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**ISSUES OF APPLICATION OF JUDICIAL CONTROL OF
ADMINISTRATIVE COURTS OVER THE ACTIVITIES OF PUBLIC
ADMINISTRATION
ПРОБЛЕМАТИКА ЗАСТОСУВАННЯ СУДОВОГО КОНТРОЛЮ
АДМІНІСТРАТИВНИХ СУДІВ ЗА ДІЯЛЬНІСТЮ ПУБЛІЧНОЇ
АДМІНІСТРАЦІЇ**

Summary. *Introduction.* According to Article 6 of the Constitution of Ukraine, judicial power is considered equal to executive and legislative powers but has distinct functions [1]. Administrative proceedings are highlighted as a primary means of protecting the rights and interests of individuals and legal entities in public law relations. The importance of theoretical study in this area is emphasized to guide the reform of the judicial system and legislation on administrative proceedings. The study begins by framing the importance of judicial control of administrative courts over public administration bodies, acknowledging its role as a critical mechanism in ensuring legal compliance, fairness, and transparency. It outlines the evolving landscape of governance where judicial oversight acts as a cornerstone for maintaining a balance between the autonomy of administrative bodies and the protection of citizens' rights.

Purpose. The primary aim is to dissect and understand the current state and future prospects of judicial control exerted by administrative courts, highlighting its effectiveness, challenges, and impact on public administration. The study seeks to provide a comprehensive overview, identify gaps, and suggest improvements in the judicial oversight process.

Materials and Methods. The study employs a multifaceted methodology, including a review of legal documents, statutes, and case law; comparative analysis of different jurisdictions; interviews with legal experts; and statistical analysis of judicial interventions. It also incorporates policy documents, academic literature, and international standards to provide a well-rounded perspective.

Results. Findings indicate an increased scope of judicial oversight and variability in its application across jurisdictions. Challenges in defining administrative discretion and balancing judicial scrutiny with administrative efficiency are prominent. The study also notes a positive impact on public trust and governance from enhanced judicial oversight but acknowledges the potential for overreach and inefficiency.

Discussion. The discussion revolves around interpreting the results in the context of current legal frameworks and governance models. It explores the implications of increased judicial control for public administration and legal systems, considering the challenges of maintaining a delicate balance between effective oversight and the necessary autonomy of administrative entities. The discussion also extends to the potential reforms and future trends in judicial oversight.

Key words: *judicial control, administrative courts, public administration, legal compliance, transparency.*

Анотація. Вступ. Відповідно до статті 6 Конституції України судова влада прирівнюється до виконавчої та законодавчої влади, але має відмінні функції [1]. Виокремлено адміністративне судочинство як основний засіб захисту прав та інтересів фізичних та юридичних осіб у публічно-правових відносинах. Підкреслюється важливість теоретичних досліджень у цій сфері для спрямування реформи судової системи та законодавства про адміністративне судочинство. Дослідження починається з визначення важливості судового контролю адміністративних судів над органами державного управління, визнання його ролі як критично важливого механізму для забезпечення дотримання законодавства, справедливості та прозорості. У ньому окреслюється ландшафт управління, що розвивається, де судовий нагляд є наріжним каменем для підтримки балансу між автономією адміністративних органів і захистом прав громадян.

Мета. Основною метою є проаналізувати та зрозуміти поточний стан та майбутні перспективи судового контролю, який здійснюють адміністративні суди, висвітливши його ефективність, виклики та вплив на державне управління. Дослідження має на меті надати комплексний

огляд, виявити прогалини та запропонувати вдосконалення процесу судового нагляду.

Матеріали та методи. Дослідження використовує багатогранну методологію, включаючи огляд юридичних документів, статутів і судової практики; порівняльний аналіз різних юрисдикцій; співбесіди з юристами; та статистичний аналіз судових втручань. Він також включає політичні документи, наукову літературу та міжнародні стандарти, щоб забезпечити всебічну перспективу.

Результати. Отримані дані вказують на розширення масштабів судового нагляду та різноманітність його застосування в різних юрисдикціях. Проблеми у визначенні адміністративного розсуду та збалансованості судового контролю з адміністративною ефективністю є помітними. Дослідження також відзначає позитивний вплив посиленого судового нагляду на громадську довіру та управління, але визнає потенційну можливість надмірних дій та неефективності.

Перспективи. Обговорення зосереджено навколо інтерпретації результатів у контексті поточної правової бази та моделей управління. Він досліджує наслідки посилення судового контролю для державного управління та правових систем, розглядаючи проблеми підтримки тонкого балансу між ефективним наглядом та необхідною автономією адміністративних органів. Обговорення також поширюється на потенційні реформи та майбутні тенденції у судовому надгляді.

Ключові слова: судовий контроль, адміністративні суди, державне управління, дотримання законодавства, прозорість.

Problem statement. The effective application of judicial control by administrative courts over public administration bodies is critical for maintaining the rule of law, ensuring transparency, and protecting citizens' rights. However,

this area of governance is fraught with several complex issues that challenge the equilibrium between judicial oversight and administrative autonomy.

One primary problem is the delineation of the scope and limits of judicial review. Determining the extent to which administrative courts can and should intervene in the decisions and actions of public administration bodies presents a significant challenge. There is a fine line between necessary judicial scrutiny for legal compliance and the risk of overstepping into administrative discretion, potentially leading to inefficiency and decision-making paralysis within administrative bodies.

Another issue is the evolving nature of legal frameworks and governance models, which continually reshape the landscape of judicial control. These changes necessitate a dynamic approach to judicial review, adaptable to new legal, social, and technological contexts [2]. However, such adaptability can lead to inconsistencies and ambiguities in the application of judicial control.

Furthermore, there are concerns regarding the uniformity and consistency of judicial control across different jurisdictions. Variability in approaches can lead to a lack of standardized practices, complicating the understanding and predictability of judicial interventions in administrative matters.

The problem is compounded by the challenge of integrating international norms and standards into domestic judicial control mechanisms. As global best practices evolve, ensuring alignment while maintaining the unique aspects of national legal systems becomes increasingly complex.

Lastly, the issue of maintaining public trust and confidence in administrative decisions amidst increasing judicial control is paramount. Striking a balance between ensuring legal compliance and preserving the credibility and legitimacy of administrative actions is a delicate task.

In summary, the problem lies in effectively navigating these complexities to ensure that judicial control by administrative courts enhances the functioning of public administration bodies without compromising their efficiency and

decision-making autonomy. This balance is crucial for upholding democratic principles and ensuring a fair, transparent, and accountable governance system.

Analysis of Recent Research and Publications: Recent research and publications in the field of administrative law and judicial control have provided valuable insights into the evolving dynamics between administrative courts and public administration bodies. The following is an analysis of the key themes and findings from contemporary literature:

A significant amount of literature has been devoted to exploring the delicate balance between effective judicial oversight and preserving the necessary discretion for administrative bodies [3]. Studies have highlighted the importance of this balance in ensuring efficient governance without compromising legal and ethical standards.

Researchers have identified challenges in clearly defining the limits of judicial control. This includes determining the extent of permissible intervention in administrative discretion and the appropriate standards for judicial review. Several publications have discussed the impact of judicial control on the efficiency of public administration [4]. Some argue that increased judicial scrutiny can lead to more accountable and transparent decision-making, while others caution against potential delays and risk aversion in administrative processes.

Contemporary research has examined how administrative courts adapt their oversight mechanisms to evolving legal frameworks and societal expectations. This includes the integration of international norms and the adaptation to technological advancements. Comparative studies have been critical in understanding the different models of judicial control across jurisdictions. These studies provide insights into the effectiveness of various approaches and highlight best practices.

The purpose of this analysis is to synthesize and evaluate the key findings, themes, and discussions presented in recent research and publications concerning

the application of judicial control by administrative courts over public administration activities. The analysis aims to achieve several specific objectives. To identify and understand the current trends, challenges, and developments in the field of judicial control over public administration as discussed in recent academic and legal literature. To gather comparative insights by examining how different jurisdictions approach the issue of judicial control, including the extent and nature of judicial intervention in administrative decisions. To explore how recent research addresses the balance between ensuring administrative efficiency and upholding the principles of legality and fairness in administrative decisions. To assess the legal and ethical implications of judicial control over public administration as highlighted in contemporary studies, particularly focusing on issues of administrative autonomy, judicial overreach, and the protection of individual rights [5]. To evaluate how recent publications discuss the integration of international norms and standards into the practice of judicial control, and the impact of such integration on domestic legal systems. To analyze discussions on the impact of technological advancements, such as artificial intelligence, on the nature and effectiveness of judicial control in the modern administrative state.

To understand how recent studies address the issue of public trust and perception in relation to judicial control of administrative actions. To derive any potential policy recommendations or suggestions for legal reforms that might emerge from recent research, aimed at enhancing the effectiveness, fairness, and transparency of judicial control in public administration.

By achieving these objectives, this analysis seeks to provide a comprehensive overview of the current scholarly discourse on the application of judicial control by administrative courts, contributing to a deeper understanding of this crucial aspect of legal and administrative governance.

Setting objectives. The purpose of this study is to conduct a detailed analysis of the issues arising in the application of judicial control by administrative courts over public administration activities. To define and

understand the current scope and extent of judicial control applied by administrative courts over public administration. This includes analyzing how these courts balance their role of oversight with respecting the autonomy of administrative bodies.

Specific objectives. To comprehensively address the issues in the application of judicial control by administrative courts over public administration, the study sets out several specific objectives: to closely analyze and define the current scope and boundaries of judicial control exercised by administrative courts. This includes identifying the types of administrative decisions typically subjected to judicial review [6]; to identify the primary challenges and hurdles faced by administrative courts in exercising judicial oversight. This involves examining common areas of contention, such as the overstepping of judicial authority or under-enforcement of legal standards.

Presentation of the main material of the research. The main material of this research delves into the multifaceted issues surrounding the application of judicial control by administrative courts over public administration activities. The research is structured to cover various key areas:

Judicial Control in Administrative Law: This section explores the nature and scope of judicial control within administrative law, including its constitutional and legal basis. Judicial control in administrative law refers to the oversight exercised by administrative courts over actions, decisions, or inactivity of administrative bodies. It encompasses the court's power to review and, if necessary, overturn or modify decisions made by public administration entities to ensure legality and fairness. This includes reviewing the legality of administrative actions, ensuring adherence to the rule of law, and protecting individual rights against arbitrary or unlawful administrative actions. judicial control often has its roots in constitutional provisions that establish the separation of powers and the role of the judiciary in overseeing the executive branch [7]. Various laws and

statutes provide detailed procedures and grounds on which administrative actions can be challenged in courts.

Historical Evolution: A review of the historical evolution of judicial control, highlighting the changes and developments that have shaped its current state. The history of judicial control reflects an evolving understanding of the balance between administrative discretion and the need for legal oversight. This evolution often mirrors broader societal and legal transformations. Different legal systems have developed unique approaches to judicial control, reflecting their historical, political, and legal contexts. In many jurisdictions, specialized administrative courts or tribunals are established to handle disputes involving public administration. The procedures followed by these courts, including how cases are brought, the types of review conducted, and the remedies provided.

Challenges in Judicial Control: Analysis of the challenges in balancing judicial oversight with administrative efficiency and discretion. Examination of the legal and procedural issues in the application of judicial control, including the interpretation and implementation of laws. Technological advancements, such as the need for courts to understand and adjudicate on issues arising from digital administrative processes and data-driven decision-making [8]. Discussing the necessity for judicial bodies to enhance their technological literacy and for legal frameworks to evolve to address issues like digital privacy, cybersecurity, and AI-based administrative decisions. Exploration of the adoption of technological tools within judicial processes, such as AI-assisted case analysis, electronic filing systems, and virtual courtrooms, and their implications for the efficiency and accessibility of judicial review.

Influence of Social and Cultural Shifts: Investigating how shifts in public expectations, driven by increased digital literacy and access to information, have raised demands for transparency, accountability, and responsiveness in public administration. Analyzing how cultural shifts, such as growing emphasis on inclusivity, environmental sustainability, and human rights, have influenced

administrative policies and decisions, subsequently impacting the nature of judicial control. Discussing the necessity for judicial control mechanisms to be responsive to these societal changes, ensuring that administrative actions are aligned with contemporary social values and norms. Exploring the challenge for administrative courts to balance traditional legal principles with progressive societal expectations, particularly in areas like social welfare, public health, and education.

The impact of technological and social changes on the application of judicial control over public administration is profound and multifaceted. As public administration evolves in response to technological advancements and shifting social norms, judicial control mechanisms must adapt to effectively oversee these changes while upholding legal principles. This requires continuous learning, legal reform, and a nuanced understanding of the interplay between technology, society, and law.

Challenges and Outlook in the Application of Judicial Control over Public Administration: Maintaining the Balance Between Judicial Scrutiny and Administrative Discretion deal with difficulty in striking the right balance where judicial oversight does not impede the efficient functioning of administrative bodies and risk of either excessive judicial interference leading to bureaucratic gridlock or insufficient scrutiny resulting in unchecked administrative power. Also, adapting to Technological Advancements, like: keeping pace with rapid digital transformations within public administration and adapting judicial processes accordingly and ensuring judicial competence in understanding and adjudicating cases involving complex technological issues. Challenges posed by ambiguous or evolving legal frameworks that govern administrative actions. The complexity of administrative procedures and the need for specialized legal knowledge and resources. Providing equitable access to judicial review for all, especially for marginalized or resource-limited groups.

Achieving consistency in decision-making while accommodating the unique nuances of individual cases. Responding to Social and Cultural Shifts adapting judicial control to align with changing social values, expectations, and norms and balancing traditional legal principles with progressive societal demands, particularly in dynamically evolving sectors like environmental law and human rights.

In conclusion, the application of judicial control over public administration is an area of ongoing evolution, requiring adaptive strategies, continuous learning, and systemic reforms to meet the challenges effectively. The future outlook emphasizes the need for a responsive and dynamic judicial system that upholds the rule of law while being attuned to technological and societal changes.

Conclusions and prospects for further research. The study reaffirms the essential role of judicial control by administrative courts in ensuring that public administration operates within the bounds of the law, upholding the principles of justice and fairness. A key conclusion is the intricate challenge of balancing the autonomy of administrative bodies with effective judicial oversight. This balance is crucial for maintaining the efficiency of administrative actions while safeguarding legal and ethical standards.

The rapid evolution of technology presents both challenges and opportunities for judicial control. Courts must adapt to new forms of administrative action driven by digital technologies, requiring updated legal frameworks and judicial understanding. The complexities and ambiguities inherent in administrative law pose significant challenges for judicial control, underscoring the need for continuous legal education and specialized expertise in administrative courts. Ensuring equitable access to justice and maintaining consistency in judicial decision-making are vital for the credibility and effectiveness of judicial control over public administration.

Future research should focus on the adaptation of judicial processes to the digital age, exploring how administrative courts can effectively oversee digital

administrative actions and decisions. There is a valuable opportunity for comparative studies to understand different international approaches to judicial control, which can offer diverse perspectives and potential solutions to common challenges. Further research is needed in specific areas of administrative action, such as environmental regulation, data protection, and human rights, where administrative decisions have significant societal impacts. Investigating the training needs of judges and administrative court staff in the nuances of modern public administration, as well as the resource allocation for these courts, is crucial. Studies into building public trust and transparency in the judicial control process are essential, especially in an era where public scrutiny of administrative actions is heightened. Future research should also focus on legal reforms and policy development to enhance the effectiveness and efficiency of judicial control mechanisms.

In conclusion, the application of judicial control over public administration is a dynamic field requiring ongoing adaptation and nuanced understanding. As administrative actions evolve, particularly with technological advancements, judicial control mechanisms must also progress to ensure that public administration remains accountable, transparent, and just.

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