Specific features of the legal nature of administrative-law relations in the field of aviation security in Ukraine

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Abstract. The article examines the legal nature of administrative-law relations in the field of aviation security in Ukraine and their relationship with other related legal relations. The public-law nature of these relations is clarified through the exercise of public authority, the establishment of mandatory requirements for aviation entities, and state oversight of compliance with such requirements. Academic approaches to the legal nature of relations in civil aviation, administrative and legal regulation, and the legal status of persons subject to liability are analysed. It is established that the mere fact that legal relations arise in the field of aviation security is insufficient to classify them as administrative-law relations, since their legal classification depends on the purpose of the activity, the status of the parties, and the nature of their powers. Administrative-law relations are distinguished from employment, civil-law, and internal organizational relations on the basis of their legal grounds, the nature of the powers exercised, the method of legal regulation, the content of legal obligations, the purpose of legal intervention, the organizational relationship between the parties, and the legal consequences of violations. It is substantiated that neither the participation of a public authority nor the application of an imperative method of regulation, taken separately, determines the public-law nature of the relations; the decisive factor is the exercise of public authority within a specific legal relationship. Eight interrelated criteria are proposed for the legal classification of relations in the field of aviation security. The need to distinguish state oversight, binding administrative orders, and interagency coordination from employees' performance of their job duties, compliance with employers' instructions, and contractual obligations is emphasized. Further research should focus on clarifying the powers of competent authorities, improving interagency cooperation, and strengthening legal mechanisms for protecting the parties involved in the relevant relations.

Key words: aviation security, administrative-law relations, legal nature, related legal relations, public authority, legal liability.

INTRODUCTION

Ensuring aviation security in Ukraine involves a complex set of legal relationships between public authorities, aviation entities, aviation security services and their personnel. From a legal perspective, these relationships may fall within the scope of administrative, labour, civil and other branches of law, which necessitates determining their legal grounds, substantive content and specific features of their implementation.

The legal framework governing administrative-law relations in this field is established by Article 19 of the Constitution of Ukraine [1], the Air Code of Ukraine No. 3393-VI of 19 May 2011 [2], and the Law of Ukraine "On the State Programme of Aviation Security of Civil Aviation" No. 1965-VIII of 21 March 2017 [3]. At the same time, paragraph 7 of part one of Article 4 of the Code of Administrative Procedure of Ukraine defines a public authority entity by reference to the exercise of public-authority management functions on the basis of legislation, including delegated powers [4].

Despite the existence of this legislative framework, the legal nature of relations between competent public authorities, aviation enterprises and employees of aviation security services remains insufficiently defined. Particular attention should be paid to distinguishing between hierarchical authority, interagency coordination and internal organizational subordination, since the incorrect legal classification of these relationships may result in the improper determination of the participants' respective competences, the applicable type of legal liability and the appropriate means of legal protection.

The legal nature of administrative-law relations in the field of aviation security in Ukraine has been examined primarily in the context of administrative and legal regulation of civil aviation, the determination of the competences of authorized entities, and the exercise of public administrative powers. At the same time, the issue of the legal classification of these relations within particular branches of law, as well as their distinction from employment, civil-law and internal organizational relations, has not received sufficient independent scholarly attention.

In particular, A. Filippov, in his study of the administrative and legal framework for ensuring civil aviation security in Ukraine, examined the development of administrative and legal regulation in this field, the legal status of authorized entities, and the forms and methods used to ensure aviation security [5, pp. 172–189]. The scholarly contribution of A. Filippov lies in establishing the theoretical foundations of administrative and legal regulation in civil aviation. However, the study was conducted before the adoption of the Air Code of Ukraine in 2011 and the State Programme of Aviation Security of Civil Aviation in 2017, while the distinction between administrative-law relations and related legal relationships was not examined separately or systematically.

O. Husar and K. Tekedzhanova directly examined the legal nature of relations within civil aviation, identifying their place in the system of public law and analysing their legal content, the composition of their participants, and the grounds for their establishment, modification and termination [6, pp. 10–15]. Nevertheless, their research covers civil aviation as a whole, meaning that the specific features of administrative-law relations in the field of protection against acts of unlawful interference, as well as their distinction from employment and internal organizational relations, require further examination.

N. Kyryliuk, in her study of the specific features of the administrative and legal regulatory mechanism in civil aviation, examined the legal nature of the rules governing aviation activities and substantiated the comprehensive character of the relevant regulatory mechanism, comprising

legal rules, legal relations, the legal status of participants, and acts through which their rights and obligations are exercised [7, pp. 72–75]. However, a limitation of N. Kyryliuk's research is its focus on the general regulatory framework of civil aviation, without a detailed distinction between hierarchical authority, interagency coordination and internal organizational subordination in the field of aviation security.

O. Brusakova, having analysed the administrative and legal framework for maintaining public order and safety in air transport, examined the regulatory foundations of aviation security, the system of authorized entities, the specific features of applicable legal regimes, and communication between participants in the relevant activities [8, pp. 85–93]. In particular, the author addressed the relationship between the concepts of public order and aviation security. However, the distinction between administrative-law relations and employment, contractual and internal organizational relationships remained outside the main scope of the study.

S. Moskalenko, in her analysis of administrative and legal regulation in the civil aviation sector of Ukraine, identified the specific features of state regulation, the legal framework governing the administration of aviation activities, and the challenges associated with state oversight, while also proposing a definition of administrative and legal regulation in this field [9, pp. 25–27]. Nevertheless, S. Moskalenko's research is primarily sector-oriented and does not provide a detailed examination of the legal nature of specific relationships between public authorities, aviation entities and employees of aviation security services.

Thus, an analysis of the studies conducted by A. Filippov, O. Husar, K. Tekedzhanova, N. Kyryliuk, O. Brusakova, S. Moskalenko and other scholars demonstrates the existence of substantial academic research on the administrative and legal regulation of civil aviation, the legal status of authorized entities, state oversight and the legal content of relations in the relevant field. At the same time, the branch-specific characteristics of administrative-law relations in aviation security, their relationship with employment, civil-law and internal organizational relations, and the legal consequences of their incorrect classification remain insufficiently explored. This gives rise to the need to substantiate an approach to determining the legal nature of the relevant relations on the basis of the legal grounds for their establishment, the status of their participants, the nature of their powers, the content of their obligations, the methods of legal influence and the consequences of violations.

The study's aim is to identify the specific features of the legal nature of administrative-law relations in the field of aviation security in Ukraine and to substantiate approaches to distinguishing them from related legal relationships.

The objectives of the study are as follows:

1. To examine the legal nature, substance and defining characteristics of administrative-law relations in the field of aviation security.

2. To identify the specific features of the relationship between administrative-law relations and employment, civil-law and internal organizational relations in the relevant field.

3. To substantiate legal criteria for distinguishing between the relevant types of legal relationships and to identify areas for improving their regulatory framework.

The scientific novelty of the study lies in substantiating a comprehensive approach to determining the legal nature of administrative-law relations in the field of aviation security and developing an original system of criteria for distinguishing them from related legal relationships on the basis of their legal grounds for emergence, the status of participants, the nature of their powers, the content of obligations, the method of legal regulation, the purpose of legal intervention and the legal consequences of violations.

Methods

The methodological framework of the study comprises a set of general scientific and specialized legal research methods, the application of which ensured a comprehensive examination of the legal nature of administrative-law relations in the field of aviation security and their distinction from related legal relationships. The dialectical method was used to reveal the interrelationship between public-law, employment, civil-law and internal organizational relations in the relevant field; the systemic and structural method was applied to identify their principal elements, the composition of participants and the substance of legal relationships; the formal legal method was used to analyse the statutory grounds for the emergence, modification and termination of legal relations, the competence of authorized entities and the legal consequences of violations of established requirements; the comparative legal method was employed to identify differences between sector-specific regulatory regimes and the specific features of the exercise of participants' rights and obligationsб and the methods of analysis, synthesis, classification and generalization were used to develop a system of criteria for distinguishing the relevant legal relationships on the basis of the legal grounds for their emergence, the status of participants, the nature of their powers, the content of obligations, the method of legal regulation, the purpose of legal intervention, the nature of organizational relationships and the legal consequences of violations.

Results

Public authority in this field concerns the lawful organisation of conditions under which essential healthcare functions can continue and recover. Article 1 of the Law "On Critical Infrastructure" defines resilience through normal operation, adaptation, resistance and rapid recovery following threats [18]. This understanding extends the administrative task beyond guarding premises, while retaining a distinction between healthcare infrastructure generally and facilities falling within the statutory critical infrastructure regime.

The legal nature of administrative-law relations in the field of aviation security is determined by their public-law character, their focus on protecting public and state interests, and the participation of authorized entities vested

with public-authority powers. In particular, O. Husar and K. Tekedzhanova examined the legal nature of relations in civil aviation, identified their place within the system of public law, and analysed their substance in terms of the subjective rights and legal obligations of participants. They also emphasized the multilateral nature of the relevant relations, whose emergence, modification and termination are associated with legal facts, administrative acts and offences [6, pp. 10–15]. In our view, administrative-law relations in the field of aviation security should primarily be defined through the exercise of public-authority functions, the establishment of binding requirements for aviation entities, and the exercise of state oversight over compliance with those requirements.

N. Kyryliuk, having examined the specific features of the administrative and legal regulatory mechanism in civil aviation, reasonably substantiated the predominance of administrative-law rules within aviation legislation and considered legal relations to be one of the principal elements of the relevant regulatory mechanism [7, pp. 72–75]. In particular, N. Kyryliuk drew attention to the combination of administrative, constitutional and civil-law provisions within aviation legislation, which demonstrates the comprehensive nature of legal regulation in this sector. Accordingly, it is considered that the administrative-law nature of relations in the field of aviation security should be associated with their specific purpose, the nature of the powers exercised by participants, and the manner in which statutory obligations are fulfilled, since participation in aviation activities does not, in itself, confer a public-law character on all related legal relationships.

O. Brusakova, in her study of the subjects of administrative offences in air transport, examined general and special subjects of administrative liability, emphasizing the importance of the professional and legal status of aviation personnel in determining the constituent elements of relevant offences [10, pp. 173–179]. The significance of O. Brusakova's research lies in substantiating the relationship between the scope of legal obligations and liability, on the one hand, and an individual's legal status and the nature of their professional activities, on the other. In our view, administrative-law relations in the field of aviation security are characterized by a combination of public-authority influence, the special legal status of participants, the mandatory nature of security procedures, and the possibility of applying statutory liability measures, while the employment subordination of aviation enterprise personnel must be distinguished from the exercise of functions of public significance.

In this context, the relationship between administrative-law relations and related legal relationships in the field of aviation security is primarily determined by the nature of the legal relationship between participants, the grounds for its emergence, and the substance of the rights and obligations exercised. It should be noted that O. Husar and K. Tekedzhanova substantiated the multi-branch nature of legal relations in civil aviation, drawing attention to their emergence on the basis of provisions of administrative, civil, criminal and other branches of law [6, pp. 10–15]. In our opinion, the fact that legal relations arise within the field of aviation security does not, in itself, determine their administrative-law nature, since the decisive factors are the functional purpose of the relevant activities and the legal status of the participants involved.

It should be emphasized that the relationship between administrative-law and employment relations was examined by S. Vyshnovetska and R. Panchyshak through an analysis of organizational and managerial relations in labour law, which addressed relationships between employers, employees, labour collectives and trade unions, as well as their role in organizing the labour process [11, pp. 108–111]. In turn, K. Kropyvna, in examining the distinction between the jurisdiction of administrative courts and courts of general jurisdiction in the adjudication of employment disputes, highlighted the need to distinguish private-law employment disputes from public-law relations involving state authorities [12, pp. 53–57]. Accordingly, it is considered that, in the field of aviation security, employees' performance of their job descriptions, compliance with internal instructions and observance of employer-established procedures primarily fall within the scope of employment and internal organizational relations, whereas the exercise of state oversight, compliance with binding public-authority directives and the implementation of delegated public powers are administrative-law in nature.

Civil-law relations in aviation activities are predominantly property-related and contractual in nature, arising in connection with the provision of services, the carriage of passengers and cargo, and compensation for damage caused. It should be noted that I. Prylenskyi, in examining the specific features of passengers' civil liability under air carriage contracts in Ukraine, analysed the contractual obligations of passengers and carriers, as well as the grounds for civil liability arising from breaches of air carriage conditions [13, pp. 47–50]. In our view, the principal distinction between the relevant legal relationships lies in their legal grounds and the nature of liability: civil-law relations are aimed at the performance of contractual obligations and the protection of the parties' property interests, whereas administrative-law relations ensure compliance with public aviation security requirements, the exercise of state oversight and responses to violations of mandatory rules.

Thus, the distinction between administrative-law relations and related legal relationships in the field of aviation security should primarily be based on the nature of the legal powers exercised and the method of legal regulation. In administrative-law relations, the defining feature is the exercise of public-authority powers established by law, whereas employment, civil-law and internal organizational relations are primarily concerned with the performance of contractual, employment-related or organizational obligations. At the same time, the imperative nature of legal regulation cannot be regarded as an unconditional indicator of administrative-law relations, since mandatory requirements are also characteristic of labour legislation and

employers' internal regulations.

Furthermore, the legal grounds for the emergence of legal relations and the legal status of their participants are of particular importance. Administrative-law relations arise on the basis of administrative-law provisions, individual administrative acts or other legal facts prescribed by law, whereas related legal relationships may be founded on contracts, employment agreements and internal corporate acts. Accordingly, classifying legal relations as administrative-law relations solely on the basis of the participation of a state authority is considered insufficiently substantiated, since the decisive factor should be whether that authority exercises its public-law competence within the specific legal relationship.

It should also be noted that the substance of legal obligations and the purpose of legal intervention constitute independent criteria for distinguishing between the relevant types of legal relationships. In administrative-law relations, the principal obligations concern compliance with public requirements, implementation of administrative decisions, participation in state oversight and maintenance of the prescribed level of aviation security, whereas related legal relationships involve the performance of employment duties, provision of services, and fulfilment of contractual and property obligations. In our view, the purpose of legal intervention is of fundamental importance: the protection of the public interest and the exercise of public administration indicate the administrative-law nature of relations, while the organization of labour, performance of contracts and compensation for property losses primarily fall within other branches of law.

Particular attention should be paid to the nature of organizational and legal relationships and the legal consequences of violating established requirements. Administrative-law relations may arise both within hierarchical structures of public authority and through interagency coordination, whereas related legal relationships are characterized by contractual cooperation, corporate ties or internal employment subordination. Accordingly, violations of administrative-law requirements may result in the application of administrative enforcement measures and administrative liability where statutory grounds exist, while breaches of related obligations may give rise to civil, material or disciplinary liability, depending on the nature of the violation.

In our view, the proposed eight criteria should be applied comprehensively, since reliance on any single criterion may result in the incorrect legal classification of relations in the field of aviation security. Priority should be given to a sequential examination of the legal grounds for the emergence of the relevant relations, the nature of the powers exercised by participants, the substance of their obligations, the manner in which the relevant powers are exercised, and the legal consequences of violations. The proposed approach should therefore provide a sound basis for distinguishing administrative-law, employment, civil-law and internal organizational relations, preventing the unlawful extension of public-authority powers and ensuring the correct determination of the applicable type of legal liability.

Discussion

The findings of the study confirm the need to treat administrative-law relations in the field of aviation security as an independent subject of scholarly analysis, taking into account their public-law purpose and sector-specific characteristics. In contrast to the general approach to determining the legal nature of relations in civil aviation, it is proposed that their classification as administrative-law relations should be determined not merely by the field in which they arise, but primarily by the nature of the powers exercised, their legal grounds and the purpose of the legal intervention. In this regard, the conclusions of O. Husar and K. Tekedzhanova concerning the multilateral nature of legal relations in civil aviation are further developed by specifying the characteristics on the basis of which relations in the field of aviation security may be classified as administrative-law relations [6, pp. 10–15]. N. Kyryliuk's position regarding the comprehensive nature of legal regulation in civil aviation is supported, while the need to distinguish the branch of law governing particular legal relationships according to their legal substance, rather than merely their regulatory framework, is substantiated [7, pp. 72–75].

A separate finding of the study concerns the clarification of the relationship between administrative-law and employment relations in the activities of aviation security entities. The conclusions of S. Vyshnovetska and R. Panchyshak concerning organizational and managerial relations in labour law are supplemented by the proposition that internal employment subordination must be distinguished from the performance of functions of public significance by employees of aviation enterprises [11, pp. 108–111]. The findings of K. Kropyvna concerning the distinction between private-law employment disputes and public-law relations have been used to substantiate the conclusion that the participation of a public authority in a particular legal relationship is not, in itself, sufficient grounds for classifying that relationship as administrative-law in nature [12, pp. 53–57].

With regard to distinguishing administrative-law relations from civil-law relations, the findings confirm the need to take into account the legal grounds for the emergence of the relevant relationship, the nature of the obligations involved and the purpose of legal liability. I. Prylenskyi's scholarly findings concerning the civil liability of parties to air carriage have been further specified by distinguishing contractual obligations from public aviation security requirements [13, pp. 47–50]. It has been substantiated that contractual interactions between aviation enterprises, the provision of services and compensation for property damage must be distinguished from the exercise of state oversight, compliance with binding public-authority directives and the application of administrative-law enforcement measures. At the same time, it has been established that the imperative nature of legal regulation cannot serve as the sole criterion for identifying administrative-law relations, since mandatory

requirements are also characteristic of other branches of law.

Conclusion

The study established that administrative-law relations in the field of aviation security are characterized by their public-authority nature, their focus on protecting public and state interests, and the exercise of powers defined by law. The need to distinguish these relations from employment, civil-law and internal organizational relations was identified on the basis of the legal grounds for their emergence, the status of participants, the nature of their powers, the content of their obligations, the purpose of legal intervention and the consequences of violations. It was substantiated that neither the imperative method of regulation nor the participation of a public authority, considered separately, constitutes sufficient grounds for classifying a legal relationship as administrative-law in nature, since the decisive factor is the actual exercise of public-authority competence within a specific legal relationship. The application of eight interrelated criteria in combination was proposed to ensure the proper legal classification of relations and the determination of the applicable type of legal liability. Prospects for further research are associated with developing practical recommendations for distinguishing the competences of public authorities from the powers of aviation entities, as well as improving the regulatory procedures governing interagency cooperation and the protection of the rights of participants in the relevant legal relationships.

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