive approach, encompassing legal norm enhancement, digital technology integration, enforcement mechanism development, and stronger international cooperation. Achieving these objectives will contribute to the development of a democratic legal state and reinforce the rule of law in Ukraine.

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