

## Comparative analysis of administrative and criminal punishments in Ukraine and some foreign countries and prospects for changes

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**Abstract.** The process of European integration necessitates the reform of the system of Ukrainian legislation. In this case, the issue of the ratio of norms that establish administrative and criminal punishments in Ukraine, namely their improvement and unification, is relevant. Thus, the purpose of the study was to determine the prospects for changes in approaches to the legislative consolidation of articles on criminal and administrative liability in Ukraine as well as abroad. The methods of analysis, synthesis, comparison, formal-legal, and deduction were used. The results of the study indicate that there are similarities in the structure of certain provisions of the Code of Ukraine on Administrative Offences with the corpus delicti of crimes provided for in the articles of the Criminal Code of Ukraine. This phenomenon is highlighted as an important aspect of the Ukrainian legal system that requires careful analysis and comparison. The study also identified the main historical preconditions for the codification of the rules governing criminal and administrative liability into separate codes. By analysing the historical contexts, the study examined how the evolution of legal principles contributed to the formation of the modern liability system. In addition, the study focused on the current relationship between the Code of Administrative Offences and the Criminal Code of Ukraine. The analysis of the interaction between these two codes has become an important component for understanding the law and order system in Ukraine and identifying

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possible aspects of improving this system. The researchers were particularly interested in studying foreign experience, in particular the practices of Kazakhstan, Germany, France, Germany, Estonia and the United Kingdom. This comparative approach allowed us to identify similarities and differences in the legal systems of different countries, as well as to take into account effective practices that can be used to improve the legal system of Ukraine. The results obtained in the study should be used in the process of making changes to the provisions of the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine, in particular their improvement in the context of the European integration process

**Keywords:** responsibility; code; composition of the offense; sanction; coercion

### Introduction

The concept of the legal system of Ukraine in today's conditions is characterised by significant transformations that affect the development of administrative and criminal punishment institutions. It is worth noting that the provisions of the current legislative framework in the field of administrative responsibility were formed back in Soviet times, which has a negative impact on its quality. This is evidenced by numerous gaps and inconsistencies in the norms aimed at regulating not only administrative but also criminal liability. Although the Criminal Code of Ukraine (2001) was adopted later than the Code of Ukraine on Administrative Offenses (1984), namely in 2001, it also contains contradictory provisions that require updating, with a mandatory taking into account administrative norms. Based on this, the relevance of this study is due to the need to make changes, namely to update the system of administrative and criminal punishments in Ukraine. In this case, the priority is not only the comparison of the provisions providing for criminal and administrative liability in Ukraine but also the study of the positive experience of foreign countries. This approach will make it possible to develop and implement the most qualitative model of differentiation of administrative and criminal punishments as well as contribute to the development of more flexible and democratic tools for regulating social relations.

It should be noted separately about the influence of the European integration process, which in modern conditions are particularly important for the successful future development of Ukraine. That is why the bringing of Ukrainian legislation to the requirements of the European Union (hereinafter referred to as the EU) is an urgent requirement today, aimed at consolidating the legal and democratic principles of the legal development of the state. Thus, taking into account world standards of European countries and national experience in the field of administrative and criminal responsibility is a necessary condition for full entry into the European community (Andrijauskaito, 2021). Accordingly, the identification of current trends in the development of the concept of punishment in administrative and criminal law will contribute to the development of the most effective vectors of its development in Ukraine.

Among scientists, this question is quite common, as it reflects the level of legal development of the state as well as the observance of citizens' rights in it. In particular, O.I. Mykolenko and O.M. Mykolenko (2021) studied the current state of Ukrainian legislation in the field of administrative responsibility and came to the conclusion that it needs complete reform, namely the adoption of a new codified act. At the same time, the authors did not reveal the possibility of making changes to the Code of Administrative Offenses and, accordingly, its improvement on the current basis. H. Krainyk and K. Tsyppshchuk (2020) studied the experience of systematization of criminal norms in Ukraine, and also determined the effectiveness of this process. The

researchers established that certain provisions of the current Criminal Code (CC) of Ukraine are not effective, as they contain flaws in their composition, which make it impossible to use them to punish the guilty. A.M. Rubanenko (2022) in his study analysed the approaches of foreign legislators to the formulation of provisions on administrative and criminal penalties. The author managed to reveal the conceptual foundations of the construction and implementation of the normative model of responsibility in European countries. At the same time, the researcher did not propose ideas regarding the use of positive foreign experience in Ukraine in this area. G.S. Polishchuk (2021) paid attention to the historical and legal genesis of various types of punishments in Ukraine. The author established that the institutions of criminal and administrative responsibility developed in a relationship for a long time and therefore contain similar norms. At the same time, the researcher did not consider this issue in the modern context. O. Maksymenko (2022) noted that the Code of Ukraine on Administrative Offences still does not distinguish between the specifics of administrative liability for domestic violence against an adult and against a child.

Based on the above, the purpose of the study was to study the vectors of improving the system of administrative and criminal punishments in modern Ukraine, taking into account foreign experience. For this, several tasks were formed: to reveal the main stages of the historical development of the institute of administrative and criminal responsibility; to compare the composition of individual offenses provided for by the current Code of Administrative Offenses and the Criminal Code of Ukraine; to study the experience of foreign countries; to formulate recommendations for improving the legislative framework that provides for criminal and administrative punishments in Ukraine.

### Materials and methods

The analysis method was used in the research. This was necessary to reveal the meaning of punishment, in particular in the field of administrative and criminal law. On the basis of this method, the signs of administrative responsibility were determined, as well as were the principles of its application. The analysis made it possible to investigate the concept of administrative and criminal punishments at different stages of the historical development of Ukraine. Using the method of synthesis, the research revealed the relationship between the norms of the Code of Ukraine on administrative offenses and the Criminal Code of Ukraine. This synthesis was necessary to provide common features in the compositions of various offenses, placed under the established names above regulatory legal acts.

The comparison was used during the study of common and distinctive features in the concept of administrative and criminal punishments in Ukraine. On its basis, the principles were revealed, on the basis of which punishment is assigned

in actions that can have the nature of both administrative and criminal offenses. In addition, this method was necessary to compare the experience of Ukraine regarding the separation of administrative and criminal punishments with that of foreign countries, in particular Great Britain, France, and Estonia.

Since the research lies in the legal plane, the formal-legal method was used in it. It was necessary for the study and characterization of individual provisions of various legal acts, namely: the Code of Ukraine on Administrative Offenses (1984), the Criminal Code of Ukraine (2001), the Administrative Code of the Ukrainian Socialist Soviet Republic (1927), the French Penal Code (1960), Code of the Republic of Kazakhstan on Administrative Offenses (2014). With its help, the composition of offenses established in the listed acts was revealed, as was the effectiveness of the codification of punishments in the codes.

In order to express the specificity of criminal and administrative punishments, the research used the deduction method, in particular, the special features inherent in the means of coercion used during administrative and criminal liability were determined. On the basis of general knowledge about sanctions and punishments, the specifics of the application of influence measures in the administrative and criminal law of Ukraine were revealed.

The generalization method was applied in the research to form recommendations for improving the current system of Ukrainian legislation in the field of administrative and criminal law. This method made it possible to determine the merits of individual approaches to the codification of norms that establish punishments for persons who have committed administratively or criminally illegal acts.

## Results

The main step in the process of codification of administrative norms in Ukraine was the adoption of the Code of Ukraine on Administrative Offenses (1984), which defined theft by size. In this way, the sanction for petty theft was fixed and it was determined that it is punished in accordance with the provisions of the Code of Administrative Offenses as well as the Criminal Code of Ukraine (2001) (Article 51 of the Code of Administrative Offenses). At the same time, the latter also divided theft into two types, namely theft under Article 81 of the Criminal Code and petty theft of state or public property under Article 85 of the Criminal Code.

After the declaration of Ukraine's independence, a number of changes were made to the normative legal acts, in which norms on administrative and criminal liability were established. In particular, only Article was left in the CC. 185 – theft, and in the Code of Administrative Offenses Article 51 – petty theft. Another example is Article 173 of the Code of Administrative Offenses, which provides for liability for petty hooliganism and Article 296 of the Criminal Code – hooliganism. At the same time, the act, in the form of petty hooliganism, includes swearing in public places, insulting citizens, as well as other similar actions that, accordingly, violate public order and peace of citizens. At the same time, the study of Article 296 of the Criminal Code defines hooliganism as a gross violation of public order on the grounds of clear disrespect for society, accompanied by particular audacity or exceptional cynicism.

Given this, actions involving profanity in public places cannot be disrespectful to society. Based on this, it should

be noted that the objective sides of the considered offenses actually coincide. In this regard, it is advisable to combine them and, accordingly, refer them to one Criminal Code. The analysed norms of these normative legal acts indicate the presence of shortcomings, namely conflicts in the current legislation of Ukraine, which can be solved with the help of the above recommendation.

Investigating the issue of regulation of illegal actions in the field of administrative relations, namely public order and public security, it is advisable to pay special attention to the administrative legislation of the Republic of Kazakhstan (Gladchenko, 2023). Accordingly, Chapter 25 of the Code of the Republic of Kazakhstan on Administrative Offenses (2014) clearly identifies illegal patterns of behaviour that negatively affect public order and morality. The Ukrainian legislator chose a slightly different approach, since in Chapter 14 of the Code of Ukraine on Administrative Offenses, he established not only the norms that establish responsibility for encroachment on public order and public safety, but also other actions, for example, violation of the rules of conduct at sports and mass sports events, spectacular cultural and mass events by individuals; sites (Article 434-1). The difference between administrative norms in Kazakhstan and Ukraine lies in the clear regulation and classification of norms. At the same time, they have in common an approach aimed at strengthening and effective provision of public order, morality and public safety.

Above in the study, it was indicated that administrative law is mostly identified with management law, namely management in society. Based on the fact that there can be no coercion in management, persons who do not obey the rules of behaviour established by law in society should be held criminally liable. At the same time, in each country there are certain types of administrative offenses that are not considered such according to the norms of Ukrainian legislation. As an example, it is appropriate to cite the experience of Great Britain, because their minor offenses mostly belong to minor crimes, and therefore criminal punishment is applied to those who commit them. At that time, in the Criminal Code of France, such actions are classified as a violation (contravention) (in the field of road traffic safety), for which criminal liability arises (Izbash, 2020). At the same time, in some foreign countries (for example, Estonia), there is generally no legally defined concept of an administrative offense (Harris et al., 2022). It should be noted that in Ukraine it is understood as an illegal, criminal act that encroaches on state or public order, property, rights and freedoms of citizens, for which administrative responsibility is provided by law.

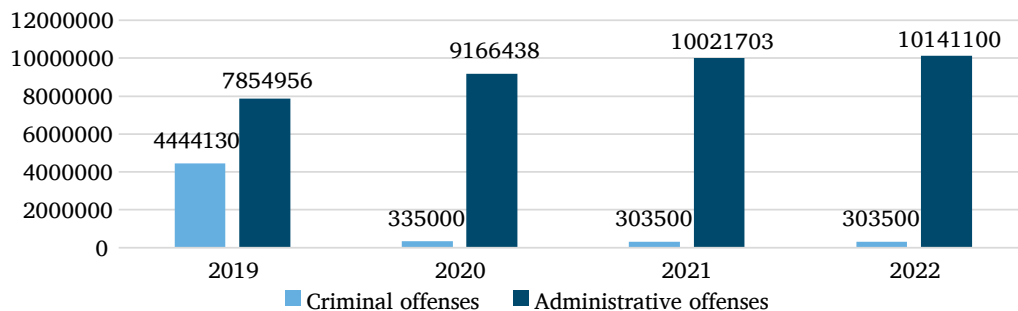
In turn, German administrative law is considered public administration law (Hessick & Hessick, 2021). There it develops on the basis of the continental European tradition, and therefore administrative offenses in the context of their systematization belong precisely to the forensic and legal sphere. Provided that a certain act or inaction has the characteristics of both a crime and an administrative offense, the German criminal law must be applied accordingly to qualify this act (Gladchenko, 2023). A common example found both in Germany and Ukraine is a violation of traffic rules, which in its essence is a misdemeanour, but when serious consequences occur, such a violation acquires the characteristics of a crime. Accordingly, both laws stipulate that certain types of administrative and criminal offenses are closely related, and therefore, depending on the consequences and

the nature of the damage caused, can be transformed from the first to the second. In Poland, as well as in Ukraine, administrative responsibility has a managerial, public service and human rights nature (Sarapuu & Saarniit, 2020). This is due to the fact that the state authorities, as well as their officials, are in vertical relationships that involve subordination. Accordingly, the same thing between Ukrainian and Polish administrative legislation is that state bodies in these countries enter into mutual relations with citizens precisely when providing them with public services, as well as bringing individuals and legal entities to administrative responsibility in the event of their violation of norms (Kärner, 2022). At the same time, the distinctive thing is that in Ukraine, administrative responsibility differs from criminal responsibility in its managerial and systemic features.

The absence of a single codified act, which would establish the composition of administrative offenses, is characteristic of the countries of Western Europe, since most of them have a mixed nature of legislation. This indicates significant differences in the approaches of Ukrainian and European legislators. The latter are characterised by a combination of both general material provisions and procedural norms regarding the imposition of administrative fines (Switzerland, Austria, Italy, and Portugal) (Cass *et al.*, 2020). At the same time, the common thing with Ukraine is that despite the absence of a codified administrative act, all these countries have criminal codes. This shows that the issue of criminal responsibility is given more attention there and is more formalised. At the same time, in Spain, where, accordingly, there is no single law with a list of all administrative violations, there are separate industry norms (the Spanish Law "On General Taxes") (Sznycer & Patrick, 2020). Special legal acts are also common in Ukraine, for example in the field of taxation, which is directly related to the mechanisms of

administrative law. Based on this, it can be established that the most acceptable approach for the states of Western Europe is the codification of both criminal and administrative offenses, as this is reflected in the effectiveness of the selection of the necessary norms for the qualification of illegal acts. Separately, it is worth paying attention to the experience of Denmark, in which the development of administrative law is significantly influenced by both external and internal reasons (Behrer & Bolotnyy, 2022). The contracting of public administration, as well as the penetration of information technologies into administration, are factors in the reform of administrative law in both Denmark and Ukraine. The Danish mechanism of administrative responsibility as a whole has a number of common features with the Ukrainian one, since the administrators of both countries use not only the doctrine of public law, but also real tools for regulating administrative responsibility.

Based on this, the approaches of the legislators of these countries have in common a combination of both material and procedural norms in the sphere of regulation of administrative legal relations, as well as perfect regulation of decision-making mechanisms and responsibility. It is expedient to distinguish between administrative and criminal liability in Ukraine on the basis of statistical data. In this case, it should be noted that in the Union of Soviet Socialist Republics, crime statistics were closed, because it was important to create an image for foreign countries and the international community of the world that crime in it is decreasing and will eventually disappear. At the same time, after the independence of Ukraine, these data acquired an open nature, which allows to compare the number of crimes committed in different years. Based on this, Figure 1 presented statistical data on the number of committed crimes and administrative offenses in Ukraine for the period 2019-2022.



**Figure 1.** Statistics of committed criminal and administrative offenses in Ukraine during 2019-2022

**Source:** Statistics of bringing to administrative responsibility for 2018, 2019, 2020, 2021, and 2022 (2023); Report of the National Police of Ukraine on the results of work in 2022 (2023)

The data disclosed above indicate that in today's conditions it is possible to monitor the dynamics of the spread of criminal and administrative offenses in Ukraine. This has a positive effect on the position of Ukraine in the international arena, as foreign partners and the world as a whole can understand the real level of crime in Ukrainian society and participate in measures aimed at reducing it. Special attention should be paid to the study of the concept of criminal misdemeanour, which is defined in the Criminal Code of Ukraine and involves an act established in the Criminal Code of Ukraine, for the commission of which the main punishment is provided, namely the imposition of a fine in the amount of no more than three thousand tax-free minimum

incomes of citizens or other punishment, not punishable by imprisonment. In this case, it would be appropriate to classify petty theft as criminal misdemeanours. In accordance with Part 1 of Article 185 of the Criminal Code of Ukraine, secret theft of someone else's property (theft) is a criminal offense, while petty theft of someone else's property through theft, fraud, appropriation or embezzlement (Article 51 of the Code of Administrative Offenses) is not a crime.

The same analogy can be drawn on the example of petty hooliganism. Since in the Code of Administrative Offenses it should be understood as obscene swearing in public places, insulting citizens and other similar actions that violate public order and peace of citizens. At the same time in

Article 296 of the Criminal Code of Ukraine, hooliganism represents a gross violation of public order on the grounds of clear disrespect for society, accompanied by special audacity or exceptional cynicism. In this case, establishing the connection between obscenity and gross violation of public order is a complex and controversial process. Separately, it should be emphasised that the current Labor Code was adopted in 1984, that is, almost 40 years ago and has not been changed to this day. One of the reasons for the formation of such a situation is the efforts of the authorities to hide the real state of crime in Ukraine.

Based on the above, it can be established that the institutions of criminal and administrative punishments in Ukraine developed in a close relationship. This indicates that certain provisions of the Code of Administrative Offenses directly relate to the Criminal Code of Ukraine, which significantly complicates their distinction and determining the degree of punishment for guilty persons. That is why there is an objective need to reform the national legislation in the field of criminal and administrative responsibility, in order to solve the issue of qualitative unification of the acts considered in this study.

### Discussion

In the scientific doctrine, considerable attention is paid to the issues of distinguishing and comparing different types of legal responsibility. In particular, researchers study the peculiarities and correlation of administrative and criminal punishments. For example, A. Sarin *et al.* (2021) were engaged in the study of administrative law, which, in their opinion, from the moment of its emergence and, accordingly, in the process of development, should be considered as administrative law as a whole. Based on this, the researchers consider it expedient to distinguish this right from the right to be prosecuted. Until 1917, bringing guilty persons to administrative responsibility was carried out by special subjects, namely justices of the peace or other administrative bodies. Accordingly, the researchers established that administrative offenses were set forth in various legal acts related to the regulation of social relations in the sphere of the national economy. Also, until 1917, the theft of property belonged to the category of crimes and various types of liability could be applied to persons who committed such actions (depending on the value of the stolen property). It is important to note that the concept of petty theft did not exist in the legal system. As a result of the revolution of 1917, dissonance arose in society. The researchers explained this by the fact that a large part of society had only a primitive idea of the existence of someone else's private property, which, accordingly, is forbidden to steal or use. At that time, the main idea of the revolution was the requisition of property, as well as its distribution among citizens who, accordingly, did not have such property. Based on this, it can be noted that the conclusions of both works have in common that a certain part of the population that participated in the revolution was interested in obtaining additional property. That is why both studies emphasised the increase in the number of both open and secret theft of property by the revolutionaries themselves under the auspices of distributing property among citizens.

A. Podgorecki (2023) established that the state should take a number of measures to regulate the situation in society, in particular in the field of property relations. For the most part, they should have an educational character (for example, communist education of citizens). In his opinion,

in this way, the authorities tried to counteract theft, namely to encourage citizens to take responsibility for property, which should actually belong to all working people. It is worth noting that this process was not implemented perfectly, since the issue of educating citizens did not always correspond to the real actions of the government. The author noted that the majority of the population believed that the property could be taken away, and its further fate would be determined later. This issue was especially acute in rural areas, as landowners' houses were looted there, and all property was taken away by the peasants. As for the cities, the eviction of the bourgeois from their apartments and the confiscation of property did not belong to the category of crimes. Accordingly, the common conclusion is that despite the active propaganda of the communist way of life, it was quite difficult for the authorities to regulate legal relations in society, namely to solve the problem of predatory distribution of property.

M. Kulik and M. Błotnicki (2021) believe that the most effective way to restore order in society is to create appropriate legislation aimed at preventing theft. They justified this position by the fact that a high-quality legislative framework can serve as a basis for bringing the guilty to justice. At the same time, it should be noted that the inclusion in the criminal code, which was being formed, of articles on bringing to criminal responsibility citizens who have committed thefts (especially small ones), would lead to the deprivation of liberty of a large number of persons. Common between the works is the conclusion that thefts in the last century were actually an everyday phenomenon. Accordingly, the works equally emphasised both theft and expropriation, since the property of the bourgeoisie was stolen, and as a result, it was deprived of the opportunity to own property and have any rights in the new society. The researchers proposed the idea of dividing theft into two types, namely small and large. The researchers claimed that in this way it would be possible to reduce the number of criminals, because people would be brought to administrative responsibility for the first type of actions. The same position was revealed within this article. It is also worth noting that the application of criminal punishment to the participants of the revolutionary events would have a negative impact on the authority of the authorities as a whole. Accordingly, the common conclusion between both studies is that it was the last indicator that played an important role in the context of establishing trade and other relations with the countries of the Western world.

The first codification of administrative norms in Ukrainian society took place in 1927, in connection with the adoption of the Administrative Code of the Ukrainian Socialist Soviet Republic (1927), as indicated in his work by L.H. Andersen (2023). In his opinion, the society of that time had the right conditions to reduce the number of persons to whom criminal punishment should be applied. This approach was determined by the need to create special social consequences, which, accordingly, entail condemnation and restrictions in the public life of guilty persons. The implementation of this idea lasted until the end of the 1930s, but the expected results could not be achieved. Common among the studies is the conclusion that these actions caused a decrease in the number of citizens brought to administrative responsibility, as well as an increase in the number of convicted persons. The authorities justified this situation by the exacerbation of the class struggle in society.

A.P. Behrer and V. Bolotnyy (2022) studied the provisions of the Code of Ukraine on Administrative Offenses and the Criminal Code of Ukraine. The researchers found that the first lacks such definitions as “unfinished administrative offense” or “attempted administrative offense”. It is worth noting that within the framework of this study, a comparison of articles providing for the establishment of administrative and criminal liability in Ukraine was also conducted. According to the researchers, this affects the determination of the time of the end of the crime during its qualification. Thus, it becomes a prerequisite for the use of different administrative and legal norms in the context of establishing punishment for the same misdemeanours. The authors noted that there is no punishment for an unfinished misdemeanour in the administrative legislation of Ukraine. Based on this, the common conclusion between the works is that only a person who has proven the commission of an administrative offense can be brought to administrative responsibility. Within the framework of this study, common and distinctive features in the establishment of administrative and criminal punishments in accordance with the current normative legal acts of Ukraine were also considered. According to the researchers, damage to the rights of a person and a citizen or the state can be caused even by an attempt to commit an administrative offense. This shows that an unfinished administrative offense has almost all the features of a misdemeanour. It is a generally accepted position that in the presence of the overwhelming majority of signs of an administrative offense, an administrative sanction should be applied to the person who committed such an attempt.

In turn, D. Richman (2022) in his research also substantiated the opinion that non-prosecution for an attempted administrative offense actually leads to the recognition of such actions as legitimate. The researcher noted that the commission of an illegal act in its essence cannot be lawful, as it contradicts the principle of inevitability of administrative responsibility. Therefore, the approach to the disclosure of the specified principle is widespread, according to which, in the event of a misdemeanour, the offender must be punished. At the same time, this rule must be followed regardless of whether the illegal act has been stopped. The general results are that the implementation of the principle of inevitability depends to a greater extent on the professional competence of both the citizens to whom the administrative penalty is applied and the persons who accordingly impose the penalty. Similar conclusions have been established by research, in particular, that an administrative offense neglected causes significant damage to the law and order and safety of society as a whole.

Based on the above, it should be established that the approaches to defining the concept of administrative and

criminal responsibility differ significantly in various countries. This is influenced by several characteristics specific to specific national legislation. Despite this, it should be established that the definition of the relationship between administrative and criminal responsibility is common, which is characteristic not only of the legislation of Ukraine but also of foreign countries.

## Conclusions

Based on the conducted research, it was established that the concept of administrative and criminal responsibility in Ukraine was reformed during different periods of its historical development. Accordingly, from the beginning of the 20th century until now, certain legal traditions regarding the application of punishment for criminal and other offenses have existed and are spreading in Ukraine. The study established that the system of criminal and administrative responsibility underwent significant changes, however, at all stages of its reformation, they were closely connected. Based on the articles of the Code of Administrative Offenses and the Criminal Code of Ukraine, in particular regarding hooliganism and theft, the principles were defined, based on which punishment differentiation is carried out for persons who committed such acts. It was established that the composition of these offenses in both administrative and criminal aspects is similar. That is why there is an urgent need to make changes to the Ukrainian legislation, namely the effective unification of individual articles in the Code of Criminal Procedure and their classification by the provisions of the Criminal Code of Ukraine.

The study considered the experiences of foreign countries, namely Kazakhstan, Germany, France, Great Britain, and Estonia. It has been established that the majority of minor offenses in them are provided for by various normative legal acts, in particular by special laws. Based on this, it was determined that the Ukrainian legislator's approach to the codification of norms on administrative responsibility is effective, as it simplifies the application of administrative penalties. This indicates that it is necessary to leave the Code of Criminal Procedure for the regulation of administrative legal relations in Ukraine, but to improve its provisions, in particular by bringing them into line with articles in the Criminal Code of Ukraine. In the following studies, it is advisable to consider the problems of administrative responsibility in Ukraine and the countries of the European Union in modern conditions.

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## Conflict of interest

None.

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## Порівняльний аналіз адміністративних та кримінальних покарань в Україні та деяких зарубіжних країнах і перспективи змін

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**Анотація.** Процес європейської інтеграції зумовлює необхідність реформування системи українського законодавства. При цьому актуальним є питання співвідношення норм, які встановлюють адміністративні та кримінальні покарання в Україні, а саме їх удосконалення та уніфікація. Таким чином, метою дослідження стало визначення перспектив зміни підходів до законодавчого закріплення статей про кримінальну та адміністративну відповідальність в Україні та за кордоном. Використано методи аналізу, синтезу, порівняння, формально-юридичний, дедукції. Результати дослідження свідчать про виявлення подібностей у структурі окремих норм Кодексу України про адміністративні правопорушення із складами злочинів, що передбачені статтями Кримінального кодексу України. Це явище виокремлюється як важливий аспект правової системи України, що потребує ретельного аналізу та порівняння. Дослідження також визначило основні історичні передумови кодифікації норм, що регулюють кримінальну та адміністративну відповідальність в окремі кодекси. Аналізуючи історичні контексти, вивчено, як еволюція правових принципів сприяла формуванню сучасної системи відповідальності. Окрім того, дослідження зосередило увагу на сучасному співвідношенні між Кодексом України про адміністративні правопорушення та Кримінальним кодексом України. Аналіз взаємодії цих двох кодексів став важливим компонентом для розуміння системи правопорядку в Україні та виявлення можливих аспектів удосконалення цієї системи. Надзвичайний інтерес дослідників викликало вивчення зарубіжного досвіду, зокрема практик Казахстану, Німеччини, Великої Британії, Франції та Естонії. Цей компаративний підхід дозволив виявити подібні та відмінні риси у правових системах різних країн, а також взяти на увагу ефективні практики, які можуть бути використані для вдосконалення правової системи України. Отримані в дослідженні результати доцільно використовувати в процесі внесення змін до положень Кодексу України про адміністративні правопорушення та Кримінального кодексу України, зокрема їх удосконалення в контексті євроінтеграційних процесів

**Ключові слова:** відповідальність; кодекс; склад правопорушення; санкція; примус