

## THE ROLE OF ADMINISTRATIVE LAW MEASURES IN ENSURING SCIENTIFIC ACTIVITY IN THE CUSTOMS

*The article is dedicated to the study of the instrumental support of state regulation of science in the field of customs-legal relations, particularly in the proper application of administrative legal measures. It proposes and substantiates the thesis about the possibility of using administrative legal measures to regulate social relations related to conducting scientific activities, creating conditions for increasing the efficiency of scientific research, and utilizing their results to ensure the development of all spheres of social life, as well as to support scientific activities as a type of labor activity. It seems appropriate to improve administrative legal measures in scientific activities related to customs by: 1) adopting the Regulation on the Scientific Council of the State Customs Service of Ukraine; 2) approving priority areas of scientific activity in the customs field; 3) forming normative-institutional foundations for the separation of the Customs Affairs Academy.*

*The research methodology is determined by the defined goal and set tasks and includes various methods of scientific cognition, approaches, and actions aimed at obtaining new scientific results during the study of the issue of determining the administrative-legal nature of the licensing procedure for educational activities. During the research, general and special methods of scientific cognition were applied, including the method of systemic analysis, the dialectical method, formal-logical methods, structural-functional and comparative-legal methods, as well as a number of empirical methods. These ultimately made it possible to determine the significance of administrative-legal measures in the regulation of scientific activities, with a focus on the customs-legal sphere of scientific cognition.*

*The features of administrative legal measures, mediated by their sectoral affiliation in the field of scientific activity, are highlighted: a) the institutional criterion, emphasizing the status of the majority of subjects regulating the field of scientific activity as entities endowed with certain authoritative and regulatory powers; b) the functional criterion, indicating the predominant application of the dispositive method of influence and the corresponding encouraging administrative-legal measures aimed at the development of science in general and the support of the qualitative and competitive state of scientific activity; c) the structural criterion, which underlies the definition of the place of administrative-legal measures in the regulation of scientific activity.*

**Key words:** state regulation, structuring/organizing, scientific activity, customs affairs, encouragement, stimulation.

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**Introduction.** The impact of law on social relations is externally expressed in the behavior of the participants in these relations. Legal measures are an integral part of the mechanism of legal influence, serving as a tool for achieving set goals. Administrative law is characterized by specific legal measures that reflect the peculiarities of the subject and method of sectoral legal regulation. Notably, at the current stage, administrative law has been transformed both qualitatively and quantitatively. Therefore, administrative legal measures have also undergone corresponding changes.

There is a need to argue the provisions regarding the specificity of the application of administrative legal measures both in separate subfields of administrative law (e.g., service law, delict law, municipal law, etc.) and in the areas of administrative legal relations (e.g., administrative relations concerning the provision of administrative services, administrative services related to the consideration of citizens' appeals, administrative legal relations concerning bringing individuals to administrative responsibility, etc.), as well as in the presence of a special object of legal influence (e.g., in the field of healthcare, education, customs affairs, scientific activities, and so on).

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The relevance of updating any legal phenomena, including the essence of the impact of administrative legal measures, is further conditioned by the need to align the current state of legal regulation with international standards and European Union norms. Given the above, it is relevant to study the role of administrative legal measures in regulating the field of legal science in general, and scientific activities aimed at the development of customs affairs in particular.

**Literature review.** At the doctrinal level, the issue of determining the order and specifics of applying administrative legal measures to regulate scientific activities has not been studied either in a direct context or regarding the legal branches of science. Moreover, their specification concerning the customs field has also not been conducted. This is primarily due to the fact that, at present: a) the content of the category “administrative legal measures” has been expanded; b) a concept of state influence on the regulation of scientific activity has been formed; c) the spheres of conducting scientific research related to customs affairs and the updating of customs officers’ education have been actualized.

The works that served as the foundation for this research can be grouped as follows:

- 1) those concerning the definition of administrative legal measures;
- 2) those aimed at determining the specifics of regulating social relations in the field of scientific activity;
- 3) those focused on the specifics of the scientific component of customs affairs. Let’s pay attention to some of them.

Regarding the interpretation of administrative legal measures, the approach to their interpretation as a type of legal measures aimed qualitatively at ensuring the legal regulation of a particular sphere of social relations and achieving the goal of managerial-regulatory influence by public administration entities, which are externally expressed in a set of formally defined actions, is taken as a basis (Kivalov, 2024). This approach is consistent with existing definitions in science, regardless of their narrow scope, when administrative legal measures are identified exclusively with the reaction of public administration entities to negative behavior affecting the established legal order (Galinska, 2014: 54; Holosnichenko, 2005), or a broad scope, when administrative legal measures are associated with the activities of public administration entities regardless of the conditions of their application (Åkerstrom Andersen, 2000; Kozachenko, Musychenko, Vasilyaka, Chornozub, 2022; Smith, 2023). Furthermore, the specification of the application of administrative legal measures to a particular sphere of social relations or a specific object of influence does not alter the proposed definition. This is confirmed by conclusions drawn regarding the application of administrative legal measures to solve specific tasks. For example, to ensure control over the execution of jurisdictional decisions (Huisma, Koemans, 2008), to preserve cultural heritage (Administrative Measures for the Protection of World Cultural Heritage, 2016), to define policies and management regimes (Carelli, Peters, 2024), etc.

The species affiliation of administrative legal measures is scientifically substantiated through their classification as a type of legal measures (Dzera, 2001: 31; Pidlubna, 2010: 59). In turn, the identification of administrative-legal measures applied to regulate scientific activity is possible due to their inherent characteristic of subject-specific specification—application within a certain type of legal relations that are influenced by public administration entities in the course of their authoritative and regulatory activities. In this case, the legal relations arise in the field of scientific activity. Overall, the regulatory impact on relations concerning science and scientific activity is inseparably connected but distinct: the concept of “scientific activity” a priori reflects the procedural aspect since it is a type of activity; the content of state regulation in the field of science should concern the choice of substantive content of scientific research, the priorities of scientific inquiry, and compliance with globalization requirements. In contrast, in the field of scientific activity, it should ensure proper regulation and create conditions for intellectual creative activity aimed at acquiring new knowledge and/or finding ways to apply it (Bilous-Osin, Savchuk, 2022).

The application of administrative legal measures is possible when a certain type and form of regulation (externally expressed in public administration) concerning a specific object—scientific activity—is realized. This aligns with the thesis that the object of public administration can be social relations, which can be regulated according to legislative norms using specifically defined forms, instruments, methods, and procedures to ensure the public interest (Bilous-Osin, 2021). Thus, it is about the possibility of applying administrative legal measures to regulate social relations related to conducting scientific activities, creating conditions for improving the efficiency of scientific research, and using their results to ensure

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the development of all spheres of social life. It is also about ensuring scientific activity as a type of labor activity (e.g., ensuring the status of scientific activity subjects).

Doctrinal developments concerning the advancement of customs-legal science and scientific activity have mostly addressed issues related to the development of individual elements of customs affairs. In this context, we draw attention to the conclusions of L. Ryabovol (2020: 61) regarding the inclusion of specialized educational institutions and research institutions of customs authorities as subjects ensuring customs security. These institutions can be established for the purpose of training, retraining, and enhancing the qualifications of customs specialists and conducting scientific research in the field of ensuring Ukraine's customs interests.

As for the scientific support of customs affairs, it should be noted that as early as 2011, a concept of customs-legal science, or the "Concept of Five Towers," was proposed. Its aim was to improve the activities of the State Customs Service of Ukraine/Ministry of Revenues of Ukraine by defining the conceptual foundations for forming an effective and efficient mechanism of scientific support for state administration in the tax and customs sphere. This would be achieved through conducting scientific research dedicated to the development of international trade, implementing best practices in customs regulation, developing partnerships with citizens and businesses, fostering a system of continuous education and qualification improvement, increasing the contribution of science to state development, and enhancing the scientific and technical level of the State Research Institute of Customs Affairs in terms of its scientific and technical potential and its influence on the formation of scientific and technical policies (Nagorichna, 2014: 221).

Thus, existing research by scholars allows for the formation of a vision of administrative legal measures that are applied to regulate scientific activities, including those related to customs affairs.

**Administrative Legal Measures as a Tool for Regulating Scientific Activity.** The indication that administrative legal measures are a type of legal measures points to the fact that these measures are formally defined, and the conditions and mechanisms of their application are clearly established by legislation. This position aligns with constitutional provisions regarding the obligation of subjects of public administration to strictly adhere to Ukrainian legislation when carrying out any actions or refraining from them, acting exclusively within the principle of "everything is prohibited except what is directly permitted by law." Thus, the Constitution of Ukraine stipulates that: "the bodies of legislative, executive, and judicial power exercise their powers within the limits established by this Constitution and in accordance with the laws of Ukraine" (Art. 6); "the bodies of state power and bodies of local self-government, their officials are obliged to act only on the basis, within the powers and in the manner prescribed by the Constitution and laws of Ukraine" (Art. 19) (Constitution of Ukraine, 1996). Therefore, the application of administrative legal measures that are not provided for by legislation is impossible. This principle extends to public administration or as defined at the normative level for state regulation in the field of scientific activity.

The specific features of administrative legal measures, mediated by their sectoral affiliation in the field of scientific activity, relate to: a) the scope of application by subjects designated in administrative law as "subjects of public administration" (institutional criterion). These include: the Cabinet of Ministers of Ukraine, the Ministry of Education and Science of Ukraine, and the bodies attached to it such as the National Council of Ukraine on Science and Technology and the Identification Committee on Science, research institutions, the scientific council of a scientific institution, state key laboratories, the National Academy of Sciences of Ukraine as the highest scientific self-governing organization of Ukraine, and the National Research Fund (On Scientific and Scientific-Technical Activity, 2015). In other words, the majority of subjects regulating the sphere of scientific activity are entities endowed with specific governing powers.

b) Reflecting established methods of administrative-legal influence (functional criterion). In this case, the primary method should be the discretionary method of influence, which forms the basis for the application of incentive administrative-legal measures aimed at the development of science as a whole and supporting the quality and competitive state of scientific activity.

c) Recognition as an element of public administration (structural criterion). It is noteworthy that specific methods and forms of influence, as revealed in particular administrative-legal measures, are applied to regulate the field of scientific activity. Initially, recognizing possible means of influence as administrative-legal measures raises doubts due to the lack of a clear indication of their legal nature in legislative acts. However, analyzing each specific measure, such as the provision of grant support for scientific activity, establishment of budgetary financing for scientific activity, application of administrative-economic

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sanctions in case of non-compliance with licensing requirements for conducting scientific activity, demonstrates that the legal nature of these measures is administrative.

Let's analyze them separately. The institutional criterion for distinguishing administrative legal measures means that these formally defined legal measures can only be applied by subjects of public administration. The term "subjects of public administration" is used in administrative law to denote various authorities endowed with managerial functions.

Regarding the application of administrative legal measures, this has an impact on their functional purpose. Thus, administrative legal measures are applied by subjects of public administration to properly ensure scientific activity.

The functional criterion for distinguishing administrative legal measures means that these measures can only be applied through a set of norms fixed by administrative law, methods, and means of influencing social relations that ensure the most appropriate and sufficient conditions for conducting high-quality public administration in the field of scientific activity.

Thus, the specificity of administrative legal measures lies in the method of legal influence on social relations and the means of legal influence applied, ensuring the most appropriate and sufficient conditions for conducting high-quality public administration in the field of scientific activity. At present, there is an update in the methodological approaches to the functioning of subjects of public administration regardless of the sphere of their activity. This is associated with a broader application of the concept focusing on the human element. It is also important to note that methodological principles of applying administrative legal measures are not overlooked. The transformation has encompassed such key aspects:

1. The general legal status of subjects of administrative law;
2. Grounds for the emergence, alteration, and termination of administrative legal relations;
3. Method of forming the content of rights and obligations of subjects of administrative law;
4. Legal measures of influence (General Administrative Law of Ukraine, 2023).

The substantive criterion for identifying administrative legal measures applied to regulate scientific activity signifies that these measures can be applied within the framework of societal administrative legal relations that arise, change, and terminate during the exercise of managerial activities by subjects of public administration.

This pertains to an independent type of state activity characterized by organizational, executive-administrative, and sub-legislative aspects, especially among a specific group of state bodies (officials) in the practical implementation of tasks and functions of the state in managing economic, socio-cultural, and administrative-political spheres to ensure public interests (Yakovlev, 2016).

The subject area of applying administrative legal measures is implemented:

- 1) outside the realm of legislation and judiciary, having an executive-administrative sub-legislative nature;
- 2) through a set of granted powers;
- 3) through managerial influence on the sphere of scientific activity;
- 4) on a systematic basis (manifested in the continuity and stability of activities of subjects of public administration), etc.

In conclusion, administrative legal measures constitute an independent group of legal measures that have specific features in the field of scientific activity. To substantiate this thesis, attention is drawn to specific administrative legal measures that exert influence on participants in legal relations in the sphere of scientific activity. An example could be the provision of grant support for scientific activity. This administrative legal measure is implemented by a state budget institution - the National Research Fund of Ukraine (a subject endowed by the state with specific executive-administrative powers) to achieve public interest. It aims to stimulate fundamental and applied scientific research, develop the national research space and integrate it into the global research space, build research infrastructure in Ukraine and integrate it into the global research infrastructure, promote scientific and technical cooperation between research institutions, higher education institutions, and representatives of the real sector of the economy and service sector (Regulations on the National Research Fund, 2018).

Furthermore, the administrative legal support for grant funding is made possible through the application of influence instruments available within the Cabinet of Ministers of Ukraine. This includes the adoption of respective subordinate regulatory acts concerning the provision of grant support for scientific activities. For example:

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1. Establishment of the administrative procedure for conducting competitive selection and financing of projects by the National Research Fund of Ukraine under grant support directions (Procedure for competitive selection and financing of projects by the National Research Fund, 2019).

2. Definition of the administrative procedure for providing grant support for scientific activities financed from the state budget funds (Approval of the Procedure for providing grant support for scientific and scientific-technical activities from the state budget funds, 2019).

3. Definition of the administrative procedure for the state registration of international scientific and technical programs and projects executed within international scientific and technical cooperation by Ukrainian scientists, as well as grants provided under such cooperation (Procedure for registration of international scientific and technical programs and projects executed within international scientific and technical cooperation by Ukrainian scientists, as well as grants provided under such cooperation, 2017), etc.

The role of the Ministry of Education and Science of Ukraine in implementing the administrative legal measure of providing grant support for scientific activities includes:

1. Providing grant support for scientific activities on a free and non-repayable basis from budgetary funds.

2. Conducting registration actions for international technical programs and projects within received grants for scientific activities.

3. Issuing individual acts regarding the appointment of persons involved in providing grant support for scientific activities.

4. Entering into administrative contracts with enterprises, institutions, and organizations within the framework of providing grant support for scientific activities, and similar tasks (Regulations on the Ministry of Education and Science of Ukraine, 2014).

Substantively, the administrative legal measure of grant support for scientific activities includes: granting individual, collective, and institutional grants; ensuring funding in accordance with concluded administrative contracts; and conducting scientific events. The basis for the application of any instruments of public administration by the National Research Fund includes granting it the authority to: conduct competitive selection of projects financed under grant support and determine the conditions for their implementation; conclude contracts for the provision of grant support, including as a result of joint efforts with foreign and/or international funds; establish permanent or temporary advisory, consultative, and other auxiliary bodies, which may include members of the scientific and supervisory boards of the Fund and external experts; and pay for the services of experts and members of competition commissions related to the organization and conduct of competitive selection of projects, and so forth (Regulations on the National Research Fund, 2018).

The distinctive stimulating administrative legal measure in the form of grant support for scientific activities is implemented, among other methods, through the conclusion of administrative contracts with winners of joint competitions for scientific projects conducted by the State Fund for Fundamental Research together with foreign scientific societies, the results of which are approved by the Council of the State Fund for Fundamental Research. The practical application of this supporting administrative legal measure in the form of grant support for scientific activities demonstrates its positive effect on the normal functioning of scientific activities.

The attainment of candidate status for EU membership by Ukraine on June 23, 2022, primarily serves as a powerful political signal from EU member states recognizing Ukraine as part of the European family. From the results of competitions from 2015 to 2020 in the “International (credit) mobility” direction (KA 107), 32 national agencies of Erasmus+ member countries supported 1,889 projects out of 2,522 submitted, aimed at organizing international academic mobility in cooperation with 202 Ukrainian higher education institutions and in partnership with universities of EU member states and other program countries. The total amount of grants for mobility projects with Ukraine reached 54,327,000 euros. With the onset of Russia’s full-scale invasion of Ukrainian territory, international aid to domestic science has significantly increased. The launch of the European Commission’s portal “European Research Area for Ukraine” (ERA4Ukraine) provided informational support to Ukrainian scientists regarding existing opportunities at the European and national levels (Nazarchuk, Shchokin, Korniyenko, Dei Skliar, 2024: 3). Therefore, the administrative legal measure in the form of grant support for scientific activities is an integral part of organizing scientific activities as a whole.

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Similarly significant is the administrative legal measure in the form of budgetary funding for priority areas of scientific research and scientific-technical (experimental) developments in higher education institutions. The entities applying this measure include the Ministry of Education and Science of Ukraine and higher education institutions, which, based on the results of state accreditation in one or several scientific directions, are classified into qualification groups A and/or B (Procedure for the use of funds provided in the state budget to support priority areas of scientific research and scientific-technical (experimental) developments in higher education institutions, 2019).

The peculiarity of this measure is that it applies to certain types of higher education institutions that have undergone state accreditation. The administrative procedure of accrediting higher education institutions for conducting scientific activities is characterized by the following features:

1. Subject of accreditation: It aims to determine the effectiveness level of the scientific activities of the research institution or higher education institution as a whole, and separately for specific scientific directions.

2. Object of accreditation: It involves information about the results of the scientific activities of the research institution or higher education institution.

3. Timing: Accreditation is conducted at least once every five years, but not later than three months before the expiry of the validity period of the previous state accreditation, to conduct the next scheduled state accreditation.

4. Expert assessment: The effectiveness of scientific activities is evaluated by an expert group formed according to the relevant scientific, scientific-technical, or innovative direction, in accordance with the established methodology (Some issues of state accreditation of research institutions, 2018).

5. Outcome: The Ministry of Education and Science of Ukraine approves an accreditation assessment of the scientific activities of the research institution, which is formed from a classification assessment (indicating the scientific and scientific-technical level of the research institution or higher education institution based on its scientific potential and achievements in previous years) and an expert assessment (indicating the target orientation, dynamics of development of its scientific and scientific-technical potential, effectiveness of the institution's work, level of scientific novelty and implementation of results obtained by the research institution or higher education institution, their practical value for a certain sphere of public life, enhancing national security, uniqueness of the research institution or higher education institution, etc.).

6. Groups of accreditation: Based on the evaluation results, research institutions or higher education institutions can be classified into four groups: Group A - those operating in the relevant scientific direction, leaders whose research and development are conducted at the global level of science and technology and have significant national and/or global importance; Group B - those working in the relevant scientific direction, with lower scientific (scientific-technical) potential compared to Group A, but whose research and development are conducted at a high professional level and are of significant importance for the economy, other spheres of public life, and enhancing national security; Group V - those working in the relevant scientific direction, unique in a specific field, conducting satisfactory professional-level research and scientific-technical (experimental) developments aimed at obtaining and applying new knowledge to solve technological, engineering, economic, social, and humanitarian problems, executing one-time orders, while demonstrating a low level of development of scientific (scientific-technical) potential; Group G - those that have not undergone state accreditation and have the right to undergo the next state accreditation no earlier than three years from the date of approval of the results of the previous state accreditation (On approval of the Procedure for conducting state accreditation of research institutions and higher education institutions regarding their scientific (scientific-technical) activities, 2017).

Obtaining budgetary support for conducting scientific activities is a necessary supportive measure that positively influences entities in the field of scientific research. The practical significance lies in addressing the issue of effectively carrying out activities by higher education institutions or research institutions to obtain budgetary funding.

According to the Ministry of Education and Science, funding under program 2201390 «Support for priority areas of scientific research and scientific-technical (experimental) developments in higher education institutions» in the state budget of Ukraine for 2024 has been increased more than 6 times to 118 million hryvnias. This confirms the priority in distributing basic funding for scientific activities among top HEIs based on a formulaic approach using the results of their accreditation of scientific directions,

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which is akin to what is known internationally as «performance-based research funding» (Government Portal, 2024).

**Features of the application of administrative legal measures in the field of scientific activity with customs-law orientation.** The choice of research in the customs-law sphere of scientific activity is associated with the significance attributed by legislative provisions to institutions engaged in scientific activities within this field. Article 550 of the Customs Code of Ukraine specifies that specialized educational institutions and research institutions may be established within the central executive authority implementing state customs policy. These institutions are intended for the preparation, retraining, and qualification enhancement of customs professionals, as well as for conducting scientific research in the field of safeguarding Ukraine's customs interests.

Moreover, Chapter 80 of this legislative act regulates: a) scientific research activities in the customs sphere; b) specific legal status features of individuals studying in specialized higher educational institutions of customs authorities; c) funding for professional education and scientific research activities in the customs sphere (Customs Code of Ukraine, 2012).

Currently, specialized entities within the structure of the State Customs Service are responsible for conducting scientific activities in the customs-law direction. Additionally, the Regulations on the State Customs Service of Ukraine define the authority of this body regarding:

- 1) organizing scientific, scientific-technical, investment, informational, and publishing activities; establishing educational institutions and research institutions; and media on matters falling under the competence of the State Customs Service;
- 2) forming other permanent or temporary advisory, consultative, and auxiliary bodies for the purposes of scientific research activities in the customs sphere (Regulations on the State Tax Service of Ukraine and the State Customs Service of Ukraine, 2019).

In terms of the application of administrative legal measures in the field of scientific activity related to customs law, these measures will be applied by specialized entities, apart from those endowed with competence in scientific activities, namely the State Customs Service and its created specialized educational institutions, research institutions, and other auxiliary bodies. Their activities are aimed at advancing scientific activity in the customs-law sphere.

The legal regulation of the activities of these established bodies within the State Customs Service and the directions of their work has not been updated for a long time. Evidence of this includes:

1. The Regulations on the Scientific Council of the State Customs Service of Ukraine were adopted back in 2007 (On the Establishment of the Scientific Council of the State Customs Service of Ukraine, 2007) before the reorganization of this body and the subsequent changes concerning the scope of its authority.
2. The research directions in the field of customs affairs have not been updated since 2010 when strategic research topics in this sphere were identified until 2015 (On the Approval of Priority Directions of Scientific Research in the Field of Customs for 2011-2015, 2010), taking into account the adoption of the new Customs Code of Ukraine in 2012.
3. The Customs Academy as a specialized educational institution providing training, retraining, and qualification enhancement for customs professionals ceased to operate in its original format and was merged into the University of Customs and Finance since 2014. However, in 2019, the State Customs Service again became an independent central executive authority implementing state policy in the field of customs affairs, while the scientific research institution remains absent.

It can be concluded that potential administrative legal measures to streamline scientific activity in the customs law sphere lack proper implementation. It appears advisable to address the aforementioned shortcomings through:

1. Adopting Regulations on the Scientific Council of the State Customs Service of Ukraine, taking into account the current customs legislation and its development priorities.
2. Approving priority directions for scientific activity in customs law in line with the priorities of European integration and digitalization.
3. Establishing the normative and institutional foundations for separating the Customs Academy.

**Conclusions.** The article establishes that administrative legal measures constitute an independent group of legal measures with particular features in the sphere of scientific activity. Grant support for scientific research is analyzed as a facilitating and incentivizing administrative legal measure. It is noted that its

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implementation includes, among other things, entering into administrative contracts with winners of joint competitions for scientific projects conducted by the State Fund for Fundamental Research together with foreign scientific societies. The practical application of supportive administrative legal measures in the form of grant support for scientific activity demonstrates its positive effect on the normal functioning of scientific endeavors.

Obtaining budgetary support for scientific activity is identified as a necessary facilitating measure that positively impacts entities in the field of scientific activity. It emphasizes the practical significance of addressing the issue of conducting proper activities by higher educational institutions or research institutions to secure budgetary funding. The article highlights that administrative legal measures aimed at organizing scientific activity in the customs law sphere lack adequate implementation. Institutional and legal directions are proposed for rectifying these deficiencies.

Overall, the article underscores the importance of administrative legal measures, particularly grant support, in fostering scientific activity and suggests institutional and legal improvements to address existing shortcomings effectively.

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## РОЛЬ АДМІНІСТРАТИВНО-ПРАВОВИХ ЗАХОДІВ У ЗАБЕЗПЕЧЕННІ НАУКОВОЇ ДІЯЛЬНОСТІ В МИТНІЙ СФЕРІ

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*Стаття присвячена дослідженню інструментального забезпечення державного регулювання науки в сфері митно-правових відносин в частині належного застосування адміністративних правових заходів. Запропоновано та обґрунтовано тезу про можливість застосування адміністративних правових заходів для впорядкування суспільних відносин, пов'язаних з провадженням наукової діяльності, створенням умов для підвищення ефективності наукових досліджень і використання їх результатів для забезпечення розвитку всіх сфер суспільного життя, а також для забезпечення наукової діяльності як різновиду трудової діяльності. Видається доцільним удосконалити адміністративні правові заходи в науковій діяльності митного спрямування шляхом: 1) прийняття Положення про наукову раду Державної митної служби України; 2) затвердження пріоритетних напрямів наукової діяльності митного спрямування; 3) формування нормативно-інституційних основ для відокремлення Академії митної справи.*

*Методологія дослідження обумовлена визначеною метою та поставленими завданнями і включає різноманітні методи наукового пізнання, підходи та дії, що спрямовані на отримання нових наукових результатів під час дослідження проблематики визначення адміністративно-правової природи процедури ліцензування освітньої діяльності. Під час проведення дослідження застосовувалися загальні та спеціальні методи наукового пізнання, метод системного аналізу, діалектичний метод, формально-логічні методи, структурно-функціональний та порівняльно-правовий методи, а також низка емпіричних методів, що зрештою дали змогу визначити значення адміністративно-правових заходів у впорядкуванні наукової діяльності з акцентуванням уваги на митно-правову сферу наукового пізнання.*

*Виокремлено особливості адміністративних правових заходів, що опосередковані їх галузевою приналежністю у сфері наукової діяльності: а) інституційний критерій з акцентуванням уваги на статусі переважної більшості суб'єктів, які впорядковують сферу наукової діяльності як суб'єктами, що наділені певними владно-розпорядчими повноваженнями; б) функціональний критерій, що вказує на переважне застосування диспозитивного методу впливу та відповідних йому заохочувальних адміністративно-правових заходах, які спрямовані на розвиток науки в цілому та підтримку якісного та конкурентного стану наукової діяльності; в) структурний критерій, що лежить в основі визначення місця адміністративно-правових заходів в упорядкуванні наукової діяльності.*

**Ключові слова:** державне регулювання, впорядкування, наукова діяльність, митна справа, заохочення, стимулювання.