

Shirshikova M.

candidate of legal sciences,
associate professor of department
of civil legal disciplines of the east
Europe national university, the
name of L. Ukrainki

PROVIDING OF GAINING END PUNISHMENT DURING BRINGING IN TO ADMINISTRATIVE RESPONSIBILITY OF LEGAL ENTITIES

The analysis of questions and ways of gaining end punishment is carried out during bringing in to administrative responsibility of legal entities.

Keywords: *purpose of punishment, administrative responsibility, legal entities.*

The goal is the prevention of responsibility – both general and private, which is achieved by relying on individual negative consequences of the offense (administrative penalty as set by the relevant article, which establishes liability). It is believed that experiencing these effects, a person is brought up – changing its attitude toward illegal conduct that was the reason for her punishment. Thus, the purpose of the administration – prevention, punishment – these are the responsibility and education – the process of achieving the goal of responsibility. The above described mechanism for achieving private prevention. General prevention is achieved in much the same with the difference that the person from the side of watches that are experiencing negative consequences for the offender guilty. However, if the goal is reached liability can draw conclusions only after prolonged observation - the fact of whether the other person committed such offense.

It should be noted that the discussion on the purpose of administrative responsibilities were mainly in the period when an administrative responsibility were just individuals. For these subjects mechanism described above to achieve the goal of responsibility - prevention - can be assessed as sufficiently convincing.

However, the development of market relations there is a large number of businesses of different legal forms and much of the local researchers today agree that the range of subjects of administrative

responsibility should be extended to include them legal entities and in this regard to make certain amendments to the modern administrative law.

However, this reform provides a preliminary solution of the complex issues related to the determination of guilt entities as subjects of misdemeanors and terms of bringing entities to administrative responsibility. Thus, in the domestic legal literature and current legislation fault is defined as the mental attitude of a person to a wrongful act and its consequences. But this definition can not be applied to an entity, because the latter does not have an independent mind and psyche. In order to formulate the definition of guilt for entities to consider the underlying capacity of the latter. As the E. Troubetzkoy, capacity of a legal entity is found in the actions of certain individuals and representatives acting on its behalf. Moreover, the effect of these actions are considered representatives of the people, although neither of the representatives, nor any individuals that are part of the legal entity should not be confused with the very entity. This view is supported by the J. Fogelson, who said that the activities of any legal entity – a set of procedures, each of which performs a specific person. Since this complex aims to implement a specific purpose, it is social cohesion. It is essential that the activities of a legal entity - is a form of citizens.

Thus, the capacity of a legal entity is conditioned by the specific capacity of individuals who belong to it. That the activities of these individuals due to their duties, creates subjective rights and the legal obligations of a legal entity (that is not the legal consequences for most individuals and for legal entities with which they are in a link).