

PECULIARITIES OF ENSURING THE PRINCIPLES OF LAW IN THE ACTIVITIES OF ADMINISTRATIVE COURTS

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The article examines the features of ensuring the principles of law in the activities of administrative courts of Ukraine as an important component of the mechanism for protecting the rights, freedoms and legitimate interests of individuals and legal entities in the sphere of public legal relations. It is substantiated that the principles of law are the fundamental principles of the functioning of administrative justice, determine the nature of the activities of courts, ensure the fairness of judicial proceedings and contribute to effective control over the activities of subjects of power.

The regulatory and legal framework for the implementation of the principles of law in administrative justice is analyzed, in particular the provisions of the Constitution of Ukraine, the Code of Administrative Justice of Ukraine, as well as the practice of national courts and international standards of justice. Particular attention is paid to such principles as the rule of law, legality, equality of participants in the judicial process before the law and the court, adversarial nature of the parties, publicity and openness of the judicial process, as well as the binding nature of judicial decisions.

It has been established that effective enforcement of the principles of law in the activities of administrative courts is a necessary condition for guaranteeing fair trial and increasing the level of citizens' trust in the judiciary. At the same time, in the practice of administrative justice there are certain problems of implementing the above principles, including overloading of courts, long terms of consideration of cases, difficulty of access to justice for certain categories of citizens, as well as problems of enforcement of court decisions.

The results of the study have identified the main directions of improving the mechanisms for ensuring the principles of law in the activities of administrative courts, in particular by improving procedural legislation, developing electronic justice, increasing the efficiency of judicial control over the activities of public authorities and harmonizing national legislation with European standards of justice.

Keywords: administrative justice, principles of law, administrative courts, rule of law, legality, judicial protection, access to justice, public-law disputes.

The functioning of administrative courts is an important component of the system of guarantees for the protection of human and citizen rights and freedoms in a state governed by the rule of law. It is the administrative courts that are called upon to ensure effective judicial control over the activities of state authorities, local self-government bodies and other subjects of power. In this context, compliance with the principles of administrative justice, which determine the basic principles of the organization and administration of justice in the sphere of public legal relations, is of particular importance.

The principles of administrative justice are fundamental provisions that determine the content, direction and features of the activities of administrative courts. They ensure the implementation of constitutional guarantees of human rights, contribute to increasing the effectiveness of judicial protection and strengthening citizens' trust in the judiciary.

The relevance of the study of ensuring the principles of the activities of administrative courts is due to the need to improve the mechanisms for implementing the right to a fair trial, increasing the effectiveness of judicial control over the activities of public administration, as well as adapting the national judicial system to European standards of justice.

The purpose of the study is to analyze the principles of the activities of administrative courts, determine the features of their implementation, and outline the problematic aspects of ensuring these principles in the practice of administrative justice [1].

Ensuring the principles of law in the activities of administrative courts is an important condition for the effective functioning of the system of administrative justice and guaranteeing proper protection of the rights, freedoms and legitimate interests of individuals and legal entities in the sphere of public legal relations. The principles of law are the fundamental principles of justice, determine the nature of judicial activity and are aimed at ensuring fairness, legality and effectiveness of judicial control over the activities of subjects of public authority.

The normative basis for ensuring the principles of law in the activities of administrative courts is the Constitution of Ukraine, the Code of Administrative Justice of Ukraine (CAS of Ukraine), the Law of Ukraine "On the Judicial System and the Status of Judges", as well as international treaties ratified by Ukraine. In accordance with Article 6 of the Constitution of Ukraine, state power in Ukraine is exercised on the basis of its division into legislative, executive and judicial, which provides for the independence of the judiciary and its ability to exercise effective control over the activities of public administration bodies [2].

One of the key principles of the activities of administrative courts is the principle of the rule of law. According to Article 8 of the Constitution of Ukraine, the principle of the rule of law is recognized and operates in Ukraine. In the Code of Administrative Procedure of Ukraine, this principle is also enshrined as one of the basic principles of the administration of justice. Its content is the priority of human rights and freedoms and the need for their effective ju-

dicial protection. For example, in the practice of administrative courts, the principle of the rule of law is implemented when considering cases of appealing decisions of state authorities to refuse to provide social benefits or pensions. In such cases, the court assesses not only the formal compliance of the decision with the law, but also its fairness, proportionality and justification [3].

The principle of legality is also important, which provides that the activities of administrative courts are carried out exclusively on the basis of and within the framework of the legislation. According to Article 9 of the Code of Administrative Procedure of Ukraine, when deciding a case, the court is guided by the Constitution of Ukraine, the laws of Ukraine and international treaties. In particular, administrative courts verify the legality of decisions, actions or inaction of subjects of government authority. An example of the implementation of this principle is the consideration of cases on the appeal of tax notices-decisions of the State Tax Service bodies, when the court establishes whether the tax authorities acted within their powers and in accordance with the requirements of the law [7].

One of the important guarantees of a fair trial is the principle of equality of all participants in the trial before the law and the court. It is enshrined in Article 129 of the Constitution of Ukraine and detailed in the Code of Administrative Procedure of Ukraine. Within the framework of administrative proceedings, this principle is of particular importance, since one of the parties to the dispute is, as a rule, a state authority or another subject of government authority. For example, in disputes between a citizen and a local government body regarding the refusal to provide an administrative service, the court ensures equal opportunities for the parties to present evidence, participate in the trial and protect their rights [8].

An important principle of administrative proceedings is the principle of adversarial status of the parties, which provides for the active participation of the parties in the trial and their right to prove their position by presenting evidence and arguments. According to Article 9 of the Code of Administrative Procedure of Ukraine, each party must prove the circum-

stances to which it refers as the basis for its claims or objections. For example, in disputes regarding the legality of decisions of social protection bodies, the plaintiff must prove the fact of violation of his rights, and the defendant - the validity of the decision made [4].

Of particular importance for ensuring the transparency of the activities of administrative courts is the principle of publicity and openness of the judicial process. According to Article 11 of the Code of Administrative Procedure of Ukraine, the consideration of cases in administrative courts is carried out openly, except for cases provided for by law. This means that any person has the right to be present at the court session, and court decisions are subject to publication in the Unified State Register of Court Decisions. For example, the public and the media may be present during the consideration of high-profile administrative cases, which contributes to increasing the level of trust in the judiciary [9].

No less important is the principle of bindingness of court decisions, enshrined in Article 129¹ of the Constitution of Ukraine. Court decisions that have entered into legal force are binding on all state authorities, local self-government bodies, their officials and citizens. For example, if an administrative court finds a decision of a state authority unlawful and obliges it to take certain actions (for example, to assign social assistance or issue a permit), the relevant body is obliged to execute this decision [10].

At the same time, ensuring the principles of law in the activities of administrative courts is associated with certain practical difficulties. Among them, one can single out a significant burden on judges, the complexity of executing court decisions by public authorities, as well as the need to further improve procedural mechanisms for considering administrative cases. A separate problem is ensuring access to justice for citizens living in remote regions or in difficult socio-economic conditions.

An important direction for improving the implementation of the principles of administrative justice is the development of e-justice. The "Electronic Court" system is being actively implemented in Ukraine, which allows submitting procedural documents in electronic form, receiving court notices and participating in court

sessions remotely. This contributes to increasing the accessibility of justice and the efficiency of the judicial process.

Ensuring the principles of administrative courts is a necessary condition for the effective functioning of the administrative justice system and ensuring proper protection of the rights, freedoms and legitimate interests of individuals and legal entities in the sphere of public legal relations. However, in the process of practical implementation of the principles of administrative justice, a number of problems arise that affect the effectiveness of judicial protection and the level of public trust in the judiciary [6].

One of the key problems is the overload of administrative courts with a significant number of cases. Every year the number of administrative disputes related to the activities of state authorities, local governments, tax authorities, social protection authorities and other subjects of power is growing. A significant part of such cases concerns pensions, social payments, tax disputes, as well as appeals against administrative decisions of government authorities. Overload of courts leads to an increase in the terms of consideration of cases and complicates the implementation of the principle of timeliness of judicial review, which is a component of the right to a fair trial [11].

Another important problem is the difficult access to justice for certain categories of citizens. Despite the legislative guarantees of the right to judicial protection, in practice there are certain obstacles to the implementation of this right. Such obstacles include financial costs associated with the judicial process, insufficient legal awareness of citizens, the complexity of procedural procedures, as well as the territorial remoteness of courts. This problem is especially acute for socially vulnerable categories of the population, in particular pensioners, internally displaced persons and persons with disabilities.

A significant problem is also the difficulty of enforcing court decisions adopted by administrative courts. In accordance with the Constitution of Ukraine and legislation, court decisions that have entered into legal force are mandatory. However, in practice there are cases when state authorities or their officials delay or improperly enforce court decisions. This situation negatively affects the effectiveness of judicial

protection of human rights and undermines the authority of the judiciary [12].

A separate problem is the disparity of judicial practice in considering administrative cases. Despite the legal positions of the Supreme Court, in some cases, courts of different instances interpret and apply the norms of administrative law differently. This can lead to different decisions in similar cases, which contradicts the principle of legal certainty and reduces the predictability of court decisions.

An important challenge for the administrative justice system is the insufficient level of digitalization of court proceedings in some courts. Although the "Electronic Court" system is being actively implemented in Ukraine, its functioning does not yet fully cover all judicial institutions, and technical capabilities do not always meet modern needs. The insufficient level of use of digital technologies can complicate access to justice and increase the duration of court proceedings [13].

Among the problems, it is also worth highlighting the need to increase the level of professional training of participants in the judicial process, in particular representatives of public authorities. In many cases, administrative disputes arise due to incorrect application of legislation or failure to comply with administrative decision-making procedures. This leads to an increase in the number of court disputes and an additional burden on the judicial system [5].

These problems have become particularly urgent in the context of martial law, when the judicial system operates in difficult conditions, some courts have been temporarily relocated, and the number of administrative disputes related to social security for military personnel, internally displaced persons and other categories of citizens has increased significantly. In such conditions, ensuring the principles of administrative justice requires additional organizational and legal measures [14].

Thus, despite the legislative consolidation of the principles of the activities of administrative courts, their practical implementation is accompanied by a number of problems that require a comprehensive solution. Overcoming these problems is possible by improving procedural legislation, increasing the efficiency of the execution of court decisions, developing

electronic justice, ensuring adequate financing of the judicial system and raising the level of legal culture of participants in public legal relations. The implementation of these measures will contribute to increasing the efficiency of administrative justice and strengthening guarantees for the protection of human rights and freedoms.

Therefore, ensuring the principles of law in the activities of administrative courts is an important element of the functioning of the rule of law and effective protection of human rights. The implementation of such principles as the rule of law, legality, equality of parties, adversarial, publicity and binding nature of judicial decisions contributes to increasing the efficiency of administrative justice and strengthening citizens' trust in the judiciary. Further development of administrative justice should be aimed at improving the mechanisms for implementing these principles and adapting the national judicial system to modern European standards of justice.

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ОСОБЛИВОСТІ ЗАБЕЗПЕЧЕННЯ ПРИНЦИПІВ ПРАВА В ДІЯЛЬНОСТІ АДМІНІСТРАТИВНИХ СУДІВ

У статті досліджуються особливості забезпечення принципів права в діяльності адміністративних судів України як важливої складової механізму захисту прав, свобод та законних інтересів фізичних і юридичних осіб у сфері публічно-правових відносин. Обґрунтовано, що принципи права виступають фундаментальними засадами функціонування адміністративного судочинства, визначають характер діяльності судів, забезпечують справедливість судового розгляду та сприяють ефективному контролю за діяльністю суб'єктів владних повноважень.

Проаналізовано нормативно-правові основи реалізації принципів права в адміністративному судочинстві, зокрема положення Конституції України, Кодексу адміністративного судочинства України, а також практику національних судів та міжнародні стандарти правосуддя. Особливу увагу приділено таким принципам, як верховенство права, законність, рівність учасників судового процесу перед законом і судом, змагальність сторін, гласність і відкритість судового процесу, а також обов'язковість судових рішень.

Встановлено, що ефективне забезпечення принципів права в діяльності адміністративних судів є необхідною умовою гарантування справедливого судового розгляду та підвищення рівня довіри громадян до судової влади. Водночас у практиці адміністративного судочинства існують певні проблеми реалізації зазначених принципів, серед яких перевантаженість судів, тривалі строки розгляду справ, складність доступу до правосуддя для окремих категорій громадян, а також проблеми виконання судових рішень.

За результатами дослідження визначено основні напрями удосконалення механізмів забезпечення принципів права в діяльності адміністративних судів, зокрема шляхом удосконалення процесуального законодавства, розвитку електронного судочинства, підвищення ефективності судового контролю за діяльністю органів публічної влади та гармонізації національного законодавства з європейськими стандартами правосуддя.

Ключові слова: адміністративне судочинство, принципи права, адміністративні суди, верховенство права, законність, судовий захист, доступ до правосуддя, публічно-правові спори.