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Right interim and advocacy functions of administrative law: an anthropological dimension

From the methodological positions anthropology of law the sources of administrative law and justified mainly right interim and advocacy functions of administrative law. Taken into account that the modern science of administrative law to distinguish between the two models: the closed model, which corresponds to an authoritarian management model and open model that reflects the nature of European administrative law in developed democracies. Ideologically Ukraine seeks to implement an open model of administrative law, but it is given with great difficulty, especially in applied areas of administrative law. Therefore, further research about the true role of administrative law.

To justify an open model of administrative law by using ethological and anthropological approaches, based on what is already in the groups of primitive man existed in the form of management dominance of power most biologically strong and aggressive individual, leader might indication that his desire to arbitrary power. This is typical for people to gather in programs instinctive hierarchical pyramid. However, the arbitrariness of the ancient leaders are not always encouraged by natural selection. Therefore, even at the initial stages of development of human societies have developed rules (taboos), limiting the arbitrary power hierarchy, and later in transformation laws. Thus, the true purpose of law - limit arbitrariness hierarchy (leader), not strengthen it additional tools. This principle is known by the ancient Romans, which emphasized that the law and order details to curtail the power of the strongest. Thus, if the administrative law - a right, not a set of instructions to officials concerned, showing the relationship between society and government, it must, first and foremost, must address issues of power constraints, ensuring the rights of citizens. This naturally raises Right interim and advocacy functions of administrative law.

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