

# Administrative Liability for Violations of Sanitary Legislation Requirements: Regulatory and Legal Principles

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**Abstract.** The article examines the regulatory and legal framework of administrative liability for violations of sanitary legislation requirements in Ukraine. It is substantiated that such liability is an important instrument for ensuring the sanitary and epidemiological well-being of the population, protecting public health, and implementing constitutional guarantees in this area. The methodological framework of the study is based on formal legal, systemic-structural, comparative legal, and dialectical methods, as well as the methods of classification and generalization. Their application made it possible to analyze the system of sources of legal regulation and to identify the specific features of the interaction between substantive and procedural norms. It has been established that the regulatory basis of liability is multi-level in nature and includes the Constitution of Ukraine, international acts, special legislation in the field of public health, and the Code of Ukraine on Administrative Offenses. Inconsistencies between the updated special legislation and certain outdated provisions of the Code of Ukraine on Administrative Offenses were identified. It is concluded that there is a need for a systemic modernization of administrative tort regulation and its harmonization with the modern model of state sanitary supervision.

**Key words:** administrative liability, sanitary legislation, public health, sanitary and epidemiological well-being, administrative offense, legal regulation, Code of Ukraine on Administrative Offenses.

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## Introduction

Ensuring the sanitary and epidemiological well-being of the population is one of the fundamental obligations of the State, as it is directly related to the implementation of the human right to healthcare and to an environment that is safe for life and health. The Constitution of Ukraine enshrines not only the right to healthcare but also the State's obligation to ensure the sanitary and epidemiological well-being of the population, which forms the constitutional basis for establishing legal, in particular administrative, liability for violations of sanitary requirements [1].

The relevance of this study is reinforced by the fact that, under current conditions, sanitary safety has acquired particular importance due to epidemic risks, emergency situations, and the overall transformation of the public health system. The Concept for the Development of the Public Health System already emphasized the need to improve sanitary norms and rules with due regard to current conditions and international practice [2]. This approach was further developed in the Healthcare Development Strategy for the period until 2030, which provides for strengthening the capacity of the healthcare system to respond to emergencies and threats to public health [3].

The regulatory and legal framework of administrative liability in this area is comprehensive in nature. On the one hand, it is formed by acts defining the general principles of the functioning of the public health system and the content of sanitary requirements; on the other hand, it is shaped by the norms of administrative tort legislation establishing the grounds and limits of liability for their violation. An important place in this system belongs to the Law of Ukraine "On the Public Health System," which expressly provides for the possibility of administrative liability for violations of sanitary legislation requirements and for failure to comply with orders issued by authorized bodies [4].

The key act that directly establishes the constituent elements of the relevant administrative offenses remains the Code of Ukraine on Administrative Offenses. It is this Code that defines liability, in particular, for violations of sanitary norms, rules on the quarantine of people, as well as for failure to comply with lawful demands of officials in the relevant field [5]. At the same time, the current state of legal regulation indicates the need for further improvement of this regulatory framework, its harmonization with special legislation in the field of public health, and the updated system of state supervisory authorities.

Thus, the study of the regulatory and legal framework of administrative liability for violations of sanitary legislation requirements is of both theoretical and practical significance. Its purpose is to clarify the place and role of the relevant normative legal acts in the mechanism of public health protection, as well as to identify the main problems of contemporary legal regulation in this area.

## Research methodology

The methodological framework of the study is formed by a set of general scientific and special legal methods, the application of which is determined by the subject matter of the article, namely the regulatory and legal framework of administrative liability for violations of sanitary legislation requirements. The study is based on an analysis of the Constitution of Ukraine, the Code of Ukraine on Administrative Offenses, special legislation in the fields of public health, healthcare, and protection of the population from infectious diseases, as well as international legal acts defining the State's obligations in the sphere of sanitary safety.

The principal method of the study was the formal legal method, which was used to analyze the content of legal norms defining the grounds for administrative liability, the system of authorized subjects, and the place of individual normative legal acts within the mechanism of

legal regulation. The systemic-structural method was employed to organize the regulatory framework and to clarify the relationship between constitutional provisions, Ukraine's international obligations, codified administrative tort norms, and the provisions of special legislation.

The dialectical method made it possible to trace the development of legal regulation in the field under study, in particular the transition from the previous model of sanitary legislation to the modern system of legal support for public health. The comparative legal method was applied to compare national legislation with international and European standards in the field of sanitary safety. In addition, the methods of generalization and classification made it possible to systematize the normative legal acts forming the basis of administrative liability for violations of sanitary legislation requirements, as well as to identify the main problems of their coherence and law enforcement.

### Results

The study established that the regulatory and legal framework of administrative liability for violations of sanitary legislation requirements is multi-level and comprehensive in nature. It is not limited solely to the provisions of the Code of Ukraine on Administrative Offenses, but also encompasses the Constitution of Ukraine, international legal acts, laws of Ukraine, and a substantial body of subordinate normative legal acts [6]. Such a multi-component structure is обусловлено? Need translate fully in English. Let's craft carefully.

Such a multi-component structure is determined by the specific nature of sanitary legislation, which regulates various spheres essential to the life support of the population, including food safety, water quality, atmospheric air quality, working conditions, education, living conditions, and other factors affecting sanitary and epidemiological well-being.

The first result of the study is the systematization of normative legal acts that constitute the basis of administrative liability in this field. According to their legal force, these include the Constitution of Ukraine, international normative legal acts, laws of Ukraine, and subordinate normative legal acts [1–3]. The Constitution of Ukraine forms the basic normative foundation, since it enshrines the human right to healthcare, to an environment that is safe for life and health, as well as the State's obligation to ensure the sanitary and epidemiological well-being of the population [1]. The international legal component of this system is обусловлено? translate: is due to the fact that Ukraine's international treaties in force form part of national legislation and, in the event of a conflict, take precedence over domestic law [7]. In the field of sanitary well-being, this means that international standards concerning the prevention of epidemic threats, response to them, and the organization of state sanitary control must be taken into account.

The second result is the systematization of the regulatory framework according to the law-making subject and functional purpose. According to

the law-making subject, the relevant acts may be divided into acts of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Health of Ukraine, the State Service of Ukraine on Food Safety and Consumer Protection, and local authorities. According to their functional purpose, it is advisable to distinguish between framework, regulatory, procedural, and special acts [4; 8]. Framework acts define the general principles, the system of bodies, and the foundations of State policy in the field of public health. Regulatory acts establish specific sanitary requirements for particular objects and types of activities. Procedural acts govern the procedure for inspections, recording violations, and bringing offenders to liability. Special acts are adopted in situations of epidemics, quarantine, or other extraordinary circumstances and are intended to ensure a prompt response to increased risks to public health.

The third result is the determination of the place of special legislation within the mechanism of administrative liability. The Law of Ukraine "On the Public Health System" establishes the general rule that violations of sanitary legislation requirements and failure to comply with orders issued by officials of state supervision (control) bodies entail administrative liability in accordance with the law [4]. Therefore, it is this law that defines the substantive basis of liability, whereas the direct constituent elements of administrative offenses are contained in the Code of Ukraine on Administrative Offenses [5]. Such a structure indicates that administrative tort norms in this field are predominantly blanket in nature and must be applied in conjunction with special acts of sanitary legislation.

The Code of Ukraine on Administrative Offenses occupies a central place in the system of the norms under study. It is this Code that directly provides for liability for violations of sanitary norms (Article 42), violations of the rules on the quarantine of people (Article 44-3), as well as for failure to comply with the lawful demands of authorized officials in this field (Article 188-11) [5]. The analysis has shown that these offenses constitute the core of administrative liability for violations of sanitary legislation requirements, since they are directly aimed at protecting public health and ensuring compliance with sanitary and anti-epidemic rules.

At the same time, the findings of the study provide grounds for asserting that the range of administrative offenses related to sanitary safety is broader than the list of directly sanitary offenses. Alongside direct violations of sanitary norms, this sphere also includes related offenses arising in the housing and utilities, trade, industrial, environmental, and other sectors, where non-compliance with special rules may pose a threat to the sanitary and epidemiological well-being of the population. In this regard, the classification proposed by L. I. Kirina is particularly useful, as it divides the relevant administrative offenses into three groups: directly sanitary offenses, offenses related to sanitary ones, and optional sanitary offenses [9]. This approach makes it possible to view the mechanism of administrative and legal protection of sanitary well-being more broadly and demonstrates that it is implemented not only through narrowly specialized norms, but also through the provisions of related institutions of administrative legislation.

A separate result of the study is the identification of

regulatory inconsistency between the current institutional model of state supervision and the procedural provisions of the Code of Ukraine on Administrative Offenses. Despite the liquidation of the State Sanitary and Epidemiological Service and the transfer of its powers to the State Service of Ukraine on Food Safety and Consumer Protection, the Code of Ukraine on Administrative Offenses still contains provisions referring to a body that no longer functions, in particular in Articles 188-11, 236, and 255 [5]. This creates a problem of legal certainty, complicates the determination of the proper subject authorized to draw up reports and consider cases, and also negatively affects the effectiveness of the administrative tort mechanism as a whole. Thus, the study has shown that the regulatory and legal framework of liability for violations of sanitary legislation is sufficiently extensive, but still requires further harmonization and updating.

Therefore, the main findings of the study are as follows: first, the regulatory and legal framework of administrative liability for violations of sanitary legislation requirements has a multi-level structure; second, it may be systematized according to legal force, law-making subject, and functional purpose; third, the central act of direct application in this field remains the Code of Ukraine on Administrative Offenses in conjunction with special public health legislation; fourth, the current regulation contains outdated and inconsistent provisions, which makes its further improvement necessary.

### Discussion

The obtained results indicate that administrative liability for violations of sanitary legislation requirements in Ukraine is constructed according to a complex multi-level model, within which substantive sanitary requirements are established primarily in special legislation, while the direct grounds for administrative liability are set out in the Code of Ukraine on Administrative Offenses. In general, such a structure corresponds to the logic of modern public law regulation, since it makes it possible to combine sector-specific standards in the field of public health with the administrative tort mechanism designed to ensure their observance. At the same time, its effectiveness depends on proper consistency between special laws and codified norms on administrative offenses. The Law of Ukraine "On the Public Health System" expressly provides that violations of sanitary legislation requirements and failure to comply with orders issued by authorized officials entail administrative liability in accordance with the law, while the Code of Ukraine on Administrative Offenses, for its part, contains the relevant elements of offenses, in particular in Articles 42, 44-3, and 188-11.

From a theoretical perspective, this means that the administrative tort norms under study are predominantly blanket in nature. For this reason, their proper application is impossible without reference to legislation on public health, healthcare, infectious disease safety, and other acts that specify the content of sanitary obligations. This conclusion is consistent with scholarly approaches according to which regulatory and

legal regulation in this field should be viewed as a system of interconnected acts rather than as a set of isolated norms. In this context, the position of L. I. Kirina [9] concerning the broad range of administrative offenses related to sanitary safety is well founded, as is the approach of O. O. Levytskyi [10], who examines quarantine and anti-epidemic measures through the prism of comprehensive administrative and legal support.

At the same time, the analysis also revealed a significant problem: modern special legislation in the field of public health has been updated much more rapidly than administrative tort and procedural regulation. As a result, the Code of Ukraine on Administrative Offenses still contains provisions oriented toward an institutional model that no longer corresponds to the current system of state supervision. The official website of the Verkhovna Rada of Ukraine still indicates that Article 188-11 concerns the lawful demands of officials of the bodies of the State Sanitary and Epidemiological Service, while Article 236 defines those same bodies as the subject authorized to consider the relevant cases; similarly, Article 255 contains provisions regarding the drawing up of reports by officials of the sanitary and epidemiological service. Under conditions of an actual change in the institutional architecture, such a regulatory construction creates risks for legal certainty and uniform law enforcement.

From a practical point of view, this means that the problem lies not only in the formal updating of terminology, but also in ensuring a proper connection between substantive and procedural norms. If the supervisory bodies authorized to draw up reports, issue orders, and consider cases are defined differently in various acts or by using outdated names, this complicates both the classification of the offense and the proving of the lawfulness of officials' actions. As a result, administrative liability loses part of its preventive and regulatory potential. For this reason, further improvement of legislation should be aimed not only at expanding or clarifying the elements of administrative offenses, but above all at eliminating the regulatory gaps between the Law of Ukraine "On the Public Health System" and the Code of Ukraine on Administrative Offenses.

It should be emphasized separately that the classification of offenses identified in the study into directly sanitary offenses, offenses related to sanitary ones, and optional sanitary offenses is useful not only for theory but also for practice. It makes it possible to see that the protection of the sanitary and epidemiological well-being of the population is ensured not by a single narrow group of tort norms, but by a broader body of administrative law prohibitions in the housing and utilities, environmental, trade, industrial, and other sectors. However, for the purposes of this article, it is advisable to stress that such breadth of the subject of legal protection requires an even greater degree of legislative consistency, since without a clear delineation of the direct object of the offense there arises a risk of overly broad or inconsistent interpretation of legal norms.

Thus, the findings of the study provide grounds for the conclusion that the main problem of current regulation

lies not in the absence of a regulatory framework as such, but in its fragmentation and incomplete internal coherence. For this reason, the further development of legislation in this field should proceed in the direction of systemic harmonization: clarifying the range of authorized subjects, updating the procedural provisions of the Code of Ukraine on Administrative Offenses, and aligning special public health legislation with the administrative tort mechanisms that ensure its implementation. Such an approach will make it possible to strengthen legal certainty, increase the effectiveness of state supervision, and ensure a more consistent application of administrative liability for violations of sanitary legislation requirements.

### **Conclusion**

The study established that the regulatory and legal framework of administrative liability for violations of sanitary legislation requirements in Ukraine is comprehensive and multi-level in nature. It is shaped by constitutional provisions, Ukraine's international legal obligations, special legislation in the field of public health, and the norms of the Code of Ukraine on Administrative Offenses, which directly defines the constituent elements of the relevant administrative offenses.

It was found that the norms of the Code of Ukraine on Administrative Offenses, in combination with special laws, primarily the Law of Ukraine "On the Public

Health System," are of key importance within the mechanism of legal regulation. It is precisely this combination that ensures the normative link between substantive sanitary requirements and measures of administrative and legal influence in the event of their violation. At the same time, administrative liability in this field extends not only to direct violations of sanitary norms, but also to related offenses that may pose a threat to the sanitary and epidemiological well-being of the population.

It is substantiated that the current legal regulation requires further improvement. The main problems remain the fragmentation of the regulatory framework, the existence of inconsistencies between special legislation and the provisions of the Code of Ukraine on Administrative Offenses, as well as the preservation of certain outdated procedural provisions that do not fully correspond to the modern system of state supervisory bodies. This negatively affects legal certainty and the effectiveness of law enforcement.

Therefore, the further development of legislation in this field should be aimed at the systemic harmonization of substantive and procedural norms, updating the provisions of the Code of Ukraine on Administrative Offenses in accordance with the modern institutional model of state control, and increasing the clarity of the normative definition of the grounds and mechanisms for bringing persons to administrative liability for violations of sanitary legislation requirements.

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