

# GENERAL CHARACTERISTICS OF METHODS OF ADMINISTRATIVE AND LEGAL REGULATION IN THE FIELD OF PRODUCTION AND CIRCULATION OF BABY FOOD

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*This scientific article provides a general description of the methods of administrative and legal regulation in the field of production and circulation of baby food. It is proposed to understand the method of administrative and legal regulation in the field of production and circulation of baby food to be a set of various ways, methods and means of direct and purposeful influence of public administration bodies and their officials within their competence on administrative and legal relations arising in the process. production and circulation of baby food in order to guarantee the constitutional right of the child to life and health, providing children with safe and quality baby food, implementation of state policy in the field of production and circulation of baby food.*

*It is noted that the methods of administrative and legal regulation in the field of production and circulation of baby food can be divided by: 1) the nature of management decisions: administrative and economic; 2) the method of influence: a) those that oblige to perform certain actions; b) those that authorize to perform certain actions; c) those that encourage action; d) those that prohibit the commission of any action; 3) the nature of the activities of public administration: methods that have a service nature and methods that have a managerial nature.*

**Key words:** baby food, subject of public administration, methods of administrative and legal regulation of production and circulation of baby food, rationing of baby food, control and supervision of the quality of baby food.

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**INTRODUCTION.** Administrative and legal regulation in the field of production and circulation of baby food is carried out by a system of methods of administrative and legal regulation in the field of production and circulation of baby food. In this article, the author provides a classification and a general description of the methods of administrative and legal regulation in the field of production and circulation of baby food.

**RESEARCH METHODS.** When writing this scientific article, a system of general scientific and special methods of scientific cognition was used. Namely: legal, formal, methods of analysis and synthesis, comparative, etc.

**RESEARCH RESULTS.** It is proposed to understand the method of administrative and legal regulation in the field of production and circulation of baby food to be a set of various ways, methods and means of direct and purposeful influence of public administration bodies and their officials within their competence on administrative and legal relations arising in the process. production and circulation of baby food in order to guarantee the constitutional right of the child to life and health, providing children with safe and quality baby food, implementation of state policy in the field of production and circulation of baby food.

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**DISCUSSION.** An effective legal instrument of administrative and legal regulation are the methods of administrative and legal regulation. As rightly noted by M.S. Zhukov that the science of administrative law tends to simplify its understanding, which, in turn, leads to the emergence and further spread of the doctrine of the tools of public administration, which competes with the doctrine of forms and methods of administrative regulation [1, p.217]. The legal instruments through which the subjects of public administration perform their tasks and functions are the methods of administrative and legal regulation.

According to S.M. Alferov, the method of administrative and legal regulation should be understood as a way of exercising power-organizing influence of managing entities on managed objects [2, p. 86].

As noted by S.T. Goncharuk under the method of regulation understand the set of legal means by which the legal regulation of public relations in the field of public administration [3, p. 134].

Methods of administrative and legal regulation are a set of methods and tools used in their activities

by public administration entities in order to influence the behavior of individuals. An entity that uses the administrative method is an authority that performs administrative and administrative functions, including if they are delegated to it. At the same time, the object is the behavior and actions of persons who are influenced by the power subject. Administrative and legal methods are inseparable from the process of exercising executive power, public administration cannot be supplanted by civil law categories of the contractual type. It is also obvious that the methods play a crucial role in ensuring the proper legal order, the level of state discipline [4, p. 187].

Administrativists Yu. P. Bytyak and V. M. Garashchuk, suggest that the methods of administrative and legal regulation should be understood as methods and techniques of direct and purposeful influence of executive bodies (their officials) on the basis of their assigned competence, within the established limits and appropriate forms on subordinates, bodies, individuals and legal entities [5, p. 158].

Traditionally, the general features of the method of regulation is that it is implemented through: the use of regulations (establishment of responsibilities), the establishment of prohibitions, the issuance of permits [6, p. 58]. The use of prescriptions in administrative law means the obligation to take appropriate action under the conditions provided by the administrative law, ie a positive obligation. The imposition of prohibitions is the imposition on the subject of legal relations of direct obligations to refrain from committing in the conditions prescribed by the norm, certain actions or to refrain from them at its discretion. Permits as one of the ways to implement the method of administrative and legal regulation are understood as legal. It is emphasized that in the administrative and legal regulation of the competence of executive bodies, officials the principle of general prohibitions is applied (only what is expressly provided by law is allowed), and in the regulation of the status of citizens the principle of general permits should be used as much as possible, which is not expressly prohibited by law) [5, p. 89]. At the same time, it is noted that the use of general permits can be regarded as a key direction of transformation of the method of regulation, which takes place in the current conditions of its development and reform. At the same time, the modern transformation of the method of regulation testifies to its mixed nature, ie the organic combination of typical features of both imperative and dispositive methods of legal regulation [5, p. 93].

Thus, the methods of administrative and legal regulation are a system of legal instruments used by state bodies and local governments in the implementation of tasks and functions on behalf of the state in order to regulate administrative and legal relations.

Whereas the method of administrative and legal regulation in the field of production and circulation of baby food is a set of various ways, methods and means of direct and purposeful influence of public

administration bodies and their officials within their competence on administrative and legal relations arising in the process of production and circulation of baby food in order to guarantee the constitutional right of the child to life and health, providing children with safe and quality baby food, implementation of state policy in the production and circulation of baby food.

Methods of administrative and legal regulation in the field of production and circulation of baby food, in our opinion, are characterized by the following features:

- 1) regulated by the norms of administrative law;
- 2) have a legally authoritative nature, ie the subjects who use them are endowed with the appropriate powers and competence to perform imperative actions;
- 3) regulate administrative and legal relations arising on the one hand between the state in the person of authorized bodies and officials and operators of the baby food market, baby food producers, entities that handle baby food, buyers of baby food;
- 4) have a public authority, which is manifested in the ability to perform legally significant actions of management (supervision and control, as well as bringing the perpetrators to justice) and service nature (state registration, issuance of operating permits, issuance of certificates, licenses etc.) that cause legal consequences;
- 5) are implemented in the management process.

In the science of administrative law, the methods of administrative and legal regulation are divided as follows.

Yu. M. Kozlov divides administrative methods of public administration into two groups: non-economic (direct) and economic (indirect) influence [7].

A.E. Lunev proposes to apply the methods of public administration to four independent groups: moral and political, economic, organizational, administrative and directive [8].

G.V. Atamanchuk - also divided into four groups: moral and ideological, socio-political, economic, administrative. There are other approaches, when there are individual, collegial, collective, combined methods, etc. [9].

According to the method of influence, administrative methods are divided into those that oblige to perform certain actions, and those that authorize to perform certain actions; encouraging socially useful actions; prohibiting the commission of any action [10, p. 245].

Methods of administrative and legal regulation in the field of production and circulation of baby food, depending on the criteria have several types:

I. By the nature of management decisions: administrative and economic.

Administrative methods of administrative and legal regulation of production and circulation of baby food are expressed in the process of carrying out power management activities of public adminis-

tration bodies in the process of state regulation of production and circulation of baby food. Article 6 of the Law of Ukraine "On Baby Food" stipulates that state regulation of production and circulation of baby food is carried out by: approval of norms and procedures for free and preferential provision of baby food to infants and second-year children who are part of low-income families, and Infants and young children affected by the Chernobyl disaster have the status of a child affected by hostilities and armed conflict, or from among internally displaced persons, children from among the persons defined in Articles 10 and 10-1 of the Law of Ukraine "On Status war veterans, guarantees of their social protection"; state control over compliance with the approved norms and procedures for free and preferential provision of baby food to infants and second-year children who are part of low-income families, as well as infants and young children affected by the Chernobyl disaster, have the status of a child affected as a result of hostilities and armed conflicts, or from among internally displaced persons, children from among persons defined in Articles 10 and 10-1 of the Law of Ukraine "On the status of war veterans, guarantees of their social protection"; establishment of mandatory safety parameters and minimum specifications for the quality of baby food, raw materials, aids and materials for production and circulation used in its production; state registration of baby food; implementation of state supervision and control over the safety and quality of baby food in accordance with the law.

At the same time, economic methods of administrative and legal regulation in the production and circulation of baby food are manifested in the creation of such conditions for the development of subordinate objects, under which they under the influence of certain material and financial incentives can independently choose a behavior [11, p.229].

State stimulation of baby food production is carried out, in particular, by: placing a state order among domestic producers of baby food; placing a state order for the production of raw materials for the manufacture of baby food; introduction of mechanisms to reduce the cost of short-term and long-term loans and preferential taxation for baby food producers; subsidies for domestic production of raw materials used for the production of baby food; establishment of rates of import duty on baby food imported into the territory of Ukraine, similar (similar) to which are produced by domestic enterprises; application of other measures aimed at reducing the cost of baby food production [12, p.7].

II. By way of influence: a) those that oblige to perform certain actions; b) those that authorize to perform certain actions; c) those that encourage action; d) those that prohibit the commission of any action.

Methods of administrative and legal regulation of a binding nature in the study area are used at different stages of production and circulation of baby food, for example: - the central executive body that ensures

the formation of state policy in the field of health must meet the raw materials intended for the production of baby food; - establishments of the trade network are obliged to provide the conditions of storage of baby food specified by the manufacturer on the label; - local governments are obliged to inform parents of children or their other legal representatives regarding the norms and procedure for free and preferential provision of baby food to infants and second-year children who are part of low-income families, as well as infants and young children who are affected as a result of the Chernobyl disaster, have the status of a child who suffered as a result of hostilities and armed conflicts [12].

Methods of administrative and legal regulation of the authoritative nature in the research area, for example, local governments have the right to decide on additional preferential or free provision of baby food to infants and second-year children who belong to the privileged categories; market operators and manufacturers of baby food have the right to produce baby food at facilities that have an operating permit obtained in the manner prescribed by law, etc.

In our opinion, the methods of administrative and legal regulation of an incentive nature in the study area include: the establishment of free and preferential provision of infant and young children with baby food, including infant formula and infant formula for subsequent stages of feeding, functional foods, baby food based on soy protein; providing parents of children or their other legal representatives with information on children's nutrition, quality and safety of baby food, baby food kits and the procedure for free and preferential provision of infant and young children with baby food; identification of favorable special raw material zones for the production of baby food; development of domestic production of a wide range of baby food, in particular functional baby food; state stimulation of domestic production of baby food and raw materials for its production through preferential lending, taxation, customs and tariff regulation; application of other measures aimed at reducing the cost and improving the quality of baby food [12, p.5].

Methods of administrative and legal regulation of a prohibitive nature in the study area, in our opinion, include the establishment of requirements, prohibitions and restrictions, for example, the labeling of baby food: a) presentation of relevant products, including their shape, appearance or packaging, packaging materials used, the method of their placement and the environment in which they are displayed; b) advertising; the use of raw materials containing hormonal drugs, antibiotics, residues of heavy metals, pesticides, radionuclides and other dangerous substances, the presence of which is not allowed by state sanitary norms or the content of which exceeds the maximum permissible levels of residues in baby food, is prohibited in the production of baby food; the use of raw materials that do not comply with the sanitary measures established by law is prohibited in the

production of baby food; establishing a ban on the use of food additives in the production of baby food; raw materials that do not comply with the sanitary measures established by law; palm stearin, hydrogenation products of oils (margarine, spread), cottonseed oil and sesame oil, mixtures of spices and condiments, which include unregistered or prohibited for use in the production of baby food supplements, etc. [12, p.9].

At the same time, the circulation of baby food is prohibited if it: 1) is not registered in accordance with the law; 2) does not meet the established safety and quality requirements; 3) produced from raw materials that were obtained from genetically modified organisms and / or contained genetically modified organisms; 4) incorrectly marked; 5) moved through the customs territory of Ukraine as contraband; 6) has an expired shelf life; 7) has damaged, depressurized packaging; 8) contains food additives and flavorings that are not registered and / or prohibited in the production of baby food [12].

The labeling of infant formulas and follow-on formulas should be designed to provide the necessary information on the proper use of the product.

III. By the nature of the activities of public administration: methods that have a service nature and methods that have a managerial nature.

In our opinion, the methods of administrative and legal regulation of the production and circulation of baby food, which have a service nature, include:

- implementation of state registration of baby food, market operator, baby food manufacturer, food additives and flavorings;
- issuance of an operating permit - a permit issued by the territorial body of the competent authority to the market operator based on the results of its capacity inspection and certifies the right of the market operator to carry out activities for the production and / or storage of food of animal origin [12].

In our opinion, the methods of administrative and legal regulation of production and circulation of baby food, which have a managerial nature, include:

- implementation of the state sanitary-epidemiological examination of baby food;
- implementation of state control over compliance with the approved norms and procedures for free and

preferential provision of baby food to privileged categories of children. For example, in the first half of 2021 alone, 414 unscheduled and 8 scheduled inspections in the field of food safety were conducted with the State Food and Consumer Service. 3,966 food suppliers and 46 market operators supplying school meals and preparing for 14,531 secondary schools were inspected. According to the results of inspections, it was established that 11 market operators were not registered in the manner prescribed by law, 36 market operators operated without the necessary permits. 189 instructions were issued for mandatory compliance by business entities to eliminate violations of the law [14];

- standardization and standardization of safety and minimum specifications for the quality of baby food, raw materials, aids and materials for production and circulation used in its production;

- management, risk analysis and control (regulation) at critical points (HACCP);

- implementation of state supervision over the safety and quality of baby food.

**CONCLUSIONS.** It is proposed to understand the method of administrative and legal regulation in the field of production and circulation of baby food to be a set of various ways, methods and means of direct and purposeful influence of public administration bodies and their officials within their competence on administrative and legal relations arising in the process. production and circulation of baby food in order to guarantee the constitutional right of the child to life and health, providing children with safe and quality baby food, implementation of state policy in the field of production and circulation of baby food.

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