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Administrative Courts in Ukraine : Formation and Functioning in the Modern Conditions

Roczniki Administracji i Prawa 17/1, 115-127

2017

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

Original article

Received: **07.02.2017**

Accepted: **05.05.2017**

Published: **30.06.2017**

Source of funding: **author's own resources**

Authors' Contribution:

(A) Study Design

(B) Data Collection

(C) Statistical Analysis

(D) Data Interpretation

(E) **Manuscript Preparation**

(F) **Literature Search**

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ADMINISTRATIVE COURTS IN UKRAINE:
FORMATION AND FUNCTIONING
IN THE MODERN CONDITIONS

INTRODUCTION

The analysis of the process of establishing and organizing the activities of administrative courts in Ukraine has been being dealt with by many well-known Ukrainian scientists for a long time¹ e.g. W. Bewzenko, J. Bytiak, S. Bondar, A. Borko,

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¹ See more on this issue: W. Bewzenko, *System procesualnego prawa administracyjnego Ukrainy: nowoczesny pogląd na koncepcję, treść i cel społeczny*, Bulletin of the Supreme Administrative Court of Ukraine, Kiev 2012, no 2; J. Bytiak, *Służba cywilna na Ukrainie: zasady prawno-organizacyjne*, Kharkov 2005; S. Bondar, *Prawno-administracyjne zaopatrzenie działalności sądów administracyjnych na Ukrainie*, Kharkov 2010; A. Borko, *System organów zaopatrzenia organizacyjnego działalności sądów Ukrainy*, Kiev 2004, no. 2; W. Bryncew, *Postępowanie sądowo-administracyjne. Baza normatywna, precedensy sądowe, komentarze, wzory dokumentów procesowych*, Kharkov 2002; I. Wynokurowa, *Problemy zaopatrzenia kadrowego w postępowaniu sądowoadministracyjnym*, Journal of the national academy of

W. Bryncew, I. Wynokurova, S. Gluszczenko, W. Kampo, W. Kowal, W. Kolpakow, R. Kujbida, I. Maroczkin, L. Moskwycz, J. Pedko, W. Popeluszko, O. Swyda, G. Tkacz, I. Szrub and many other researchers. However, despite numerous scientific publications dedicated to the topic of establishing and development of the administrative judiciary in Ukraine, in law science, no unified concept was worked out, which would directly present the details of formation and the process of the development of the functioning of the Ukrainian administrative courts. As a consequence of leaving such a broad research field, the aforementioned issue, it seems worth introducing the subject of the reasons for the formation of administrative courts in Ukraine and the way of their functioning.

The scientific analysis of the formation and functioning of administrative courts in Ukraine becomes necessary primarily due to the process of the transformation of the society and judiciary authority, which was caused by gaining of the independence by Ukraine in 1991 (for comparison Poland regained its independence in 1918, after 123 years of partitions), and also in connection with the arising problems resulting from organizational and legal-normative safeguards for the functioning of these courts. It is impossible not to point out that the whole process of introducing administrative courts into an already existing court system resulted from the very nature of public-law relations, in which every day the citizen was dependent on a powerful apparatus - public administration authorities. In connection with the above, the basic reasons for the formulation of administrative courts in Ukraine and the implementation of court-administrative proceedings into the court system should be mentioned. As the main reason, it is worth pointing out the need to strengthen the guarantee of protection of citizens' rights, which were often violated by public administration authorities. Other reasons may include:

lack of effective court procedures for solving administrative cases that did not fully take into account the specificity of public law relations;

– lack of unquestionable authority of common courts, which, apart from administrative cases, dealt with criminal cases, as well as criminal and administrative liability cases in which the state acted against citizens - violation of the principle of impartiality and objectivity;

– the attachment of the territorial jurisdiction of common courts to the administrative and territorial structure of Ukraine, which in turn contributed to in-

the prosecutor's office of Ukraine, Kiev 2009, no. 4; S. Gluszczenko, *Wyższe sądy specjalistyczne w systemie wymiaru sprawiedliwości Ukrainy: badania teoretyczne i stosowane*, Community printing company of Chornobai, Chornobai 2015; W. Kampo, *O wprowadzeniu organów wymiaru sprawiedliwości (sądów administracyjnych)*, Kiev 1992, no. 8; W. Kowal, *Aktualne problemy organizacji i działalności sądów apelacyjnych na Ukrainie*, Sewastopol 2005; W. Kolpakow, *Właściwość sądów administracyjnych*, Kharkov 2011; R. Kujbida, *Reforma sprawiedliwości na Ukrainie: stan i perspektywy*, Atika, Kiev 2004; L. Moskwycz, *Problemy organizacyjno-prawne dotyczące statusu sędziów*, Kharkov 2003; I. Szrub, *Funkcjonowanie sądów administracyjnych na Ukrainie: zasady prawno-organizacyjne oraz ich realizacja*, Kiev 2009.

creasing the capacity of the administrative authorities to influence the judgments issued by judges of ordinary courts;

- lack of an adequate number of judges specializing in administrative court jurisdiction;

- an increasing number of administrative disputes considered by common courts and, as a consequence, a decrease in the quality of settled cases².

On the basis of the above-mentioned and the specificity of considering of administrative court cases, it can be concluded that the establishment of administrative courts in Ukraine was necessary in order to allow the courts to properly process complaints made by citizens about legal acts issued by public administrative authorities or actions or failures to act by public administration institutions, local government units, officials and officers.

LEGAL AND HISTORICAL ASPECTS

The right to lodge a complaint against unlawful activities of public administration authorities was provided for in the Constitution of the Ukrainian Soviet Socialist Republic for the first time in 1978. However, the end of the 1980s is considered the period in which administrative courts began to arise. The whole change lasted until 1996. In order to make a judicial reform by way of a resolution of the Supreme Council (Verkhovna Rada) of Ukraine on 28 April 1992, the “Concept of Legal and Judicial Reform” was taken. This concept included, first and foremost, the evaluation of the existing judicial system, as well as the assumptions of bringing all branches of the law to coincidence with the socio-economic and political changes that took place in the society as a result of gaining the independence by Ukraine. As a result of the “Concept of Legal and Judicial Reform”, the principles and areas of legal and judicial reform were precisely defined. The issues which, according to the Supreme Council of Ukraine, were subject to change or improvement by separating the judiciary from the legislative and executive power, radical reforming of the substantive and procedural law, bringing the courts closer to citizens were precisely addressed³. The concept also assumed gradual introduction of administrative courts by specializing judges, setting up specialized court colleges and creating the instance of administrative courts. On the basis of the presented reforms, the legislative power of Ukraine then, through the creation of legal acts, was to implement the legal and judicial reform.

Another, but not less important, event was the adoption of the Acts “On the Status of Judges” of 1992 and the “Changes in the Procedural Codes of Ukraine” of

² I.B. Koliuszko, *Jurysdykcja administracyjna: europejskie doświadczenie oraz propozycje dla Ukrainy*, Kiev 2003, p. 19.

³ The Act of 28 April 1992, *Concept of Legal and Judicial Reform in Ukraine* “News of the Supreme Council of Ukraine”, 1992, no. 30, p. 426.

1994 and a number of others. It is worth pointing out that the general democratization of social life took place at the given stage. For the first time, the constitutional catalogue of human and civil rights and freedoms was considered a priority, the process of universalizing of the court jurisdiction in the filing of complaints also had a noticeable progress, there was also active promotion of the idea of administrative courts in Ukraine.

The actual introduction of the court-administrative proceedings into the legal system of Ukraine began only in 1996, following the resolution of 28 June 1996, which is a new basic law, having the highest legal force in the system of sources of law in Ukraine - the Constitution of Ukraine, which among others provided for the universal law: "Everyone has the right to appeal to the court in order to prosecute decisions, acts or omissions of public administration authorities, local government authorities, officials and officers" (Article 55 of the Constitution of Ukraine)⁴.

In order to provide the comprehensive protection of the citizens' rights and freedoms in the sphere of public-legal relations, President of Ukraine (the term of Leonid Kuchma) adopted the concept of the administrative reform in Ukraine (decree of President of Ukraine "On Measures Necessary for the Introduction of the Concept of Administrative Reform in Ukraine" dated 22 July 1998, which likewise the "Concept of Legal and Judicial Reform" from 1992, provided for the formulation of a system of administrative courts. In addition to the basic assumptions that concerned the introduction of a rational administrative and territorial system, the formulation of an effective organization of public administration authorities at both the central and local levels, the above mentioned Concept was, among others, to introduce the judicial control over the activities of public administration authorities, primarily in the context of ensuring respect for persons and justice, as well as to continuously improve the efficiency of public administration activities, and to introduce responsibility of public administration authorities, their officials for issued decisions, action or inaction towards citizens whose rights were infringed⁵. Attention should be given to statistical information obtained from the court statistics, which showed that in Ukraine in 1991-2000, there was a constant and dynamic increase in the complaints that accused unreliable activities of public administration authorities. For example, in 1991, 1,043 cases were settled, and in 1996 their number increased to 7,726, and in 2000 - 29,952⁶.

In order to consolidate the division of the judicial power, as well as to specialize it, on 21 June 2001, the Supreme Council (Verkhovna Rada) of Ukraine adopted a number of Acts on amendments to twenty existing acts aimed at regulating the

⁴ Act of 28 June 1996, Constitution of Ukraine, News of the Supreme Council of Ukraine, 1996, no. 30, p. 141, Art. 55.

⁵ Decree issued by the President of Ukraine dated 22 July 1998, On Measures Necessary to Introduce the Concept of Administrative Reform in Ukraine.

⁶ J.S. Pedko, *Powstanie jurysdykcji administracyjnej na Ukrainie*, Kiev 2003, p. 203.

activities of courts and defining their competence, as well as the competence of state administration authorities. Significant changes were also introduced in the Acts “On the Judicature in Ukraine”, “On the Status of Judges” and in the applicable procedural codes and other acts. The aforementioned changes in the existing acts resulted in the implementation of a “small judicial reform” which was mainly intended to change the entire legal system in Ukraine and to order procedural issues regarding the handling of cases before the judicial authorities⁷. The „small judicial reform” achieved one of its main goals, which was set in the preceding conceptions of reforms – basic constitutional requirements concerning the functioning of the judicature in Ukraine were met⁸.

The legal establishment of the court-administrative system for the first time, since Ukraine gained the independence, took place on 7 February 2002, when the Supreme Council of Ukraine approved the act “On the Judicature in Ukraine”, which set a three-year deadline for establishing of a system of administrative courts⁹. Following the above-mentioned Act by the Decree of the President of Ukraine of 1 October 2002 “On Appellate Courts in Ukraine, Ukraine’s Court of Cassation, on the Higher Administrative Court of Ukraine” and by the Decree of the President of Ukraine of 16 November 2004 “On the Establishment of Local and Appeals Administrative Courts, Approval of the Network and the Quantitative Composition of the Judges”, the first system of administrative courts in Ukraine was created. It is worth noting that the first administrative court was the court of the cassation instance, i.e. the Higher Administrative Court of Ukraine, which together with the Supreme Court of Ukraine constitute the courts of the third instance¹⁰. It was not until 1 January 2005, according to the Decree “On the Establishment of Local and Appeals Administrative Courts, Approval of the Network and the Quantitative Composition of the Judges”, administrative provincial courts were created as courts of the first instance and administrative appeals courts as courts of appeals¹¹. Another, but not less important, act passed by the Supreme Council of Ukraine on 6 July 2005 is the Code of Court-Administrative Procedure of Ukraine (hereinafter: KPSU), which entered into force on 1 September 2005. This is a legal act that regulates jurisdiction, administrative courts’ powers in the matter of handling administrative cases, prosecution and principles of implementation of court-administrative proceedings¹².

⁷ W.S. Stefaniuk, *Powstanie sądów administracyjnych w wyniku prawno-sądowej reformy Ukrainy*, Kharkov 2002, p. 6-11.

⁸ W.O. Popeluszko, *Mała reforma sądowa oraz ochrona praw obywateli*, Kiev 2006, p. 45.

⁹ Law of 7 February 2002, On Judicature in Ukraine, News of the Supreme Council of Ukraine, 2002, no. 27-28, p. 180.

¹⁰ Decree of the President of Ukraine of 1 October 2002, On Appeal Courts of Ukraine, Cassation Courts of Ukraine, on Higher Administrative Court of Ukraine.

¹¹ Decree of the President of Ukraine of 16 November 2004, On the Establishment of Local and Appeals Administrative Courts, Approval of the Network and the Quantitative Composition of the Judges.

¹² G.J. Tkacz, *Historia i rozwój sądownictwa administracyjnego na Ukrainie*, conference materials

The jurisdiction of the administrative courts, according to Art. 17 section 2 of the KPSU includes:

- disputes of natural or legal persons with public administration authorities regarding the accusation of a decision issued by them, action or failure to act by that authority;
- disputes regarding the admission of citizens to the public service, its performance and dismissal from the public service;
- disputes between public administration authorities regarding the exercise of their competences in the sphere of management, including delegated powers, as well as disputes arising in connection with the conclusion and performance of administrative settlements;
- disputes arising from the decisions of administrative authorities (*ex officio*), provided for by law, except for the provisions on imposing a penalty for administrative offences;
- other public and legal disputes in situations provided for in the Code¹³.

The substantive competence, i.e. the correlation of cases and courts, is regulated in Art. 18 of the KPSU. The substantive cognition of common courts as administrative courts is administrative cases, in which one of the parties is a public administration authority, with the exception of those cases that are subject to the Provincial Courts, all administrative cases regarding the accusation of a decision, action or inaction of public administration authorities. Provincial administrative courts resolve cases in which one of the parties is the authority of the Autonomous Republic of Crimea, the district council, the city council of Kiev and Sevastopol as well as their officials, as well as cases related to the accusation of decision, action or inaction of public administration authorities¹⁴. At the same time it should be emphasized that the plaintiff in the case of accusing the decision, action or inaction of the administrative authority makes a choice of court, i.e. a common court as an administrative court or a provincial administrative court. The administrative appeals court, in turn, examines the means of appeal against decisions of common courts as administrative courts and provincial administrative courts, which are under its territorial jurisdiction in the appeal proceedings as the court of the appellate instance. The Higher Administrative Court of Ukraine recognizes the appeals against decisions of common courts as administrative courts, provincial administrative courts and administrative courts of appeal in cassation proceedings as a court of the cassation instance¹⁵.

of the 2rd regional scientific conference „Problemy dotyczące budowania państwa i ochrony praw człowieka na Ukrainie”, Lvov 1997.

¹³ Act of 6 July 2005, Kodeks postępowania sądowo-administracyjnego, “New of the Supreme Council of Ukraine” 2005, no. 35-36, no. 37, p. 446.

¹⁴ Ibidem.

¹⁵ O.G. Swyda, *Sądy administracyjne na Ukrainie: powstanie oraz perspektywy rozwoju*, Odessa 2008, p. 89-130.

On 22 March 2006, at the meeting of the Supreme Council of Ukraine, a new “Improvement of the Judiciary Concept to Ensure a Reliable Court System in Ukraine” was introduced. The above Concept was developed on the basis and in accordance with the European standards, the main objective of which was to establish the judicature in Ukraine as a uniform judicial system operating in accordance with the rule of law. Then, by the Decree of the President of Ukraine (term of office of Viktor Yushchenko) of 16 May 2007 the quantitative composition of the judges of administrative courts was approved, according to which the quantitative composition of the judges was increased - in the senior administrative court from 65 judges to 97 judges, in the administrative and appellate administrative courts from 281 to 1024¹⁶. However, the most significant changes in the range of role and status of the administrative courts were introduced by a uniform text of the Act „On the Judicature and the Status of Judges” of 2010 because it particularised the organisation of the judicial authority and functioning of the system of justice in Ukraine¹⁷.

Based on the above, it can be stated that the establishment of administrative courts took place in difficult conditions of confrontation with the opponents of the idea and lack of funding, however, as a result of a permanent historic process, due to the development of the democratic legal society, administrative courts were formulated as specialized courts of general jurisdiction. The substantive competences of administrative courts included: consideration and settlement of legal and administrative cases, protection of rights and legal interests of individual and collective entities against the unreliability of government administration authorities, local government institutions, officers and officials.

STATISTICS

The efficiency of administrative court operations is mainly demonstrated by the results of the cases under consideration in the scope of appealing against administrative acts issued or the activity / inaction of administrative authorities. In support of the above statement, statistical data should be quoted, from which it follows that only in 2008 the number of complaints addressed to provincial administrative courts was almost 1.5 times higher than in the case of common courts¹⁸. For comparison, in 2010 provincial administrative courts settled a comparable number of cases, as in 2015, in total district and regional public courts. In turn, if the number of court-administrative proceedings in 2007 was 3.2%, in 2011 - 52%. Only in 2012,

¹⁶ Decree of the President of Ukraine dated 16 May 2007, On the Quantitative Composition of Judges of Administration Courts.

¹⁷ Act dated 7 July 2010, On the Judicature and the Status of Judges, “News of the Supreme Council of Ukraine 2010”, no. 41-42, no. 43, no. 44-45, p. 529.

¹⁸ Tabele analityczne dotyczące wymiaru sprawiedliwości w 2008 r., http://old.court.gov.ua/sudova_statystyka/345345457/ [access: 6.01.2017].

242,600 cases were filed with administrative courts, and in the period 2013-2014 the number of cases examined by common courts was 1.6 times lower compared to the number of cases handled by the provincial administrative courts (in 2013 - 144.1 thousand vs 227.8 thousand, in 2014 - 121.8 thousand vs. 193.6 thousand)¹⁹.

ANALYSIS OF FUNCTIONALITY

In 2015, due to the entry into force of the act “On Cleaning the Authority”, “On the Security System for Deposits of Individuals” and others having a significant impact on shaping the modern administrative judicature, administrative courts faced a new scope of issues that were a characteristic feature for this year. In the same year, administrative courts ensured timely processing of complaints related to local elections, which took place on the basis of the new legislation²⁰. In this way, when analyzing the level of organization and the implementation of the judicature by administrative courts, it can be concluded that despite objective difficulties, which were primarily related to organizational, material-technical and financial problems, administrative courts made a lot of effort to accomplish their main tasks – judicial protection of the rights, freedoms and interests of natural persons, rights and interests of legal persons in the sphere of public-law relations. The analysis also shows that in all judgments of these courts one can observe the actual implementation of the justice system in the scope of ensuring the effectiveness of the rule of law, the state under the rule of law and the protection of human and civil rights and freedoms. This indicates that administrative courts are slowly but surely operating, overcoming the difficulties they encountered at the stage of their creation.

However, the practice of judicial work in Ukraine obliges the evident need to further reform the justice system, as well as court-administrative proceedings to the extent and within the limits provided for by the Constitution of Ukraine. In particular, these changes must relate to improving the performance of administrative courts, among others by tightening the requirements for the qualification of judges and changing the approach to formulating the composition of the judges²¹.

It is worth pointing out that the problem of appointing highly qualified judges to the courts, who will meet the requirements of modern justice, is still valid. Therefore, the problem of improving the very process of professional education of future judges at the universities of Ukraine also requires considerable attention. Unfortunately, as noted by the Minister of Justice of Ukraine, Mr Paweł Petrenko (term of

¹⁹ Analytical review of the implementation status of administrative judicature in 2014, http://www.vasu.gov.ua/sudovapraktika/statistika/analiz_2014/ [access: 6.01.2017].

²⁰ Analytical review of the implementation status of administrative judicature in 2015, http://www.vasu.gov.ua/sudovapraktika/statistika/analiz_text_1pivr2015/ [access: 6.01.2017].

²¹ S.G. Sztogun, *Zagadnienia prawne organizacji sądownictwa administracyjnego*, Kiev 2006, p. 19-21.

office from 3 March 2014 till today), nearly all universities prepare for the profession of a lawyer, regardless of their orientation, however, the quality of education is very low and students do not get the necessary knowledge, which later causes difficulties in finding a good job. It is impossible not to point out that the insufficiently high level of qualifications of judges in Ukraine results from the too short preparatory period for the post of a judge at the Higher Qualification Committee of Judges of Ukraine (equivalent to the Polish National School of Judicature and Prosecutor's Office), which lasts only 6 months, for comparison Polish judges hold a five-year judge training. Therefore, it is reasonable to create specialized schools in Ukraine in order to prepare highly qualified administrative judges. Improving the student education process requires a quick and clear classification of their future positions in administrative courts, taking into account the diversity and appropriate qualification and professional characteristics of these positions²².

Among the staffing problems in administrative courts, special attention should be paid to issues related to qualified training of judges through an in-depth examination of their professional qualities. Each procedure for the recruitment of judges should guarantee the appointment of a really well-prepared judge who will perform his duties in accordance with the regulations. Therefore, it is worth consistently implementing the projects aimed at preparing judges in accordance with international and European standards.

On 2 June 2016, the Supreme Council of Ukraine adopted a new edition of the "Act on the Judiciary System and the Status of Judges", which was brought to the parliament by President Piotr Poroszenko. The approved act, referred to the above, was developed during the development of constitutional norms and is aimed at introducing far-reaching changes in the judicial system in Ukraine, above all to root out corruption, commonly prevailing at all levels of judicial authorities. It should help to solve problematic issues related to providing courts with highly qualified judges and creating conditions for an appropriate level of financial security of employees working in this area. Previous judges will have to undergo a procedure verifying their qualifications and honesty²³.

Another problem remains the inadequate financing of administrative courts in Ukraine. Despite the fact that the role and functions of administrative courts have changed significantly and the burden has increased, the method of determining the annual expenses related to their maintenance has not experienced significant changes. Therefore, first of all, co-financing of administrative courts should be increased by adopting a resolution regarding annual expenditure standards, and secondly, the standard for scientific and methodological support should be raised. The problems of co-

²² W.B. Awerianow, *Podstawy sądownictwa administracyjnego na Ukrainie*, Kiev 2006, p. 23-40.

²³ Act of 2 June 2006, On the Judiciary and the Status of Judges, "News of the Supreme Council of Ukraine" 2006, no. 31, p. 545.

financing of administrative courts also require the need to find the optimal way to solve them based on extensive international experience²⁴. Now that Ukraine is at the new stage of judicial reform, it is important to ensure further development and functioning of administrative courts as a separate unit in the legal system of Ukraine, especially at the local level, because they have proved the effectiveness of adjudication as to the substance and optimized the resolution procedure itself of the court and administrative proceedings in accordance with the nature of the social and legal disputes. Although administrative courts interfere with many Ukrainian officials and even the entire state institutions, it is worth maintaining and upholding the rule of law, because its purpose and task is to protect citizens against violations of law by state administration authorities or individual representatives, restoration of violated citizens' rights and necessity of overcoming mistakes made by state institutions, and preventing them from recurring in the future.

CONCLUSIONS

In conclusion, it should be pointed out that the further development of administrative courts in Ukraine needs only improvement of the already existing mechanisms of the legal and administrative regulations, optimization of the structure and organization of their activities. In my opinion, an essential element of the further development of the administrative courts is first of all ensuring the uniformity of the jurisprudence, adherence to the legal measures of settling the administrative cases, the determination of the final division of the jurisdiction of the administrative courts and the jurisdiction of the civil and commercial courts, achieving the appropriate organizational, material and technical, scientific and information support. The implementation of the abovementioned tasks requires the implementation of a series of organizational and legal actions and the improvement of legal and normative regulations of the activities of these courts. During the process of reforming the administrative judicature, it is worth foreseeing the need to improve the procedural form of its functioning by adopting amendments to the Code of Court-Administrative Procedure of Ukraine, which should comply with the rules of the EU judicature. The continuation of reforming of the activities of the administrative courts on the basis of the new edition of the Act "On the Judiciary System and Status of Judges" of 2 June 2016 is possible, as already mentioned, only when certain changes in legislative acts are made, which will allow for a full update of the provisions of the court-administrative proceedings and the introduction of a new court-administrative proceedings system. In addition, it is important to reliably observe the practices of applying the new provisions so as to be able to identify the legal gaps and contradictions in the regulations and make appropriate corrections in advance.

²⁴ I.E. Maroczka, *Organizacja władzy sądowniczej na Ukrainie*, Kharkov 2009, p. 180-194.

The abovementioned measures, as a consequence, will definitely facilitate the transition to a more qualitative reform of law enforcement agencies of Ukraine, prosecutors, preparatory proceedings and advocacy, which in turn will contribute to an efficient response to incidents of lawbreaking and ensure the expected level of rule of law in Ukraine that is characteristic of the state under the rule of law.

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Summary: This article presented analyses of the process of the establishment of the administrative legal system in Ukraine. The reasons for formation of the administrative courts were explained. The nature and content of the basic stages of the development of the administrative courts were determined. The mechanism of legal regulations of the court administrative proceedings was specified. It has been proved that in every administrative court's decision there can be observed a true implementation of the court powers in the scope of the enforcement of the rule of law, legal state, and protection of the rights and freedoms of individuals. Finally, the article aims to characterize the issues and ways of the development of the administrative justice at the contemporary stage of court reforms in Ukraine. It has been concluded that it is necessary to preserve the administrative courts as a separate institution, primarily at the local level, due to the fact that they have proved their efficiency over an extended period of functioning.

Keywords: administrative courts, general part, ways of functioning, staff, financing, material and technical support, ways of improvement of effectiveness

SĄDY ADMINISTRACYJNE UKRAINY: TWORZENIE ORAZ FUNKCJONOWANIE W NOWOCZESNYCH WARUNKACH

Streszczenie: W niniejszym artykule została przeprowadzona analiza procesu wdrożenia do systemu prawnego postępowania sądownoadministracyjnego na Ukrainie. Zostały wyjaśnione przyczyny powstania sądów administracyjnych. Ustalono charakter i treść podstawowych etapów rozwoju sądów administracyjnych. Wyszczególniono mechanizm prawnej regulacji postępowania sądownoadministracyjnego. Potwierdzono, że we wszystkich decyzjach sądów administracyjnych obserwowane było faktyczne wykonanie możliwości władzy sądowniczej w zakresie zabezpieczenia funkcjonowania zasad praworządności, państwa prawa, ochrony praw i swobód człowieka i obywatela. Scharakteryzowano problemy oraz sposoby udoskonalenia działalności sądownictwa administracyjnego na etapie nowoczesnego reformowania systemu sądowego na Ukrainie. Uznano konieczność pozostawienia sądów administracyjnych jako odrębnej instytucji, przede wszystkim na poziomie lokalnym, bowiem potwierdziły swoją skutecznością w ciągu swojej długotrwałej działalności.

Słowa kluczowe: sądy administracyjne, część ogólna, sposoby funkcjonowania, kadry, finanse, zabezpieczenie materialno-techniczne, sposoby zwiększenia efektywności