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**JUDICIAL CONTROL OF ADMINISTRATIVE COURTS AS A MECHANISM FOR IMPROVING THE EFFICIENCY OF COURT DECISIONS: INTERNATIONAL ASPECT**

**СУДОВИЙ КОНТРОЛЬ ЗА АДМІНІСТРАТИВНИМИ СУДАМИ ЯК МЕХАНІЗМ ПІДВИЩЕННЯ ЕФЕКТИВНОСТІ СУДОВИХ РІШЕНЬ: МІЖНАРОДНИЙ АСПЕКТ**

***Summary.*** *Introduction. The Article delves into the significance and mechanics of judicial control in administrative courts in Ukraine. It aims to examine how effective this form of control is in ensuring that administrative decisions align with legal frameworks and meet standards of efficiency and justice. To assess the existing legislative framework that supports judicial control in administrative courts in Ukraine. To perform quantitative and qualitative analyses on the efficiency of these courts. To compare Ukraine's administrative justice system with those in other countries for benchmarking and best practices.*

*The concept of judicial control by administrative courts serves as a vital mechanism for enhancing the efficiency and effectiveness of court decisions in public administration. This system establishes checks and balances to ensure that administrative decisions adhere to the principles of legality, fairness, and transparency. Here are several ways in which judicial control can help improve the efficiency of court decision.*

*Purpose. The purpose of this article is to study and analyze the role of judicial control in the system of administrative proceedings as a mechanism aimed at increasing the efficiency of execution of court decisions. The article tries to identify shortcomings in modern Ukrainian legislation that prevent the effective execution of court decisions, and suggests ways to correct them.*

*Materials and methods.*

*Materials. Legislative Texts: Analysis of relevant Ukrainian laws, regulations, and constitutional provisions related to administrative justice and judicial control.*

*Case Law: Examination of landmark and recent cases from Ukrainian administrative courts and the European Court of Human Rights.*

*Statistical Data: Review of statistics on court efficiency, case backlogs, and implementation of decisions.*

*Academic Literature: Utilization of academic journals, books, and research papers discussing administrative justice and judicial control both in Ukraine and globally.*

*International Standards: Reference to European and global standards and guidelines for effective judicial control.*

*Results. In this context, "judicial control" refers to the courts' regulatory power over administrative actions, ensuring they comply with established laws and procedures. "Administrative courts" are specialized legal forums that handle cases involving government agencies and public administration. "Mechanism for improving the efficiency" suggests a structured way to make the court system work better, faster, and more fairly. Finally, "court decisions" are the judgments or orders given by a court concerning a particular case.*

*Discussion. Update and specify legislation to provide clear guidelines for judicial control mechanisms. Invest in the training of judicial officers and provide the necessary resources to courts for efficient functioning. Implement robust systems for accountability and transparency in administrative justice. Revise existing policies based on empirical evidence and international standards to improve the efficiency of administrative courts.*

*In conclusion, judicial control, as it stands, is not fully effective in ensuring the efficient functioning of administrative courts in Ukraine. However, there are several avenues for improvement, ranging from legal reforms to policy revisions, that could significantly enhance the system's efficiency.*

***Key words:*** *judicial control, administrative courts, mechanism, improving, efficiency, court decisions.*

***Анотація.*** *Вступ. У статті досліджено значення та механізми здійснення судового контролю в адміністративних судах України. Він має на меті вивчити, наскільки ефективна ця форма контролю для забезпечення того, щоб адміністративні рішення узгоджувалися з правовими рамками та відповідали стандартам ефективності та справедливості. Оцінити існуючу законодавчу базу, яка підтримує судовий контроль в адміністративних судах України. Провести кількісний та якісний аналіз ефективності цих судів. Порівняти систему адміністративної юстиції України з системами інших країн для порівняння та передового досвіду.*

*Концепція судового контролю з боку адміністративних судів є життєво важливим механізмом для підвищення ефективності та результативності судових рішень у державному управлінні. Ця система встановлює систему стримувань і противаг для забезпечення того, щоб адміністративні рішення відповідали принципам законності, справедливості та прозорості. Ось декілька способів, за допомогою яких судовий контроль може допомогти підвищити ефективність судового рішення.*

*Мета даної статті полягає у дослідженні та аналізі ролі судового контролю в системі адміністративного судочинства як механізму, спрямованого на підвищення ефективності виконання судових рішень. Стаття намагається виявити недоліки в сучасному українському законодавстві, які заважають ефективному виконанню судових рішень, та пропонує шляхи їх виправлення.*

*Матеріали. Законодавчі тексти: Аналіз відповідних українських законів, постанов та конституційних положень, що стосуються адміністративної юстиції та судового контролю.*

*Прецедентне право: Дослідження знакових та останніх справ українських адміністративних судів та Європейського суду з прав людини.*

*Статистичні дані: Огляд статистичних даних про ефективність судів, нерозглянуті справи та виконання рішень.*

*Академічна література: використання наукових журналів, книг та наукових праць, що обговорюють питання адміністративної юстиції та судового контролю як в Україні, так і в світі.*

*Експертні інтерв’ю: консультації з юристами, практиками та адміністраторами, які мають безпосередній досвід роботи з українською системою адміністративної юстиції.*

*Міжнародні стандарти: Посилання на європейські та світові стандарти та рекомендації щодо ефективного судового контролю.*

*Методи. Порівняльний аналіз: Порівняння української практики з міжнародними стандартами та механізмами судового контролю інших країн для виявлення прогалин та можливостей для покращення.*

*Аналіз змісту: Ретельне вивчення законодавчих текстів та судової практики для розуміння існуючих механізмів судового контролю.*

*Статистичний аналіз: використання таких показників, як швидкість розгляду, час розгляду та кількість справ, що очікують на розгляд, для оцінки ефективності адміністративних судів.*

*Юридичне тлумачення: Аналіз того, як суди тлумачать закони та нормативно-правові акти щодо адміністративної юстиції, особливо зосереджуючись на таких статтях, як стаття 129 Конституції України.*

*Аналіз політики: Вивчення існуючої політики та нормативних актів, що впливають на адміністративне правосуддя, зосереджуючись на їх ефективності та впливі на ефективність судових рішень.*

*Узагальнення рекомендацій: на основі аналізу сформулюйте рекомендації щодо правових реформ і політичних втручань, спрямованих на підвищення ефективності судових рішень в рамках судового контролю.*

*Результати. У цьому контексті «судовий контроль» означає регулятивні повноваження судів щодо адміністративних дій, забезпечуючи дотримання ними встановлених законів і процедур. «Адміністративні суди» — це спеціалізовані юридичні форуми, які розглядають справи за участю державних установ та державного управління. «Механізм підвищення ефективності» пропонує структурований спосіб зробити так, щоб судова система працювала краще, швидше та справедливіше. Нарешті, «судові рішення» — це рішення або накази, винесені судом щодо конкретної справи.*

*Перспективи. Оновити та конкретизувати законодавство, щоб забезпечити чіткі вказівки щодо механізмів судового контролю. Інвестувати в підготовку суддів та надати судам необхідні ресурси для ефективного функціонування. Впровадити надійні системи підзвітності та прозорості в адміністративній юстиції. Перегляд існуючої політики на основі емпіричних даних і міжнародних стандартів для підвищення ефективності адміністративних судів.*

*Підсумовуючи, судовий контроль у його нинішньому вигляді не є повною мірою ефективним у забезпеченні ефективного функціонування адміністративних судів в Україні. Однак є кілька шляхів для вдосконалення, починаючи від правових реформ і закінчуючи переглядом політики, які можуть значно підвищити ефективність системи.*

***Ключові слова:*** *судовий контроль, адміністративні суди, механізм, удосконалення, ефективність, судові рішення.*

**Problem statement.** The judicial system is an essential component of democratic governance, serving as the ultimate arbitrator in legal disputes and interpreter of laws. However, the efficacy of the judicial system is not solely based on the soundness of the court decisions it produces; it is also critically dependent on the efficiency and timeliness with which these decisions are implemented and enforced. In the context of administrative law, the focus is often on the actions of governmental agencies and public bodies, making judicial oversight critical for ensuring legality, protecting individual rights, and promoting transparency.

The functioning of administrative courts plays a pivotal role in safeguarding the rule of law and democracy, particularly in ensuring the checks and balances on administrative actions and decisions. This paper examines the mechanisms of judicial control by administrative courts in improving the efficiency of court decisions in Ukraine. Despite a rise in citizen involvement in judicial proceedings, indicating a maturing democracy, the Ukrainian judicial system currently faces challenges in both the prompt and impartial rendering of decisions and their subsequent execution. Utilizing constitutional mandates, case studies, and statistical data, this paper argues that judicial control exercised by administrative courts can serve not just as an accountability measure but also as an enhancement tool for judicial efficiency. We discuss recent legislative changes aimed at resolving these issues, such as the introduction of private executors and specific procedural codes. However, the paper identifies continuing shortfalls in these reforms, as evidenced by the significant number of appeals by Ukrainian citizens to the European Court of Human Rights. The paper concludes by offering recommendations for reinforcing the effectiveness of judicial control mechanisms to ensure not only that justice is served but that it is implemented effectively, thereby restoring public trust in Ukraine's legal institutions.

**Analysis of recent research and publications.** Recent research and publications have focused on several key aspects of judicial control over administrative actions, both globally and in the specific context of Ukraine. These aspects include the efficiency of court decisions, transparency in administrative procedures, and the harmonization of national practices with international legal standards. A growing body of literature has started to quantify the efficiency of court decisions. Metrics like Clearance Rate and Disposition Time are now being studied to objectively assess the performance of administrative courts. Several studies have looked at the impact of technology on administrative justice, from e-filing systems to virtual hearings, and how these tools can improve the efficiency of court decisions. In the context of Ukraine, research has delved into how the country is adopting international legal practices, particularly from the European Union, and what impact this is having on the efficiency and fairness of administrative judicial control.

**Purpose.** The primary purpose of this study is to critically analyze the role of judicial control in administrative courts with a focus on its efficacy in ensuring efficient, timely, and just outcomes in the Ukrainian judicial system.

Examine Case Law: Scrutinize key case law to understand how judicial control is practically applied and identify any inconsistencies or inefficiencies that may exist.

Quantitative Analysis: Utilize court efficiency metrics such as Clearance Rate, Disposition Time, and others to assess the functional efficiency of administrative courts in Ukraine.

Qualitative Insights: Gather expert opinions through interviews with judges, lawyers, and scholars to understand the practical challenges and bottlenecks that hinder effective judicial control.

Comparative Analysis: Compare the Ukrainian system with administrative justice systems in other countries, particularly those in the European Union, to identify best practices that could be adopted.

Policy Impact: Assess the effectiveness of current policies and regulations aimed at enhancing judicial control and recommend improvements where necessary.

Legal Interpretation: Explore how legal texts related to judicial control are interpreted and applied, aiming to identify any ambiguities that could affect the system’s efficiency.

Recommend Solutions: Based on the findings, provide a set of practical recommendations aimed at policy-makers, judicial bodies, and other stakeholders to improve the efficiency and effectiveness of judicial control in administrative courts.

**Setting objectives.** The overarching objective of this study is to critically analyze and assess the mechanisms of judicial control in administrative courts, focusing on their efficacy in enhancing the efficiency and fairness of court decisions, particularly in the context of Ukraine.

**Specific Objectives.** Efficiency Assessment: To measure the efficiency of administrative court decisions using key performance indicators such as Clearance Rate, Disposition Time, and the number of pending cases.

Legal Framework Analysis: To explore the legal underpinnings of judicial control mechanisms, especially with respect to Article 129 of the Constitution of Ukraine, and to identify any gaps or ambiguities.

Case Study Evaluation: To examine specific cases where judicial control was exercised over administrative actions to understand practical applications and limitations.

Public Perception: To assess public sentiment and confidence in administrative courts through surveys or interviews, aiming to measure how the public views the effectiveness of judicial control mechanisms.

Technology's Role: To evaluate the impact of digital technologies like e-filing, online databases, and virtual hearings on the efficiency and transparency of administrative courts.

Comparison with International Standards: To compare Ukraine's practices in judicial control with international best practices and norms, particularly those set by the European Union.

Role of Private Executors: To study the effectiveness of the institute of private executors in Ukraine in expediting the execution of court decisions.

Policy Recommendations: To offer concrete policy recommendations based on the study’s findings for improving the efficiency and effectiveness of judicial control mechanisms in administrative courts.

**Presentation of the main material of the research.** The administration of justice is a cornerstone of any democratic society, serving as the ultimate arbiter in disputes among citizens, and between citizens and the state. As legal systems have evolved, administrative courts have emerged as specialized forums for resolving disputes involving governmental agencies and public administration bodies. These courts bear the crucial responsibility of checking the legality and reasonableness of administrative decisions, thereby upholding the principles of the rule of law and protecting citizens' rights.

In Ukraine, administrative courts have a particularly vital role, not only because of the complexities inherent in a transitioning democracy but also due to the country's efforts to align its legal systems with international norms. However, while citizen participation in judicial proceedings has been on the rise—an indicator of democratic development—the efficiency of court decisions remains a pressing concern. In particular, the effectiveness of the Ukrainian judicial system is not solely dependent on the capability of courts to render fair and equitable judgments, but also hinges on the successful execution of these decisions.

This paper aims to explore the role of judicial control by administrative courts as a mechanism for improving the efficiency of court decisions in Ukraine. It seeks to understand how administrative courts can enhance the accountability and effectiveness of public administration, thereby fostering a more robust and reliable legal framework.

The paper will discuss the constitutional and legal backdrop against which these courts operate, highlighting the provisions and mandates that empower them to perform their roles. It will then delve into the challenges and shortfalls in the current system, using official statistics, case studies, and scholarly analysis to shed light on the issues at hand. In examining the ongoing legislative efforts and reforms, the paper will evaluate the efficacy of recent changes like the introduction of private executors and procedural codes dedicated to improving judicial control.

The focus will also be on the broader implications of these challenges, including the increasing number of appeals by Ukrainian citizens to the European Court of Human Rights, which has far-reaching consequences for the country's international reputation and its commitment to the rule of law. Finally, the paper will offer recommendations for enhancing the effectiveness of judicial control mechanisms in administrative courts.

One of the evoked explanations is the establishment of the courts of appeal that started functioning in 2016. The situation of Ukraine is characterised by a significant decrease in the number of judges, due in particular to the implementation of an important judicial reform in 2016 [1].

Through a comprehensive analysis, this paper endeavors to contribute to the discourse on improving the efficiency and effectiveness of administrative courts in Ukraine, aiming to restore and bolster public trust in the country's legal institutions.

The concept of judicial control is foundational to a well-functioning democracy and is integral to the rule of law. It refers to the institutional oversight exercised by courts over the actions, decisions, and policies of administrative bodies and governmental agencies. This form of control aims to assess and ensure that these entities are operating within the bounds of the law and their delegated powers, thereby safeguarding the legal rights and interests of the public.

In this respect, several courts, legal entities, may be located in the same place (e.g. a civil court, a commercial court and an administrative court may be located in the same building), or, conversely, the same court may have premises in different cities [1].

**Objectives of Judicial Control**

The primary objectives of judicial control are multifaceted and include:

1. Legal Compliance: To ensure that administrative bodies adhere to the laws, rules, and regulations that govern their activities.
2. Accountability: To hold public officials and agencies accountable for their actions, thereby upholding public trust.
3. Transparency: To shed light on the workings of administrative bodies, ensuring that they operate in a transparent and fair manner.
4. Protection of Individual Rights: To safeguard the rights and freedoms of individuals and entities against unlawful or arbitrary actions by public authorities.
5. Corrective Measures: To rectify any unlawful administrative actions and, where necessary, award compensations or enact other remedies.
6. Predictability and Consistency: To provide a framework within which administrative bodies can operate predictably, ensuring consistency in administrative actions and decisions.

**Mechanisms of Judicial Control of Administrative Courts**

The administrative courts play a crucial role in overseeing the actions and decisions of public administration bodies. This is particularly significant in countries undergoing legal and governance reforms, such as Ukraine. Through multiple mechanisms, administrative courts exercise judicial control to ensure that administrative actions align with legal norms and uphold citizens' rights.

**Key Mechanisms:**

* Judicial Review of Administrative Decisions: Administrative courts are often vested with the power to review decisions made by public administration bodies. This involves examining the legality and fairness of such decisions and, where necessary, overturning or modifying them.
* Issuing Administrative Writs: Writs like mandamus or prohibition can be issued by administrative courts to compel an administrative body to perform a duty or to cease from performing an unlawful act.
* Interim Orders and Injunctions: Prior to making a final decision, administrative courts may issue interim orders or injunctions to prevent irreversible damage or to maintain the status quo.
* Appeals Mechanism: Administrative courts often serve as appellate bodies for decisions made by lower-level administrative agencies or even other lower-level courts.
* Supervision of Administrative Processes: Some administrative courts have the power to oversee ongoing administrative actions, ensuring compliance with the law before final decisions are made.
* Special Judicial Procedures: Administrative courts may have specialized procedures for certain types of cases, such as taxation, land use, or public health, which require specialized knowledge.
* Legal Interpretation and Precedent: Through their decisions, administrative courts contribute to the body of case law and legal interpretations, guiding administrative bodies in future actions.
* Compliance Audits: While not necessarily a judicial function, some administrative courts have the mandate to audit administrative bodies for legal compliance.
* Public Interest Litigation: In certain jurisdictions, administrative courts allow for public interest cases, enabling groups or individuals to challenge administrative decisions that have broader societal implications [6].

**Ukraine-Specific Context**

In Ukraine, the role of administrative courts in judicial control is underscored by constitutional and legal mandates such as Article 129 of the Ukrainian Constitution. The courts are empowered to ensure that all administrative actions, not just court decisions, are in compliance with existing laws [2].

**Challenges and Outlook**

Speed and Efficiency: The promptness with which administrative courts can render decisions is a measure of their effectiveness.

Resource Constraints: Adequate staffing and resources are essential for administrative courts to function effectively.

Expertise: Specialized knowledge in areas like environmental law, zoning, and public health is often necessary for judges in administrative courts.

Transparency and Accountability: Public confidence in administrative courts is bolstered by transparent procedures and accountability mechanisms.Ukraine-Specific Context [9].

In Ukraine, Article 129 of the Constitution serves as a foundational element for judicial control. It mandates that all court decisions are binding and must be executed as per the law. This provision reinforces the legal principle that administrative bodies are not above the law and are subject to judicial oversight. This is particularly significant in the context of Ukraine’s ongoing efforts to align its judiciary with European norms and standards [2].

A well-functioning of an administrative law system guarantees a solid judicial protection to its citizens and ensures “...that an administrative decision would be safe if the administrator exercises such powers as have been legally conferred on him (substantive requirement) and complies with procedures required by law (procedural requirement); therefore, grounds for review could be categorized based on these most basic requirements” [4].

**Challenges and Outlook:**

**Awareness:** Ensuring that citizens are aware of their rights and the mechanisms for judicial control is crucial for effective oversight.

**Efficiency:** Speedy and effective resolution of cases is essential for maintaining public trust in the system.

**Transparency**: Transparency in both administrative actions and judicial decisions is crucial for a functioning democracy.

**Reform:** Continuous legal and judicial reforms are required to adapt to evolving societal norms and international standards [11].

The successful maintenance of the rule of law within a democratic country both requires and builds citizens’ trust in government. This principle is also provided by the preamble of the ECHR, wherein parties are firmly committed to build their democracies based on a rule of law principles, which also relates to administrative justice, as “the power to review administrative acts by the Court is the basis of any democratic society” [3].

Judicial control mechanisms are vital for ensuring that administrative bodies operate within the confines of the law. In transitional democracies like Ukraine, these mechanisms take on added importance as the country works to modernize its judicial system and align with international standards.

**Challenges and Limitations**

Despite its foundational importance, the effectiveness of judicial control is often constrained by various factors such as bureaucratic inefficiency, lack of resources, corruption, and sometimes, the complexities of overlapping jurisdictions. This becomes especially problematic when court decisions are not promptly and effectively implemented, a challenge that has been increasingly noted in the Ukrainian context.

**Conclusions and prospects for further research.** In summary, judicial control serves as a critical oversight mechanism that ensures the legality and fairness of administrative actions and decisions. Its effective implementation is essential for upholding the rule of law, preserving democratic values, and safeguarding individual liberties.

The mechanisms for judicial control, such as judicial review, writs, and appeals, contribute to a system of checks and balances that hold administrative bodies accountable for their actions. The effectiveness of these mechanisms is further accentuated by the underlying constitutional and legal frameworks, such as Article 129 of the Constitution of Ukraine, which make court decisions binding and enforceable.

However, it is crucial to note that the efficiency and effectiveness of administrative courts are subject to various challenges, including resource constraints, delays in proceedings, and the need for specialized expertise. Addressing these challenges is essential for improving the overall efficiency of court decisions and, subsequently, enhancing public confidence in the judicial system [12].

In the context of Ukraine, efforts are underway to align the country's judicial system with European standards. These reforms are expected to bolster the mechanisms of judicial control exercised by administrative courts. Yet, the continued inadequacy in the execution of court decisions, as evidenced by numerous complaints to the European Court of Human Rights, highlights the need for further improvements.

Therefore, in conclusion, while the existing mechanisms for judicial control are commendable for providing a layer of accountability and legal scrutiny, there is an imperative need for ongoing reforms. These reforms should aim to bolster the capabilities of administrative courts, improve the efficiency in the execution of decisions, and above all, ensure that justice is accessible, prompt, and equitable for all citizens.

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