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SPECIAL ASPECTS OF ADMINISTRATIVE AND LEGAL REGULATION OF ACTIVITIES OF LOCAL SELF-GOVERNMENT BODIES

Korniyenko M. V.

INTRODUCTION

Legal relations that arise in the public sphere of society and the state during the receipt, use, distribution and storage of information, are characterized by considerable dynamism and instability of legal regulation. By providing diverse social processes, certain groups of these relations, as a result of the transformation of the model of relations between public authorities and citizens over time, lose their relevance and undergo radical changes. Thus, constantly changing and adjusted, the system of public needs in the information sphere contributed to changes and adjustments of administrative law. This, in turn, leads to the emergence of new or renewed social relations in the power and management sector (especially in the sphere of information circulation).

Such changes are especially noticeable in the course of fundamental updates of the power and management model, as the normative maintenance of its work is carried out mainly using the rules of administrative law. The need for streamlining and regulation of information relations requires the improvement and further legal consolidation of the legal status of their participants. In particular, it is a question of separating and fixing in the state management of the following areas: ensuring information sovereignty of Ukraine, regulation in the field of communication and informatization; realization of the state policy in the spheres of organization of special communication, information security, telecommunications and use of radio frequency resource of Ukraine; realization of the state policy in the field of informatization, e-governance, formation and use of national electronic information resources, development of the information society; realization of state policy in the field of television and radio broadcasting, information and publishing sphere, etc. Consequently, the scientific search for answers to the questions arising in the process of administrative-legal regulation of information relations within the limits of the science of administrative law, through constructive use of knowledge from the general theory of law, constitutional, administrative law emphasizes the importance and relevance of the chosen topic of research.

1. Actors of information relations in administrative law

Actual and important for realization of our research is an analysis of the subjective structure of information relations. A thorough study of the latter requires a detailed elucidation of a number of theoretical issues. First of all, this relates to the definition of the legal structure of "actors of information legal relationships, the establishment of its relationship with other related concepts and the resolution of other issues related to the science of administrative law and practice management. The practical significance of this question is that its proper solution will determine the circle of persons entering into the information legal relations and acts of which, subject to the regulatory influence of the rules of administrative law, have legally significant consequences. Consideration of this issue will also help not only to create the basis for further in-depth study and classification of the relevant actors, but also to determine adequately the modern requirements of the functions of the authorities, optimization of their quantity and quality.

The actors of legal relations in the global information network are: services of the technical part; actors producing and distributing information on the Internet; consumers of information from the Internet; business entities engaged in e-commerce. For example, there are three groups of entities that operate on the Internet: 1) developers of cross-border information networks and other technical means that make up the Internet infrastructure; 2) specialists who produce and distribute information on the Internet, and providers of various services; 3) various consumers (citizens, organizations, etc.)[1].

Based on a definite model of systematization of actors of information legal relations, scientists distinguish groups of actors, the key feature of which is the special information legal personality, which is the general precondition of the participation of individuals and legal entities in information legal relations, namely: producers, or creators of information, including authors; owner of information (information objects); consumers of information. Developing this classification, some scientists believe that owners and producers of information can be conditionally united, on the basis of which distinguishes two groups of actors: users and producers

[1] Швець М., Калюжний А., Гавловський В., Цимбалюк В. Інформаційне законодавство України: концептуальні основи формування. Право України. 2001. № 7. С. 50–53. С. 51.

of information[2], supporting this concept, L. P. Kovalenko notes that the carriers and consumers of information also coincide[3].

This model of the division of actors of information relations has become more widely interpreted in the writings of O. I. Yaremenko, which suggests to distinguish the individual specific features that determine the status of participants in the studied relations. Thus, studying information relations as a subject of legal regulation, the author states that, as social relations, which are regulated by law, arise, develop and cease to operate in the information space between the actors of law, which are endowed with information rights and obligations . In other words, the actors of information and legal relations are primarily their participants who have information legal personality, which includes two legal qualities: information capacity, which is the ability to have information rights and responsibilities; informational capacity, that is, the ability to acquire information rights and create obligations by their actions[4].

Since information legal relations – this is not the only form of implementation of law, norms defining the place of the subject of information law, implemented, defining the legal status. Such rules establish the actor's status, his/her potential. However, this does not mean that all potential opportunities will be realized in specific legal relationships. As defined by the Law of Ukraine "On Information", everyone has the right to information that provides for the free acquisition, use, distribution, storage and protection of information necessary for the realization of their rights, freedoms and legitimate interests. At the same time, not all of these potential rights will be implemented in specific legal relationships, although the legal capacity to implement them is the legal status of a person, because the presence of the appropriate legal status of the information law actor – a necessary condition for his participation in information legal relationships.

Taking into account the above, we conclude that the obligatory participants in the information relations in the administrative law are the

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[2] Адміністративне право : підручник / Ю. П. Битяк , В. М. Гаращук, В. В. Богуцький та ін.; за заг. ред. Ю. П. Битяка, В. М. Гаращука, В. В. Зуй. – 2-ге вид., переробл. та допов. Харків : Право, 2013. 656 с. С. 22.

[3] Коваленко Л. П. Предмет і методи інформаційного права України. Вісник Харківського національного університету імені В. Н. Каразіна. Серія «Право». 2014. № 1137. Вип. 18. С. 83–86. С. 84.

[4] Концепція створення та функціонування інформаційної системи електронної взаємодії державних електронних інформаційних ресурсів. Офіційний вісник України. 2012. № 67. Ст. 2753.

subjects of authority: state authorities, other state bodies, local self-government bodies, bodies of power of the Autonomous Republic of Crimea, other actors carrying out power management functions in accordance with the legislation and decisions of which are obligatory for execution. It is the state and its bodies act as the main actors of information and legal relations. Based on the above considerations, we can conclude that among the actors of information relations governed by the norms of administrative law, belong to: a) subjects of power; b) individuals; c) legal entities; d) representatives of the public. Subjects of authority are participants in information relations in all spheres of economic, political and cultural life. Such entities are state authorities, local self-government bodies, and other entities exercising power management functions in accordance with the legislation, including for the implementation of delegated powers.

Also among the subjects of power authorities it is worth noting the Comissioner of the Verkhovna Rada of Ukraine on human rights. This is evidenced by the annual reports on the state of observance and protection of human rights and freedoms in Ukraine, which pay more and more attention to the protection of citizens' information rights. In addition, in order to ensure the independence of the authorized body for the protection of personal data, as required by the Council of Europe Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data, the authority to control compliance with the legislation on the protection of personal data is entrusted to the Commissioner of the Verkhovna Rada of Ukraine on human rights In order to ensure fulfillment by the Commissioner of the functions of control over the implementation of legislation in the field of personal data protection, the Department for Protection of Personal Data was created in the Secretariat of the Commissioner of the Verkhovna Rada of Ukraine on Human Rights. The Department, in accordance with the task assigned to it: monitors the observance of human rights in the field of protection of personal data, submits proposals to the Commissioner for taking measures to control compliance with the requirements of the legislation on the protection of personal data; carries out consideration of appeals of citizens on questions of protection of personal data and prepares proposals on the results of their consideration; prepares proposals for the opening of proceedings in cases of human rights violations and implements open procedures; carry out outgoing and non-visa, scheduled, unscheduled inspections of the owners or personal data

managers in the manner prescribed by the Commissioner; organizes and provides interaction with structural subdivisions or responsible persons organizing work related to the protection of personal data, etc.

Regarding the direct involvement of the Cabinet of Ministers of Ukraine in the information legal relations, it is conditioned by its status as a supreme body in the system of executive power bodies. However, the Constitution of Ukraine and the Law of Ukraine "On the Cabinet of Ministers of Ukraine", which defines the main tasks of the Government of Ukraine, do not contain any indication on the information sphere or on the implementation of this body of state policy in this area.

Based on the interpretation of the above norms, it can be argued that the Cabinet of Ministers of Ukraine: implements the information policy of the state, ensures the implementation of the Constitution and laws of Ukraine in the information sphere; takes measures to ensure the information rights and freedoms of man and citizen; develops and implements nationwide programs in this area; ensures equal conditions for the development of all forms of ownership, manages the objects of state property in this field; elaborates a draft law on the State Budget of Ukraine and ensures the execution of the State Budget approved by the Verkhovna Rada of Ukraine and submits to the Verkhovna Rada of Ukraine a report on its implementation, in particular, with regard to financing of the information sphere; carries out measures to provide information security and fight against crime in the field of information and informational and infrastructural relations; directs and coordinates the work of ministries, other bodies of executive power in the information sphere, etc.[5].

On December 2, 2014, Ukrainian authorities in accordance with the resolution number 1008 on the formation of a new Cabinet of Ministers of Ukraine have initiated the establishment of the Ministry of Information Policy[6] (hereinafter – MIP) within the structure of the Cabinet of Ministers of Ukraine. In accordance with the Regulation "On the Ministry of Information Policy of Ukraine", the Ministry of Information Policy of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine. It is MIP that is the main body in the system of central executive authorities in the field of ensuring information sovereignty of Ukraine, in particular, regarding

[5] Залізняк В. Удосконалення інформаційного законодавства України : методологічні засади. Інформаційне право. 2010. № 2. С. 59–60. С. 59.

[6] Про інформацію : Закон України від 2 жовтня 1992 р. № 2657-XII. Відомості Верховної Ради України. 1992. № 48. Ст. 650.

the dissemination of publicly important information in Ukraine and abroad, as well as ensuring the functioning of state information resources.

Also, the Ministry of Education and Science of Ukraine acts as a participant in information relations by the authorities. To his tasks as the main body in the system of central executive authorities on the implementation of state policy in the field of scientific and scientific and technical information, in accordance with the provision on it, includes the promotion of the functioning of the national system of scientific and technical information.

The next participants in public-legal information legal relationships are individuals who enter into administrative information relations with the state, with state authorities and local self-government bodies, legal entities, associations of citizens.

Legal entities act as participants in information legal relations, when their constituent documents provide information activities as the main ones (news agencies, printed mass media, publishing houses, television and radio companies, libraries, archives, etc., as well as state bodies for which statutory and legal acts establish management, regulatory or other functions in the information sphere).

Representatives of the public take an active part in the work of consultative and advisory bodies; in public discussions in the information sphere; in the study of public opinion. Also, these entities have the right to send information requests and complaints to public authorities in the field of information circulation in the course of public control over their activities, as well as complaints and applications for information administrative offenses in the process of public control over compliance with the rule of law in the information sphere; to send to the bodies of state administration in the information sphere applications (petitions) on satisfaction of rights and legitimate interests in this sphere[7].

The participation of these entities in the work of advisory bodies in the field of information is primarily aimed at providing expert-analytical and normative-project support to the activities of the relevant state bodies, the representation and creation of conditions for taking into account the interests of the public and business sectors, providing feedback in the process of public administration in the information sphere.

[7] Інформатизація управління соціальними системами. Організаційно-правові питання теорії і практики : навч. посіб. / В. Д. Гавловський, Р. А. Калюжний, В. С. Цимбалюк та ін. ; заг. ред. М. Я. Швеця, Р. А. Калюжного. Київ : МАУП, 2003. 336 с. С. 125.

In view of the above, we can say that the key role in determining the nature of information relations in administrative law belongs to their parties. Such parties are the actors of administrative law, that is, the media provided by the administrative and legal norms of rights and responsibilities in the field of information circulation, which can implement these rights, and the duties assigned to perform. The range of such actors is quite wide, and their classification is branched, which is explained by the special nature of the information sphere, its place in the life of society, individuals and the state. In information relations in the public sphere, their participants are given subjective rights and duties, which in the future determine the actors' behavior.

2. The object of information relations in administrative law

The decisive issue is the outline of the object of information relations in administrative law and its in-depth consideration, from which the correct solution depends on the further effectiveness of this scientific study. A proper definition of the general theoretical aspects of the chosen issue is one of the most important steps in the field of administrative law, since it will help to optimize the influence of the norms of administrative law on the further development of information relations. On this occasion, one can consider the expression existing in different peoples: "Having determined in the concepts, humanity will solve half of its problems". That is why in various branch sciences quite a lot of attention is paid to the interpretation of the corresponding constructions of concepts, categories, terms, their normative consolidation on the principles that provide communication between people.

Expansion of the horizon of scientific knowledge of state-legal phenomena, the inclusion in the scientific picture of the legal world of new general categories and concepts, the development of fundamental legal terms and constructions of a methodological significance for jurisprudence, are carried out precisely by such science as the theory of state and law. That is why, for the correct definition of the legal category "object of information relations in administrative law", it is necessary first of all to find out exactly how the concept of "object of legal relations" is interpreted in the theory of law and the theory of administrative law. At the same time, we note that the problematic issue is one of the most difficult and most debatable. Thus, among the points of view of the representatives of the theory of state and law there are significant differences regarding the understanding of the essence of the concept and

its interpretation. As V.S. Tsymbalyuk rightly emphasizes, everything doubts whether it is necessary to have such a category as "the object of legal relations", and ending with the question of what exactly to be understood under this concept[8].

Detailed acquaintance with a number of scientific works of scientists allows to distinguish two main approaches (monistic and pluralistic) to understanding the term "object of legal relationships" and to its interpretation. The first of these is based on a monistic concept, according to which a single common object is inherent in all types of legal relationships. Proponents of this concept explain the object of legal relationship as an action or behavior of the subject, aimed at certain material goods[9].

The basis of the second approach to understanding the concept of "object of legal relations" is the pluralistic concept, the basis of which is the recognition of diversity, plurality of objects that reflect the entire palette of ordered social relations. Within the framework of this concept, the object of legal relations are the phenomena (values) of the material and intangible world, about which there is a legal relationship and which are directed subjective rights and legal obligations, "material and intangible benefits that can meet the needs of subjects"[10].

In the vast majority of modern works on administrative law, scholars tend to think that the object of relations of administrative law are actions, behavior of people: this is the one for which there arises legal relationships (actions, refraining from actions); These are social relations that embody the nature of the activity of individual actors of law (their actions or inaction), legal consequences of their behavior, certain legal interests, including property or non-property nature, etc. Ye. V. Kurinnyy rightly notes that the above positions need to be substantially refined.

Indeed, the object of administrative-legal relations is the one for the sake of which (according to what) they arise; in the basis of actions (inaction) of the participants of the legal relationship are certain interests. However, one can not accept that the object of administrative-legal

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[8] Цимбалюк В. С. Проблеми кодифікації норм правовідносин щодо інформації : матеріали круглого столу «Актуальні проблеми правового регулювання суспільних відносин у сфері інформаційно-телекомунікаційних технологій (ІКТ)» (м. Ірпінь, 28 вересня 2006 р., НУДПС України). Ірпінь, 2006. С. 129–133. С. 130.

[9] Положення про Міністерство інформаційної політики України : Постанова Кабінету Міністрів України від 14 січня 2015 р. № 2. URL : http://zakon3.rada.gov.ua/laws/show/2-2015-%D0%BF.

[10] Європейський досвід нормативно-проектного забезпечення розвитку інформаційного суспільства: висновки для України : аналіт. доп. Київ : НІСД, 2014. 76 с. С. 47.

relations is only the action (inaction), the behavior of the actors of administrative relations. If so, what then was the basis of another mandatory element of the relationship of administrative law – legal facts?

In administrative legal relations, public needs and interests, if necessary, dominate the interests of an individual actor, and there is nothing discriminatory. If a citizen is law-abiding, his relations with the authorities take place in the usual managerial regime, then, in realizing his own needs, it will necessarily be with respect and responsibility to address the needs and interests of other members of society[11].

The generic object is a group of public needs and interests that are embodied in the same administrative law with the same functional purpose. On this basis, the generic object is divided into two parts: 1) a set of public needs provided by the sphere of power and management activities; 2) a system of public interests in the field of administrative and legal protection. Species object is derived from generic. This is a separate group of public needs implemented within the framework of the same type of administrative-legal relations – state administration, communal administration, administrative liability, administrative justice, etc.

The direct object is the parts of the species object, the individual public needs and interests that are provided or protected in specific areas of government-management or administrative-legal protection (for example, the passport system, administrative and jurisdictional activity of general courts, etc.).

In our opinion, the object of information relations is a specific object of administrative-legal relations. However, for a more in-depth conclusion, what exactly is the essence of the object of information relations, one should turn to the works of supporters of the existence of information law.

Thus, from a legal point of view, certain information may exist and be subject to legal regulation only if it is used in a society, that is, we can speak about the relevant socially-regulated information right[12]. This approach reaffirms our thesis that information can not exist separately from the mechanisms of its transmission, that is, means of communication, and that in the information sphere formed an appropriate relationship that becomes the subject of legal regulation.

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[11] Легеза Ю. О. Інформація як об’єкт правовідносин. Науковий вісник Юридичної академії Міністерства внутрішніх справ. 2003. № 2 (11). С. 68–72. С. 70.

[12] Жиляєв І. Б. Інформаційне право України: теорія і практика : монографія. Київ : Парлам. вид-во, 2009. 104 с. С. 22–23.

The value of one and the same information will be different in different types of society, because they have different possibilities of its use. Such opportunities are directly related to the level of development of society and the level of development of means of public communication. Any recent news will not matter in a state that does not have a mass media system. Clearly, any commercial information is valuable only if it is possible to receive it in a timely manner and respond in a timely manner to it as well.

Information is multidimensional: it exists in inanimate nature, cybernetic (managerial) systems, living organisms (genetic information), circulates in society (social information), etc. This property, in particular, led to various interpretations of the essence of information in the scientific literature, where the term itself is quite common and is a category that is used in various fields of knowledge. In the legal literature distinguish the following main features of information:

1) systematic information – information not only acts as a means of systematic organization of existence, but also systemically organized, characterizing the degree of organization of this being;

2) selectivity of information – the principle of choice is compared in the theory of information with the concept of uncertainty: the acts of choice, creating in its totality the selection processes necessary for the formation of words and expressions, eliminating some kind of "share" of uncertainty in some pre-existing or conditionally set of elements and groups of elements or relationships, isolating and forming formations with those or other (for example, linguistic) structures;

3) physical dependence – without certain material carriers there is no information;

4) continuity of information – without developed continuity there is no developed structure of development processes, because they then have little isolated and differentiated phenomena of "historicity" and "internal orientation";

5) inexhaustible information – information can have unlimited number of users and thus remain unchanged;

6) the mass of information having two aspects – high-quality, which reveals the mass of information as information public, general for all, and quantitative, which provides information disseminated to a wide network of consumers, users of information;

7) the possibility of transforming information – the independence of the content of information from the form of fixation and presentation;

8) the ability of information to restrict: the higher the level of organi zation of the system, the higher the degree of restriction of information;

9) universality of information – the content of information can be any;

10) the quality of information is considered as a set of properties of information that characterizes the degree of its compliance with the needs (goals, values) of users (automation tools, personnel, etc.).

Information of any kind and purpose, created, used or distributed in the legal system, has certain properties that give rise to certain legal consequences when dealing with information. The same properties and peculiarities are fixed in the norms of law and are realized in the information legal relations in the peculiarities of the behavior of actors, in their rights, duties and responsibilities on the facts of conduct[13].

The peculiarities and legal properties of information are revealed in the information processes, which ensure the implementation of the basic information rights and obligations of the relevant actors in order to ensure the guarantees of information rights and freedoms proclaimed by the Constitution of Ukraine.

Objects of information legal relations, as O. O. Gorodov proves, are "the benefits that exist in the forms of information, documented information and information systems, about which the activities of participants in these legal relationships arise and are carried on. At the same time, information is a blessing of a special kind, and documented information and information systems – the goods of the material". On the one hand, the scientist emphasizes that the object of information relations is information as a benefit of a special kind. The peculiarity of the latter at the same time lies in its direct connection with the material carriers and the physical field and the impossibility of existence outside of them, that is, beyond them, information exists only in abstraction. On the other hand, as the scientist argues, the specificity of information as a good of a particular kind manifests itself not only in the objects of the material world, but also in the ideal products of human intellectual activity.

Ending the consideration of the subject of the information relations in administrative law, we conclude that in the role of its basic basis there must be public needs and interests that are implemented through the norms of administrative law in the process of power and management

[13] Чубарук Т. В. Конституційні засади правового регулювання інформаційної сфери. Правова інформатика. 2010. № 3(27). С. 61–65. С. 62.

activities in the information sphere or administrative- legal protection of information rights of citizens. Such a position, in the conditions of its further weighty processing, will allow to develop generalized features that will distinguish objects of information relations, which are regulated by the norms of administrative law, from the objects of civil-law relations, as well as significantly specify the objects of information relations in the administrative law, to organize their system by means of the appropriate classification, to develop effective schemes for the full and timely implementation of public needs and interests in the information sphere.

Thus, under the notion of "object of information relations in administrative law" we propose to understand the social relations regulated by administrative law in the form of actions based on satisfaction of the general (public) needs of citizens and society in the information sphere on the basis of creation, development and use of information systems, networks, resources and information technologies, as well as providing information services.

3. Content of information relations in administrative law

The study of the essence and structure of administrative and legal relations in the information sphere is impossible without disclosing their content. Formation of legal relations consists in the establishment of a purposeful, mutual arrangement of their participants by providing the latter with significant subjective rights and legal responsibilities. According to O. Rubanets, in any legal relationship the transition of the general established legal norms (objective law) into concrete (subjective) rights and legal obligations of the participants of social relations, which are analyzed as elements interacting between itself within the framework of certain legal relationships[14]. Consequently, the essence (content), that is, those without which there can not be any legal relationship, there are subjective rights and legal obligations[15,16]. The information relations subject to administrative regulation are not an exception: they also can not exist without subjective rights and legal obligations, which are directly determined by the relevant norm of administrative law. In the theory of law, the meaning

[14] Рубанець О. М. Інформаційне суспільство: когнітивний креатив постнеокласичних досліджень : монографія. Київ : ПАРАПАН, 2006. 420 с. С. 147.

[15] Горбулін В. П., Биченок М. М. Проблеми захисту інформаційного простору України : монографія. Київ : Інтертехнологія, 2009. 136 с. С. 97.

[16] Кохановська О. В. Теоретичні проблеми інформаційних відносин у цивільному праві : монографія. Київ : Київ. ун-т, 2006. 463 с. С. 109.

of the legal relationship is understood as “subjective rights, duties, powers, responsibilities of subjects of legal relationships”, “legal status of the entities, which determines, shapes their behavior through corresponding rights and obligations for the sake of satisfaction of their interests”.

Subjective rights – this is granted and guaranteed by the state by means of fixing in a legal norm the measure of the possible (permissible) behavior of this person. Yes, according to Art. 5 of the Law of Ukraine “On Information”, everyone has the right to information, which provides for the possibility of free reception, use, distribution, storage and protection of information necessary for the realization of their rights, freedoms and legitimate interests.

Signs of the presence of information relations in the administrative law of subjective rights can be called: the possibility of certain behavior in order to meet their interests in the information sphere (the applicant has the right to contact the administrator of information with a request for information, etc.); presence of legal personality; possibility of realization of behavior in information legal relations (the possibility of the subject of information relations to demand the elimination of any violations of his/her right to information, etc.); the limited conduct of the boundaries of administrative-legal norms, the exit of which is a violation of legal requirements.

The opposite of subjective rights is subjective (more precisely, legal) responsibilities. These categories are inextricably linked and can not exist without one, since the right of one person can not, as a rule, be realized outside of the duty of another person. For example, Art. 19 of the Law of Ukraine “On Access to Public Information” stipulates the right of the applicant to contact the information manager with a request for information, regardless of whether this information is personally related to him or her, without explaining the reason for the request. At the same time, Art. 14 of the aforementioned law establishes the duty of the information manager to provide and disclose accurate, accurate and complete information, as well as, if necessary, verify the accuracy and objectivity of the information provided and update the disclosed information.

Under legal obligation, representatives of legal science understand the prescribed measure of the necessary behavior, which subject must comply in accordance with the requirements of legislation in order to meet his/her interests[17], as well as the measure of proper or necessary behavior.

[17] Баранов О. А. Об’єкт правовідносин в інформаційному праві. Інформатика і право. 2013. № 9. С. 15–23. С. 17.

Moreover, their implementation in administrative law is ensured by the possibility of using state coercion.

Both subjective rights and obligations enshrined in the legal rule are of a legal nature, and therefore they are more accurately called “subjective legal rights and obligations”. But given the tautology in the combination of “legal (i.e., legal) rights”, the definition of “subjective rights and obligations” was common. Although for the characterization of subjective responsibilities, often use the definition of “legal obligations”[18].

In the field of administrative-legal regulation, subjective rights and responsibilities have both common and distinctive features. It unites their common administrative and legal nature, the existence in administrative legal relationships, the existence of limits in behavior, the affiliation of persons having administrative capacity and administrative capacity, the presence of state guarantees. The differences consist in the fact that rights are realized in the interests of their owner, and duties – in the interests of other persons; law is a measure of possible behavior, and responsibilities are a measure of proper behavior. Both subjective legal rights and subjective legal obligation have their own structure.

The structure of subjective law – is its structure, which is expressed in terms of elements – the legal opportunities provided to the subject.

Lawfulness – an integral part of the content of subjective law, which constitutes a specific legal opportunity, which is provided to a legal entity in order to meet its interests. Significant elements of subjective law are such powers.

1. Lawfulness to own positive actions (legal use), otherwise: the right of positive behavior of the lawful, that is, the possibility to make the subject itself actually and legally meaningful actions.

2. Lawfulness to other people’s actions (law enforcement), otherwise: the right to demand appropriate behavior from the person liable, that is, the possibility of the person concerned to demand from the obligated subject of performance of the duties assigned to him/her.

3. Eligibility of harassment, otherwise: the right to protection, that is, the opportunity to apply for support and protection of the state in the event of violation of the subjective right of the person liable. This right is triggered by a state apparatus – compulsion if the other party fails to perform his/her duties.

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[18] Арістова І. В. Державна інформаційна політика: організаційно-правові аспекти : монографія / за заг. ред. О. М. Бандурки. Харків : Вид-во Ун-ту внутр. справ, 2000. 368 с. С. 191.

It is not necessary to identify the subjective right and authority, since the subjective right: may be before the emergence of power, to exist regardless of its implementation. Eligibility is a consequence of subjective law. For example, everyone has the right to information, but not everyone addresses the administrators with the relevant request. However, they are not deprived of the right to access information, although they do not use it; is wider than a specific power. Subjective right is exercised through specific powers. For example, the subjective right to information is exercised through the following powers: the right to free access, the right to use, the right of distribution, the right of storage and the right to protect information.

The structure of subjective legal obligation is the reverse side of subjective legal law and consists of three elements: the need for the entity to perform certain actions – active responsibilities (for example, the obligation of the information manager to disclose information about their activities and decisions made) or abstain from them – passive duties; necessity of the obligated subject to respond to the legitimate requirements of the authorized party (for example, the duty of the information manager to satisfy the request for information); the need to be legally liable in the event of refusal to perform legal obligations or improper performance of them, contrary to the requirements of the legal norm.

Component content of information relations is also the responsibility of subjects of legal relations. Yes, Art. 24 of the Law of Ukraine "On access to public information" provides for liability for violation of the legislation on access to public information for committing the following violations: 1) failure to provide a response to a request; 2) failure to provide information upon request; 3) groundless refusal to satisfy the request for information; 4) non-disclosure of information in accordance with Article 15 of this Law; 5) the provision or disclosure of inaccurate, inaccurate or incomplete information; 6) untimely provision of information; 7) unreasonable assignment of information to restricted information; 8) failure to register the documents; 9) deliberate concealment or destruction of information or documents.

In the sphere of administrative law, two non-uniform types of responsibility are distinguished – negative (or retrospective) and positive (or promising). The first type of liability is always associated with the commission of an unlawful act and is accompanied by negative consequences for it in the form of certain sanctions. The second type of responsibility is expressed in the duty to properly carry out certain

“positive” actions in any regulatory legal relationship. For example, to obtain the consent of the subject of personal data for the processing of his/her personal data in the event of his non-receipt.

CONCLUSIONS

Realizing that the issue of the object of information relations is one of the key and at the same time controversial in legal science, various scientific concepts concerning the definition of such an object were analyzed. The basis for understanding the object of information relations in administrative law should be the public needs and interests that are implemented through the norms of administrative law in the process of power and management activities in the information sphere or administrative and legal protection of information rights of citizens. In this case, information relations are transformed into information administrative legal relations.

Under the notion of “object of information relations in administrative law” it is proposed to understand the social relations regulated by administrative law in the form of actions, which are based on satisfaction of the general (public) needs of citizens and society in the information sphere on the basis of creation, development and use of information systems, networks , resources and information technologies, as well as provision of information services.

The content of information administrative legal relations forms administrative subjective rights, legal obligations and responsibilities, which are established and ensured by the norms of administrative law. During their implementation between the actors there is a connection, which is called the legal relationship.

SUMMARY

The general characteristic of information relations in administrative law has been realized. The essence and peculiarities of informational relations that are subject to administrative-legal regulation have been revealed. The administrative and legal principles of information relations, which are subject to administrative-legal regulation, have been described. The genesis of information relations in administrative law is considered. The structure of information relations in administrative law is analyzed. The subjects of information relations in the administrative law have been determined. The object of information relations has been characterized, which is based on satisfaction of public needs of citizens and society in the

information sphere on the basis of creation, development and use of information systems, networks, resources and information technologies, and also provision of information services. The content of information relations in the administrative law has been disclosed. The ways of improvement of the mechanism of administrative-legal regulation of information relations have been offered. The foreign experience of legal regulation of information relations and possibilities of its use in Ukraine have been considered. The problematic issues of the administrative-legal regulation of information relations have been identified. The prospects of development of the mechanism of administrative and legal regulation of information relations in Ukraine have been determined.

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Information about the author:
Korniyenko M. V.
Doctor of Law, Professor,
Professor at the General Legal Disciplines Department
of the Dnipro Humanitarian University
35, Yermolovoi str., Dnipro, 49033, Ukraine