

defendant with limited liability appears before a court and the one who, for example, reveals signs of mental retardation, then without the legislative emphasis on limited liability, it is clear that justice in relation to these persons can not be subject to the same criteria. Therefore, the problem is not to take into account mental disorders that restrict the ability to understand or control their actions, but how to do it.

Taking everything into consideration, I would like to say that the legislator must establish a clear procedure for recognizing a person as a person with limited liability. Such procedure should be monitored and divided into several stages, each of which must be carried out by a separate subject. Such implementation will make it impossible for corruption to influence an expert judgment on limited liability of a person and ensure proper regulation of this procedure. What is more, in addition to the procedure for the recognition of a person as a person with limited liability, a substitute criminal liability for such persons should be established.

#### ***References:***

1. Осудність // Юридична енциклопедія: [в 6-ти т.] / ред. кол. Ю. С. Шемшученко (відп. ред.) [та ін.] — К.: Українська енциклопедія ім. М. П. Бажана, 2002. — Т. 4: Н — П. — 720 с.
2. Науково-практичний коментар до Кримінального Кодексу України [Електронний ресурс]. — URL\* <http://yurist-online.com/ukr/uslugi/yuristam/kodeks/024/020.php>
3. О понятии вменяемости и невменяемости в проблеме борьбы с преступностью: Учебное пособие / И.И. Карпец. - М.: Просвещение, 1984. - 478 с.

**Stas Kalishevich**

Research supervisor: Andriy Shkolyk

Candidate of Law Sciences, Associate Professor

Language tutor: Anetta Artsyshevska

Candidate of Philological Sciences, Associate Professor

Ivan Franko National University of Lviv

## **ADMINISTRATIVE PROCEDURE IN THE FIELD OF TOWN-PLANNING ACTIVITIES**

To begin with, it is important to clarify the essence and purpose of the institute of town-planning. Town planning (town-planning activities) are the

purposeful activities of state bodies, local government bodies, companies, organizations, citizens, associations of citizens for the creation and maintenance of the full-fledged habitat including forecasting of development of settlements and the territories, planning, building and other use of territories, designing, construction of facilities of town planning, construction of other objects, reconstruction of historical settlements with preserving traditional nature of the circle, restoration and rehabilitation of objects of cultural heritage, creation of engineering and transport infrastructure[1]. Summing up, with no doubt we can say that nowadays regulating town-planning activities (and of course, these regulations should be qualitative) is vital for every developed or developing state, as it is directly connected with public welfare[2], which includes considerations of efficiency, sanitation, protection and use of the environment, as well as effects on social and economic activities.

Relations in town-planning activities are regulated by the Constitution of Ukraine, the Civil, Commercial, and Land Codes of Ukraine, the Laws of Ukraine “On the General Scheme of Planning of the Territory of Ukraine”, “ On the Fundamentals of City Planning”, “On the Regulation of City Planning Activity”, "On Architectural Activities", “On complex reconstruction of the quarters (microdistricts) with the outdated housing stock", " On land management ", other legislation.

The state regulation as well as administrative procedures in the field of town-planning activities covers wide range of different directions like[3]:

- planning of territories at the state, regional and local levels;
- monitoring the development and implementation of city-planning documentation at all levels;
- definition of state interests for their inclusion in the development of urban planning documentation;
- licensing and professional certification;
- development and approval of construction norms, state standards and regulations, the introduction of international rules and standards;
- control over observance of legislation in the field of town development activities, requirements of building rules, state standards and regulations, provisions of urban planning documents of all levels, source data for the design of urban development objects, project documentation;

– granting, refusing to issue or canceling documents giving the right to perform preparatory and construction works, commissioning completed objects construction.

If we are interested in something more certain and close to real-life example, let's analyze in brief the building procedure in general[4].

It consists of preparatory works, which are preliminary organizations of the process of building and creating necessary conditions, construction works, or the main stage, work on new constructions, reconstruction of existing, technical re-equipment, restoration, overhaul, and finally, commissioning, which involves registration of the declaration of finishing construction works.

For every stage it is obligatory to have a right to the land, land has to comply with certain requirements, you must possess relevant documents (construction documents, building passport, etc.) then you have to notify the state body of architectural and construction control during the process on every stage. The procedure in details is enshrined in the legislation (there are separate "Order of performing preparatory and construction works" and "The issue of commissioning completed construction objects").

Of course, there must be a mechanism to control the area of previously mentioned activities. The law "On the Basics of City Planning" proclaims that the state control in the field of town-planning is performed by the central executive body that implements the state policy on state architectural and construction control, local governments and other authorized governmental agencies. The rules of performing the abovementioned control are determined by the legislation. And obviously, there is liability for the violation. So, a person has to bear responsibility for violations like:

– non-compliance with state standards, norms and rules in designing and construction;

– designing objects with a violations according to the approved town planning documentation;

– performing construction or restoration works without permission and approved in the established order project or with deviation from it;

– unauthorized change in the architectural appearance of the building in the process of its exploitation;

– non-compliance with environmental and sanitary hygiene requirements, established by the law for designing, placing and construction of objects;

– commissioning of facilities, built with violation of legislation, state standards, norms and rules;

– providing information which is not in accordance with the conditions of design and construction or unreasonable refusal to provide such information.

Summing up we state that administrative procedure in the field of town-planning activities is a complex area, legislation in this scope includes the whole system of different legal acts. Town-planning itself is very important for the public welfare, so the complexity is reasonable. In this article we dealt with some basics, in particular with the concept of administrative procedure in the field of town-planning.

#### ***References:***

1. Про основи містобудування: Закон України від 16.11.1992 № 2780-XII // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/go/2780-12>.
2. Midgley J. Social Development: The Developmental Perspective in Social Welfare / James Midgley, 1999.
3. Про регулювання містобудівної діяльності: Закон України від 17.02.2011 № 3038-VI // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/go/3038-17>.
4. Юшкевич О. Адміністративна процедура будівництва об'єктів містобудівної діяльності // Адміністративна процедура: особливості формування української концепції: матеріали Круглого столу, м. Харків, 15 вересня 2017 р. – Харків: Національна академія правових наук України, Національний юридичний університет імені Ярослава Мудрого, 2017. – 112 с.