

Statute, which is the founding statute of ICC in The Hague, was signed. The statute held that with the approval of 60 states, the Court shall be carried into effect. In 2002, the condition was ensured, and in 2003, the International Criminal Court began to hold trials [1].

The Rome Statute consists of 13 sections. In regard of the Statute, International Criminal Court is authorized to try against genocide, war crimes, crimes against humanity and crime of aggression. While the crime of aggression is not defined in the Statute, the other crimes are defined explicitly. The ICC tries individuals, not states, therefore it is different from the UN International Court of Justice. The International Criminal Court is a supplementary and a secondary Court after the national courts of states and authorized to try individuals from the state parties. It has its own prosecutors and authorized for the crimes which are committed after the establishment of the Court. Its decisions are legally binding for the state parties, but other states may also take the decisions in regard. For instance, while Turkey is not a State Party to The Rome Statute, the activities of the ICC are closely followed and the annual meetings of the Assembly of States Parties which take place in The Hague or New York are attended by officials.

#### *Literature*

1. Principles of International Criminal Law – Gerhard Werle, Florian Jessberger [Electronic Source]. – Access mode: [https://books.google.com.tr/books?hl=tr&lr=&id=gKe1BAAQBAJ&oi=fnd&pg=PR16&dq=international+criminal+law+turkey&ots=O2WSk1LGqY&sig=S205XrcAJap9kuy2A1A-WqrWsXk&redir\\_esc=y#v=onepage&q=international%20criminal%20law%20turkey&f=false](https://books.google.com.tr/books?hl=tr&lr=&id=gKe1BAAQBAJ&oi=fnd&pg=PR16&dq=international+criminal+law+turkey&ots=O2WSk1LGqY&sig=S205XrcAJap9kuy2A1A-WqrWsXk&redir_esc=y#v=onepage&q=international%20criminal%20law%20turkey&f=false)

2. The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948) [Electronic Source]. – Access mode: <https://history.state.gov/milestones/1945-1952/nuremberg>

UDC 342.9(043.2)

**Hayder Saeed Jihad Al-Saedi**, Lawyer,  
Republic of Iraq

### **DELINEATION OF ADMINISTRATIVE LAW AND PUBLIC ADMINISTRATION IN IRAQ'S LEGAL THEORY**

In the theory of law of the Republic of Iraq, administrative law is an integral part of the common law and, in the general sense, is a set of norms and laws by which the activity of executive authorities is established and regulated in the performance of their administrative functions. In addition, executive power in public institutions, organizations, enterprises (in particular, state hospitals, educational institutions, etc.) is also within the scope of this branch of

law.

Obviously, for Ukraine and its scholars, the experience of Iraq's administrative-law science in determining the ratio of administrative law to public administration may be interesting.

As you know, administrative law in Iraq is considered as an industry whose legal regulation covers the administrative system and the functions of each of its elements. At the same time, public administration is seen as an industry with technical and organizational means of regulating the administrative system [1, p. 34].

The subject of the field of public administration is revealed in two components: 1) organic – is to study the structure of administrative organizations and their subdivisions without analyzing the nature of their activities; 2) functional, based on the concept of management activity and involves the study of management activities of administrative organizations, regardless of their form and type of activity.

The next criterion for demarcation is the sectoral understanding of the notion of administrative decision. The branch of administrative law when considering the essence of the administrative decision focuses on it as a legal act that is characterized by legal force, reflects the will of the administrative body, has an individual orientation, as well as studying its legality, the conditions of adoption and action, the methods of its appeal, the abolition and compensation of illegal decisions. While science and the field of public administration consider an administrative decision on the theoretical and practical point of view of the method of decision-making, as well as the process of its formation, the stages of this process, identifying the disadvantages and problems that can counteract this process, and proposing ways to solve them.

Equally important for the delineation is the criterion for studying the civil service. The Iraq' administrative law examines and establishes and regulates the legal status of a public official, the nature of his relations with the state, the conditions for his appointment, the rights and obligations, the application of legal sanctions against such persons, as well as legal safeguards against them. The general government considers the social function of an organizational position, according to which the general functions and fundamentals of the order of social functions and the definition of competence and characteristics of all kinds of activities are subject to study; as well as from the anthropological aspect, when the state administration seeks to improve the administrative system for employees of an administrative organization, improving methods of selection, ways to increase their competence and training, as well as increase the level of efficiency, including through state management of material and moral incentives, studying their problems and psychological and research methods of reforming.

In addition, it should be noted that the state administration from the point of view of public administration is generally subordinated to rules that are

different from the rules of private law, while not denying the sometimes abandonment of this principle and the application for the realization of the status of individuals by private law. At the same time, the administrative law of Iraq, in the broad sense, meaning "the law of administration", provides for the establishment and application of exclusively "rules of public law".

Summarizing the review of differences, we note that science and the field of administrative law and public administration, albeit independent in the scientific environment of Iraq, but their interrelationship is obvious and close, since they concern one sphere – the functioning of the state administration.

The deterministic connection between administrative law and state administration is to respond in a timely manner to the development of the achievements of public administration science, in harmonizing with them the legal means of regulating the sphere of state administration, providing the last appropriate legal mechanism for the implementation of its state management functions. In this combination, unfortunately, legal development is marked by slower pace of adaptation than more dynamic positive processes of administrative realities development. This poses a problem for the legislator and the government in general to timely develop administrative rules that can support such a positive development of managerial relations and processes.

#### *Literature*

1. Mazen Lillo Radi. Administrative Law. The Arab Academic Perspectives in the Danmarker, 2008; 364 (In Arabic).

УДК 342.7(043.2)

**Гончарук С. Т.**, к.ю.н., професор,  
Навчально-науковий юридичний інститут  
**Мужецький В. О.**, студент,  
Навчально-науковий інститут неперервної освіти,  
Національний авіаційний університет, м. Київ, Україна

### **АДМІНІСТРАТИВНО-ПРАВОВІ САНКЦІЇ ПРОТИДІЇ КОРУПЦІЇ В УКРАЇНІ**

Проблема соціально-правової боротьби з корупцією в Україні є сьогодні однією з найбільш актуальних і важливих, яка потребує невідкладного вирішення. Це загальносуспільне зло набуло в країні ознак системного явища, яке поширює свій негативний вплив на всі сфери суспільного життя: економіку, політику, управління, соціальну і правову сфери, громадську свідомість, міжнародні відносини і досягла таких масштабів, що стала чинником, який реально загрожує національній безпеці та конституційному ладу нашої держави. Вона все глибше