

MAIN CHARACTERISTICS OF ADMINISTRATIVE ACTS FROM THE PERSPECTIVE OF ADMINISTRATIVE PROCEDURE LAW OF LATVIA AND JUDICIAL PRACTICE

An administrative act is the main concept and instrument of administrative procedure. Despite the availability of other forms of the performance of public administration (for example, practical step, public law agreement, legislative action etc.), an administrative act is considered as an activity in classic form. Consequently, as a rule, the concept of an administrative act is analysed more frequently in the Latvian administrative judicial practice and legal literature. The article provides an overview of the main characteristics of administrative acts from the perspective of Administrative Procedure Law in Latvia. In the article, the author elaborates on several main characteristics of administrative acts from the perspective of judicial practice and Latvian doctrine. The author also undertakes a comparative analysis between the Latvian Administrative Procedure Law and the newly adopted Law on Administrative Activities and Administrative Procedures of the Kyrgyz Republic. From the above, it follows that the positive part of the definition of an administrative act in the Administrative Procedure Law of Latvia is the same as in the Law of the Kyrgyz Republic. Thus, both laws provide for similar features that a decision must have to be recognized as an administrative act. It is noted that the Administrative Procedure Law of Latvia includes an exception to the general principle that an interim decision is not an administrative act, apart from cases when the decision itself substantially affects the rights or legal interests of a person or substantially limits them. The definition of an administrative act, which is stipulated by the Law of the Kyrgyz Republic "On Administrative Activity and Administrative Procedures", does not indicate that an administrative act is not an interim or procedural decision. The above does not mean that even now in Kyrgyzstan in order to recognize the decision as an administrative act, there must be no features of a final character. The jurisdiction of administrative offenses cases was changed from the jurisdiction of administrative courts to the courts of criminal jurisdiction. Consequently, the competence of administrative cases doesn't involve considering administrative offences cases.

Key words: Latvia, administrative act, characteristics.

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1. Introduction

The choice of the topic under consideration is determined by the adoption of a new Law of the Kyrgyz Republic "On Administrative Activities and Administrative Procedures" and scheduled implementation of the law in the context of which one of the high priorities is the issue of administrative act concept.

Thus, the purpose of the research is to identify a characteristic of the main instrument of administrative procedure – administrative act by means of explanations along with references to conclusions of the Latvian legal literature. The research is not aimed at detailed studying of every characteristic of an administrative act but at thorough examining characteristics which caused complications in judicial practice with a slight focus on the sort of decisions which are not recognized as administrative acts according to Administrative Procedure Law in Latvia.

An administrative act is the main concept and instrument of administrative procedure. Despite the availability of other forms of the performance of public administration (for example, practical step, public law agreement, legislative action etc.), an administrative act is considered as an activity in classic form. Consequently, as a rule, the concept of an administrative act is analysed more frequently in the Latvian administrative judicial practice and legal literature.

Due to this fact, the genuine comprehension of an administrative act is an important condition for adequate application of the law and its effective functioning.

Administrative acts can be distinguished from other forms of public administration on some grounds which usually the legislator consolidates in normative acts regulating administrative procedure.

In the Law of the Kyrgyz Republic "On Administrative Activities and Administrative Procedures", the legislator also defined administrative act indicating features which are inherent for decisions admitted by administrative acts. The very administrative act is defined as an act of administrative body or its official who at the same time:

- a) has public-law and individually defined character;
- b) has an external effect that is there is a lack of intra-departmental nature;
- c) causes legal consequences that is one establishes, alters, terminates the rights and obligations for an applicant and/or a person concerned.

Based on the above, it results that according to the Law of the Kyrgyz Republic “On Administrative Activities and Administrative Procedures”, an administrative act is considered as a decision involving the following features:

- 1) issued by an administrative body or its official;
- 2) public-law character;
- 3) individually defined nature;
- 4) an external effect;
- 5) a lack of intra-departmental nature;
- 6) causes legal consequences that is establishes, alters, terminates the rights and obligations for an applicant and/or a person concerned.

If one compares this definition with the one included in the Administrative Procedure Law of Latvia, it is evident that the understanding of the administrative act is very similar in both laws.

The Latvian Administrative Procedure Law contains the definition of an administrative act consisting of two parts – positive and negative. The positive part includes the main features that the decision must possess in order to be recognized as an administrative act. That is, the Administrative Procedure Law of Latvia provides that an institution’s decision is recognized as an administrative act if it contains the following features:

- 1) to have an external influence;
- 2) to be a legal act;
- 3) to be applied in the field of public law;
- 4) to be issued by the institution;
- 5) to be directed towards an individually determined person or a scope of persons;
- 6) to establish, alter, determine or terminate specific legal relations or state an actual situation (part 3 of Article 1 of Administrative Procedure Law of the Republic of Latvia) (Seimas of the Republic of Lithuania, 2001).

From the above, it follows that the positive part of the definition of an administrative act in the Administrative Procedure Law of Latvia is the same as in the Law of the Kyrgyz Republic. Thus, both laws provide the same characteristics that a decision must have to be recognized as an administrative act.

At the same time, it should be noted that the definition of an administrative act in the Administrative Procedure Law of Latvia also includes the negative part. This part stipulates that an administrative act is not:

- 1) a decision of the institution or other action in the field of private law;
- 2) an internal decision of the institution;
- 3) an interim decision (including proceeding decision) in the context of administrative procedure, except for cases when the decision itself essentially affects the rights or legitimate interest of a person or significantly restricts them;
- 4) a political decision of Saeima, state president, the Cabinet of Ministers or self-government body (council) (political statement, declaration, invocation or news about election of officers etc.);
- 5) a court decision, criminal procedure decision, as well as a decision adopted in the context of the proceedings on the case of an administrative offence (part 3 of Article 1 of Administrative Procedure Law of the Republic of Latvia) (Seimas of the Republic of Lithuania, 2001).

Based on the above comparison, it is clear that the definition of Latvian law is more detailed. The practical situation contributed to the formation of that sort of a comprehensive definition. Originally, the definition of an administrative act was limited, but there were frequent incidents in judicial practice when parties disputed decisions which were not administrative acts. Moreover, the legislator specified the definition of administrative act many times, taking into account development trends of judicial practice which pointed at new types of administrative acts¹.

Despite the fact that there is a lack of negative part in the definition of an administrative act in the law of the Kyrgyz Republic (except for the feature that an administrative act is not internal decision), in general, the comprehension of an administrative act is alike from the perspective of both laws. Thus, the article's goal is to do a review and in-depth analysis of some features of an administrative act by virtue of the judicial practice of Latvia looking forward developing of understanding of the institution of the administrative act not only in the Kyrgyz Republic but also in other countries of Central Asia.

2. Interpretation of some features of an administrative act

2.1. External influence

To be recognized as an administrative act a decision must have an external influence. In the judicial practice and legal literature of Latvia, there is an idea that the feature "it has an external impact" means that the decisions that the institution adopts in relation to own establishment, employees of own institution, persons who are subordinate to the institution and other subordinate institutions will be excluded from the scope of administrative acts (Briede, 2013).

Public administration has to decide on various issues exercising its daily obligations, for example, orders on the official journey, on the handing over of documents, on the creation of workgroup, on the reorganization of structural units, etc. Those kinds of orders are directed not at a particular person but at the organisation of institution performance or exercising official duties by the institution's employee. In cases when an employee considers orders illegal (on removal from office for the duration of considering disciplinary case or order on rest leave or on participation in a workgroup, etc.), he/she is entitled to challenge them in a superior institution but does not have the right to appeal in a court (Briede, 2013).

It is worth mentioning that Administrative Procedure Law of Latvia provides exceptions, in particular, in relation to persons especially subordinate to the institution who have to follow internal regulations and orders in a greater degree than others. The Supreme Court of the Republic of Latvia recognizes the following persons as special subordinates of the institution: officials, military servants, judges, school children and students, customers of public establishments (for example, museum, library, swimming pool), persons who are in compulsory medical treatment or convicted persons (Supreme Court of the Republic of Latvia, 2010a). Administrative Procedure Law of Latvia consolidates that an administrative act is also a decision on establishment, alteration, termination of a legal status of an official or person especially subordinate to the institution, dis-

¹ For example, the legislator clarified that an administrative act is such a decision which, in cases prescribed by the law, is issued by the institution with regard to individually unspecified public which is in particular identified circumstances (general administrative law).

ciplinary punishment of the person, as well as other decision if it significantly limits rights of a man, official or person especially subordinate to the institution (part 3 of Article 1 of Administrative Procedure Law of the Republic of Latvia) (Seimas of the Republic of Lithuania, 2001). Such decisions are considered as administrative acts because they affect the rights and interests of particular persons more profoundly. This means that the decisions influence a particular person not only as an employee either a special subordinate of the institution or as a person but have an external influence (Briede, 2013).

For example, the Supreme Court determined that the decision of the institution, which decides on a base salary of a special subordinate of the institution, affects a human right to get a relevant salary for conducted work which is consolidated in Satversme of the Republic of Latvia. Thus, the institution's decision, which has reduced fixed salary of a person, significantly affecting his/her right to equal work for equal pay will be considered as an administrative act. This conclusion is equally touches both officials and other officers (Supreme Court of the Republic of Latvia, 2010b). The Supreme Court also admitted that the issue of salary payment for a judge considered under administrative procedure essentially affects officials in the context of human rights, because the judge being a civil servant is an official (Supreme Court of the Republic of Latvia, 2009a).

The Supreme Court concluded that in the relations between a school child and the state, administrative acts are decisions which affect (establish, change or terminate) the basic relations of the school child and state, invoke punishment towards the school child or significantly affects his/her rights and interests in the context of human rights. But decisions concerning the organization of the process of getting education by the school child, including decisions that launch the activities of educational institutions (for example, on the shutdown of educational institutions and on the transfer of the schoolchild to another educational institution), do not affect the right of school child to education to a significant degree. The above decisions have an internal influence (internal decision) and for this reason, they are not considered as administrative acts (Supreme Court of the Republic of Latvia, 2010b).

In the context of the mentioned argument of the Supreme Court, it is important to mark that internal decisions of the institution are not recognized as administrative acts, and this fact is directly covered by the negative part of the definition of administrative act. In other words, if an object which is mainly subjected to the decision is organization or institution activity, this is an internal decision of the institution (Supreme Court of the Republic of Latvia, 2007).

Internal decisions, which may have similarities with administrative acts but touches upon exclusively the institution, are decisions, instructions or orders which were issued with the purpose of ensuring activities of state administration bodies and special subordinates (including officials) (Briede, 2013), as well as with purpose of institutions cooperation for information sharing; in the relations between institution and its subordinate institution (for example, order of superior institution for subordinate institution on provision of tasks execution) (Briede, 2008).

Thus, for example, the decision of self-governing body to liquidate the orphan's court, which is an institution of self-government, is a decision concerning the institutional systems of direct management of state administration. This decision is aimed

at organizing the functioning of the self-government in order to ensure the execution of the autonomous function of the respective self-government; it is an internal decision. Accordingly, the decision of the self-government to liquidate the orphan court touches upon the liquidated orphan court itself as an institution, which does not affect persons in the sphere of human rights, and therefore is not an administrative act (Supreme Court of the Republic of Latvia, 2010c).

At the same time, it is important to point out that internal organizational acts may have external consequences as an exceptional case. Administrative acts are those organizational acts that eliminate the possibility of using so-called public grounds (for example, the closure of schools, kindergartens, cemeteries, etc.). These organizational decisions directly affect the basic rights of the individual, so one can talk about their external impact (Briede, 2013).

2.2. Sphere of public law

An administrative act is a legal act issued by an institution in the sphere of public law.

To determine whether the action of the subject of public law takes place in the sphere of public law or in the sphere of private law, it is necessary to find out what rule is the main one in this activity, or more specifically, whether it belongs to the public or private law. For example, the Supreme Court, making decision on the sphere a particular decision was made in and taking into account the type of relationship that a specific decision was directed on, stated that the decision of the Professors Council on election of a specific person for the position of associate professor is a prerequisite for the origin of legal relations between a professor and university. The above decision is not intended to establish public-legal relations, that is, it is not adopted in the sphere of public law, because a labour contract, that is a private-law one, is concluded between the professor and the university based on the decision of Professors Council. Thus, the lawfulness of the decision of Professors Council is not verified under administrative procedure as this decision is not an administrative act (Supreme Court of the Republic of Latvia, 2010d).

Thus, during the consideration of cases where a self-governing body decided to hold a land plot on lease for a period of 10 years owned by the self-governing body, the Supreme Court concluded that the subject of public law acts privately maintaining its property, for example, by leasing land or premises. Taking into account the aforementioned, the Supreme Court admitted that the actions of the self-governing body in providing a specific entity with the leasehold were not based on public norms, and the order was exercised as by means of a private owner. Consequently, the Supreme Court marked that the decision of the self-governing body to lease its land plot is not recognized as an administrative act (Supreme Court of the Republic of Latvia, 2012a).

Summarising the above, it is stated that the court in assessing the fact whether a particular legal act was adopted in the sphere of public law should also evaluate on which kind of relations a particular decision was focused and what standards guided the institution when making the relevant decisions.

2.3. Agency

The agency must issue a decision in order it to be recognized as an administrative act.

The concept of agency in the Latvian Administrative Procedure Law is a quiet comprehensive and covers not only state and self-government structures but also their sub-

divisions, officials, as well private individuals if they are delegated powers in the sphere of public administration. In addition, an agency is any subject, if only this subject operates in the sphere of public administration in a particular case (Briede, 2008). Thus, the concept “agency” should be considered functionally, not constitutionally (Constitutional Court of the Republic of Latvia, 2005).

The Supreme Court admitted that the law may vest body or official, who is a part of judicial branch, with the functions of state power. And in cases when it exercises the powers, a relevant official or institutions are recognized as the agency within the meaning of Administrative Procedure Law of Latvia (Supreme Court of the Republic of Latvia, 2004). Thus, the legislative body also can be a functional agency, if it performs tasks that relate to public administration. Information provision or refusal to provide information is a typical example.

At the same time, it is essential to point out that the court has to be very careful in considering whether the decision was made by the agency, because only actions related to public administration are subjected to the jurisdiction of administrative court (Briede, 2008). Thus, according to the Latvian Administrative Procedure Law, acts are not court orders as well as other decisions adopted in the judiciary.

In this context, the Supreme Court concluded that the qualification board of judges, which is an institution of professional self-government of judges, fixed the competence in the procedure of judicial selection. When evaluating adequacy of judicial candidate and conducting qualification examination, qualification board of judges exercises the functions of judicial authority while forming panel of judges. Qualification board of judges is not vested with powers in public administration, and it is not recognized as an agency in the process of selecting judicial candidates. Consequently, a decision on judicial candidate is not an administrative act because the decisions were adopted in judiciary sphere, but not in public administration (Supreme Court of the Republic of Latvia, 2009c).

Moreover, the Supreme Court admitted that the decision of the Minister of Justice with regard to the initiation of disciplinary case against a judge was approved not in the sphere of public administration but in the judiciary one and, for this reason, it is not an administrative act. That kind of reasoning is based on the fact that the right of the Minister of Justice is associated with the implementation of the principle of separation of state power, and the purpose of such actions is to influence the judicial power but not to establish, change or terminate public-law relations with private individuals (Supreme Court of the Republic of Latvia, 2008).

In addition, there are features of an administrative act in criminal procedure decisions. However, according to the Latvian Administrative Procedure Law (para. 5 part 3 of Art. 1), criminal procedure decisions are not administrative acts because they don't give a feature “agency” since investigators don't exercise the function of public administration (Briede, 2013).

2.4. Individually specified person and particular legal relations

As a rule, an administrative act is addressed to an individually specified person or a scope of people and affects particular legal relations. Due to the fact that administrative acts are individual acts, that is, they are addressed to particular individuals and differ from regulatory acts, which are addressed to any number of unspecified persons (Briede, 2013).

It is important to note that in Latvia, the Constitutional Court verifies the compliance of laws with the Constitution, compliance of other regulatory acts or their parts with the legal norms (acts) of higher legal force, compliance of other acts with the law (except for administrative acts) of the Saeima (legislative body), the Cabinet of Ministers, President, the Speaker of the Saeima and the Prime Minister (Seimas of the Republic of Lithuania, 1996).

It should be noted that in Latvia in the Administrative Procedure Law, there is a special case of an administrative – general administrative act. It is referred to the cases when an administrative act is recognized a decision, which, in cases provided for in the law, is issued by the institution towards individually specified scope of people who are under particular identified conditions. Thus, the Supreme Court concluded that traffic limitation order is an administrative act (Supreme Court of the Republic of Latvia, 2011). In addition, a general administrative act is recognised as a decision of self-governing body on non-privatization of a particular dwelling house due to the fact that a scope of addressees of an administrative act is not specified individually and, for this reason, the decision refers to individually unspecified scope of people who are under particular identified conditions (Supreme Court of the Republic of Latvia, 2006a).

In spite of the fact that it is not specified in the law of the Kyrgyz Republic, judges of the Kyrgyz Republic should also take into account that kind of a special case when resolving a matter of statement admissibility.

2.5. *Interim and final decisions*

When considering a negative part of the definition of administrative act in the Latvian Administrative Procedure Law, it is also essential to mention the concepts of interim and final decisions.

Administrative Procedure Law of the Republic of Latvia stipulates that an administrative act is not an interim decision (including proceeding decision) in terms of administrative process (para. 3 part. 3 of Article 1) (Seimas of the Republic of Lithuania, 2001). Thus, according to the Latvian Administrative Procedure Law, the final settlement is one of the main features of administrative act.

The Latvian juridical literature marks that, generally, in order to make a final decision it is necessary to adopt dozens of interim decisions, which determine legal relations. The final decision is taken after the implementation of other preliminaries for decision making. Most of them are provided in procedural rules, for example: initiation of proceedings, information request, listening of process actors etc. Compared to administrative acts, these decisions don't have finality. As a rule, an administrative act is considered a last decision adopted in a relevant process (Briede, 2013).

Administrative courts often deal with the cases when a person wants to appeal an interim decision falsely assuming that judgment being appealed is an administrative act. For example, the Supreme Court concluded that the purpose of the State Revenue Services in requiring provision of an additional declaration is data verification in original declaration. That is, the request for the additional declaration is one of the means whereby the State Revenue Services can verify the validity of the original declaration. In this regard, it follows that the request for an additional declaration itself and its receipt do not achieve the goal due to which the State Revenue Services initiated a specific

process. Thus, when requesting an additional declaration, there is a lack of the nature of the final settlement, and, therefore, it is considered an interim decision but not an administrative act (Supreme Court of the Republic of Latvia, 2015).

It is important to point out that taking into account that actually interim decisions are not administrative acts and for this reason they cannot be appealed before a final decision is taken. This does not mean that after the adoption of final decision (that is, after issuing an administrative act) it will be impossible to verify the legality of the intermediate decision. If any of the decisions made during the process were taken illegally, this would be the ground for the illegitimacy of the relevant result of the whole process, that is, the administrative act (Briede, 2013).

However, it should be mentioned that Administrative Procedure Law of Latvia provides an exception to the general principle regarding the fact that an interim decision is not an administrative act, unless when such a decision essentially affects the rights or legal interests of the person or limits them (para. 3 p. 3 of Art. 1) (Seimas of the Republic of Lithuania, 2001). For example, the Supreme Court, in examining whether a person has legal public rights to challenge a decision which suspended him/her from further participation in the competition for the post of prosecutor, admitted that the decision which suspended the person from participation as a candidate for the post of prosecutor may be considered as a decision that significantly affecting the rights or legitimate interests of a person, as the applicant is suspended from further participation in the selection to the position of prosecutor by means of the decision, and, therefore, this decision can be appealed to court (Supreme Court of the Republic of Latvia, 2006b).

The Supreme Court also stated that the decision to ignore an application, which does not comply with the requirements of the Law "On the State Language", can be appealed if the person cannot fulfill these requirements objectively. Thus, the person will be restricted in exercising his/her rights (Supreme Court of the Republic of Latvia, 2014).

The definition of an administrative act, which is stipulated by the Law of the Kyrgyz Republic "On Administrative Activity and Administrative Procedures", does not indicate that an administrative act is not an interim or procedural decision. The above does not mean that even now in Kyrgyzstan in order to recognize the decision as an administrative act, there must be no features of a final character. There is contrast situation – the definition of an administrative act, which is contained in the law, shows the necessity of defining that sort of feature. The very law of the Kyrgyz Republic states that the administrative act is a decision that creates legal consequences. Accordingly, it is referred to a decision that creates legal consequences per se, and not one of the decisions taken in the decisions making process that create legal consequences (Supreme Court of the Republic of Latvia, 2006c).

2.6. Political decisions

Considering the negative part of the administrative act, it is necessary to mention a political decision, which is often may resemble administrative acts to its form.

The Supreme Court pointed out that a political decision can be separated from an administrative act by the adoption procedure (it is usually adopted by virtue a democratic procedure, during voting; it does not include instructions concerning content of the decision and does not require to disclose substantiation for a specific vote) by

the institution which adopts it (it has democratically legitimate character, which does not have government institutions) and the essence of the decision (a political decision which directly depends on the political will of adopter and trust, which are always subjective terms not regulated in legal rules) (Supreme Court of the Republic of Latvia, 2010e). Thus, legal literature notes that political decisions are formulated on the basis of political will, internal confidence, trust and other criteria, which are not regularised in law rules (Briede, 2013).

Based on the above considerations, the Supreme Court concluded that the election and tenure of a self-government official directly depend on the inner convictions of the majority of deputies, political will and trust, which are subjective terms not regulated by law rules. The court cannot assess whether the deputies correctly voted “for” or “against”, and also cannot oblige deputies to vote “for” or “against”. Therefore, the self-government official doesn’t have subjective rights to receive a post and to keep the post, and these decisions are not subject to appeal in the administrative court (Supreme Court of the Republic of Latvia, 2010e).

The Supreme Court also marked that political decision is a decision which the local government awarded to a person in recognition of his/her achievements. The Supreme Court admitted that this decision was made by deputies by voting and none regulatory act obliges to justify this decision (Supreme Court of the Republic of Latvia, 2010f). The Department of Administrative Cases of the Supreme Court admitted that the decision of self-government to create Walk of Fame and platform for “New Wave” doesn’t meet features of administrative act. That is, the present decisions are not based on the arguments of law but on the political will on the need for memorial places that is the nature of political decisions (Supreme Court of the Republic of Latvia, 2012b).

2.7. Other administrative acts which are not administrative ones

In conclusion, when considering other legal acts that are not administrative ones, it is important to point out that in Latvia it is established that a decision made on administrative offenses cases is not considered as an administrative act. Until 2012, the administrative courts also dealt with administrative offenses cases, but since July 1, 2012, the jurisdiction of administrative offenses cases was changed from the jurisdiction of administrative courts to the courts of criminal jurisdiction (Reizniece-Ozola, 2016).

The above changes have been made, taking into account that administrative offense cases are quasi-criminal cases and differ from other administrative cases by the fact that during the process it is applied not only the authority of public administration due to an administrative offense against a person, as it happens in any administrative process, but also the function of punishment is implemented. That is a person is punished administratively with using the punishment specified in a relevant law for an illegal act. Accordingly, the principles for the consideration of such cases are as close as possible to the principles for the consideration of criminal cases (Reizniece-Ozola, 2016).

Consequently, the competence of administrative cases doesn’t involve considering administrative offences cases.

3. Conclusions

Summarising the above, once again, it is essential to emphasize the large role of administrative courts in forming an understanding of an administrative act. An ade-

quate understanding of the concept of an administrative act is a condition for the effective implementation of administrative law and procedure. Thus, at the moment, an important task is given to judges of the Kyrgyz Republic. There is a hope that they will successfully cope with it, thereby contributing to the effective implementation of the new law.

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ОСНОВНІ ОЗНАКИ АДМІНІСТРАТИВНОГО АКТА КРІЗЬ ПРИЗМУ АДМІНІСТРАТИВНО-ПРОЦЕСУАЛЬНОГО ЗАКОНУ ЛАТВІЇ

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Основним поняттям та інструментом адміністративного процесу є адміністративний акт. Незважаючи на те, що є й інші форми діяльності державного управління (наприклад, фактична дія, публічно-правовий договір, законодавча дія тощо), у класичному вигляді діяльністю вважається адміністративний акт. У зв'язку із цим правильне розуміння адміністративного акта є важливою умовою правильного застосування закону та його ефективного функціонування. Стаття розглядає основні ознаки адміністративного акта крізь призму Адміністративно-процесуального закону Латвії. У статті автор представляє більш детальні пояснення деяких основних ознак адміністративного акта в контексті юридичної практики та правової доктрини Латвії. Автор також проводить порівняльні паралелі між Адміністративно-процесуальним законом Латвії та нещодавно прийнятим Законом Киргизької Республіки «Про основи адміністративної діяльності та адміністративні процедури». Позитивна частина дефініції адміністративного акта в Адміністративно-процесуальному законі Латвії така ж, як у законі Киргизької Республіки. Отже, обидва закони передбачають ті ж ознаки, якими має володіти рішення, щоб воно

було визнане адміністративним актом. Зазначено, що Адміністративно-процесуальний закон Латвії передбачає виключення із загального принципу щодо того, що проміжне рішення не є адміністративним актом, за винятком випадків, коли таке рішення саме по собі істотно зачіпає права чи правові інтереси особи або істотно їх обмежує. У дефініції адміністративного акта, яка передбачена Законом Киргизької Республіки «Про основи адміністративної діяльності та адміністративні процедури», немає вказівки на те, що адміністративним актом не є проміжне чи процесуальне рішення. Це не означає, що й нині в Киргизькій Республіці для того, щоб визнати рішення адміністративним актом, не повинно бути ознаки остаточного характеру. Підвідомчість справ про адміністративні правопорушення змінена з юрисдикції адміністративних судів на суди кримінальної юрисдикції. Таким чином, до компетенції адміністративних судів не входить розгляд справ про адміністративні правопорушення.

Ключові слова: Латвія, адміністративний акт, ознаки.