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Access to Justice within Administrative Proceedings of Ukraine: Modern Realities and European Experience

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Oleksandr Krupchan *
Olena Salmanova **
Nataliia Makarenko ***
Aurika Paskar ****
Vitalii Yatskovyna *****

Abstract

The purpose of the article was to analyze the availability of justice within the Ukrainian administrative judicial system, examining its specific features in terms of martial law and the possibilities of its improvement, due to the implementation of European standards in Ukrainian legislation. The research methods used were: monographic analysis, analysis and synthesis, systemic, generalization, forecasting, etc. It has been found that the principle of access to justice is manifested in the ability of a person to receive unimpeded judicial protection and to apply for judicial protection of one's rights. It has been emphasized that the reform of the judicial procedure in the resolution of administrative disputes requires the earlier introduction of digital technologies and Artificial Intelligence technologies. This will help to ease the burden on the court system and judges, speed up the time of hearing court cases, reduce the costs of their storage and archiving, simplify the presentation of statements and evidence in court, etc. It is concluded that the implementation of the European standards of the administrative process will lead to ensuring the appropriate degree of access to justice in Ukraine and increase public confidence in the judiciary.

* D.Sc (Law), Professor, Department of Directorate, Academician F.H. Burchak Scientific and Research Institute of Private Law and Entrepreneurship of the National Academy of Legal Sciences of Ukraine, Kyiv, Ukraine. ORCID: https://orcid.org/0000-0002-3701-5658

** D.Sc (Law), Professor, Honored Worker of Education of Ukraine, head of the department of administrative law and process of Kharkiv National University of Internal Affairs, Kharkiv, Ukraine. ORCID ID: https://orcid.org/0000-0002-6376-1160

*** PhD in Law, Associate professor, Assistant professor of Civil and Economic Law Department, Donetsk State University of Internal Affairs, Kryvyi Rih, Ukraine. ORCID ID: https://orcid.org/0000-0001-7772-0047

**** PhD in Law, Associate Professor of the Department of Procedural Law Yuriy Fedkovych Chernivtsi National University, Chernivtsi, Ukraine. ORCID ID: https://orcid.org/0000-0002-0765-1143

***** PhD in Law, Dean of the Faculty of Training of Specialists for Pretrial Investigation Bodies, Odesa State University of Internal Affairs, Odesa, Ukraine. ORCID ID: https://orcid.org/0000-0003-2535-3913

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Keywords: right to a fair trial; access to justice; administrative justice; information technologies; international standards of justice.

Acceso a la justicia dentro de los procedimientos administrativos de Ucrania: realidades modernas y experiencia europea

Resumen

El propósito del artículo fue analizar la disponibilidad de justicia dentro del sistema judicial administrativo ucraniano, examinando sus características específicas en términos de la ley marcial y las posibilidades de su mejora, debido a la implementación de las normas europeas en la legislación de Ucrania. Los métodos de investigación usados fueron: análisis monográfico, análisis y síntesis, sistémico, generalización, previsión, etc. Se ha comprobado que el principio de acceso a la justicia se manifiesta en la capacidad de la persona para recibir tutela judicial sin trabas y para solicitar judicialmente protegiendo los propios derechos. Se ha enfatizado que la reforma del procedimiento judicial en la resolución de conflictos administrativos requiere la introducción más temprana de tecnologías digitales y tecnologías de Inteligencia Artificial. Esto ayudará a aliviar la carga del sistema judicial y los jueces, acelerar el tiempo de audiencia de los casos judiciales, reducir los costos de su almacenamiento y archivo, simplificar la presentación de declaraciones y pruebas ante el tribunal, etc. Se ha llegado a la conclusión de que la aplicación de las normas europeas del proceso administrativo conducirá a garantizar el grado adecuado de acceso a la justicia en Ucrania y aumentar la confianza pública en el poder judicial.

Palabras clave: derecho a un juicio justo; acceso a la justicia; justicia administrativa; tecnologías de la información; estándares internacionales de justicia.

Introduction

The right to a trial is fundamental in a legal and democratic country. The manifestation of this right is the guaranteed opportunity for each person to apply to the court for the protection of own rights and interests. The rule of law will be meaningless without access to justice for any person. Administrative judicial system is an important component of access to justice. It covers a wide range of issues related to the possibility of a person

appealing decisions made by state authorities in general and subjects of authoritative power in particular.

Access to justice according to the Constitution of Ukraine and the Law of Ukraine "On the Judiciary of Ukraine" is ensured by the court system and the provision that the jurisdiction of the courts extends to all legal relations that arise in the state. The state's duty to provide a person with real and not formal access to court is also enshrined in the judgements of the European Court of Human Rights.

Access to justice involves: a) provision of legal assistance to anyone who applies to the court for the protection of the rights; b) the acceptable cost of applying to court for the applicant; c) reasonable terms for consideration of the application; d) clarity of legal provisions, which should not create uncertainty and thus, hinder access to court. Therefore, it is necessary to adhere to such principles of judicial proceedings as the right to a trial, legality and legal certainty, when carrying out administrative proceedings in Ukraine. The practical implementation of these principles in terms of war is difficult and poses a challenge to the entire legal system.

Protection and defense of the rights of individuals and legal entities in the field of public and legal relations from violations by state authorities requires the construction of an effective mechanism for fair, impartial and timely hearing of administrative cases. Therefore, the development of democracy in Ukraine is inextricably related to the constant improvement and reform of administrative justice, as well as fair consideration and resolution of public and legal disputes.

Reforming the judicial system is not possible without solving the issue of access to justice, which is basic for a rule of law state and focused on the development of democracy and civil society. It is currently important to implement an effective system of ensuring access to justice as one of the basic rights and as a fundamental guarantee of the rule of law. The dissatisfaction of a large part of Ukrainian society with the incompleteness of the judicial reform is a prerequisite for this. It is about the long term of hearing court cases, significant court costs while hearing administrative and other disputes, etc.

Therefore, there is an undeniable need for a pragmatic and scientific approach to reforms aimed at making the right of access to justice as a reality not only in peacetime, but also in the period of war and post-war reconstruction of the country. Therefore, the purpose of the article is to analyze the accessibility of justice within administrative judicial system of Ukraine, its specific features in terms of the martial law, as well as to study the perspectives of improving access to the court due to the implementation of the European standards of access to justice within administrative justice of Ukraine and harmonization of domestic legislation with the norms of EU law.

1. Methodology of the study

The authors of the study used dialectical and general scientific, special methods of scientific cognition. Thus, due to the method of monographic analysis, a range of problematic issues related to the improvement of access to administrative justice of Ukraine in terms of war and the implementation of European standards of access to justice within administrative judicial system have been clarified. The method of analysis and synthesis made it possible to generalize information regarding the understanding of content of the concept of "accessibility of administrative justice" and to form the authors' vision of its essence.

At the same time, the authors of the article have studied those legal instruments for the administration of justice, which can help to increase the level of access to justice and to strengthen legality in general. The elements of the mechanism of legal regulation in the field of access to justice, which are able to improve access to justice in terms of the martial law, have been critically studied due to the method of theoretical generalization. Systemic method made it possible to conduct a study of access to justice as a comprehensive system of principles, which consists of certain elements.

The application of the forecasting method contributed to the study of tendencies in improving access to administrative justice in case of increased use of modern information technologies and Artificial Intelligence. The method of generalization made it possible to draw conclusions based on the conducted research.

2. Results and Discussion

2.1. The concept, essence and problems of ensuring the principle of access to justice in Ukraine

As one knows, the right to trial and the right of access to justice are enshrined in the Articles 6 and 13 of the European Convention on Human Rights, which guarantee the right to a fair trial and an effective remedy (ECHR, 1950). These rights are also recorded in the Art. 2 (3) and 14 of the International Covenant on Civil and Political Rights (ICCPR, 1966) and in the Articles 8 and 10 of the Universal Declaration of Human Rights (UNDHR, 1948). Interpretation of the Art. 6 (1) of the ECHR provides that everyone, who had no opportunity to file a lawsuit to the court, which has jurisdiction to hear all issues of the fact and law relevant to the dispute, may refer to the lack of access to a court.

Thus, the right to a trial occupies one of the main places in the system of fundamental values of any democratic society, and its component is

the right to access to court. Based on the content of the provisions of the normative acts listed above, the content of the right to a trial reflects its main elements, namely: effective access to court, the right to a fair trial and timely resolution of disputes, the right to adequate compensation, as well as the general application of the principles of efficiency and effectiveness in administration of justice.

We note that most of analyzed scientific sources understand the concept of access to justice as the ability of a person to obtain legal protection without hindrance, as well as access to independent and impartial resolution of disputes according to the established procedure on the basis of the rule of law principle (Matat *et al*., 2017). Access to justice implies a real ability of a person to address the court for consideration and resolution of the case and to receive legal protection without obstacles. The right of access to justice should also ensure the possibility of realizing these rights without any restrictions, obstacles or complications, but with strict adherence to the norms and spirit of the law (Deborah, 2001).

The issue of improving access to administrative justice in Ukraine requires the solution of the following problems: the use of online justice in administrative courts and the implementation of the principles of legality and legal certainty as fundamental values of the judicial process.

Given the active development of information technologies and Artificial Intelligence, improvement of the access to administrative justice requires the active use of online and digital technologies. These technologies have positively proved themselves in many countries when they are used in public governance and in the administration of justice. They facilitated to automate the process of decision-making and assistance in their adoption. And their active use in the commercial sphere contributed to the quick and economical online resolution of disputes.

Judges have repeatedly emphasized that the existing dispute resolution system is time-consuming, expensive and overly formalized; it does not meet the requirements of the online community (Griffiths, 2017). We should also add that financial and time costs of court proceedings are often disproportionate to the value of disputes. Hence, there are refusals of some people to protect their rights. It does not contribute to the implementation of the principle of access to justice, but on the contrary – pushes away from the legal way of solving the problem.

The main problems of ensuring access to administrative proceedings are: imperfect substantive and territorial jurisdiction of administrative courts; high court fee rate; provision of low-quality primary and secondary legal aid; non-compliance with deadlines in administrative proceedings; complexity of court cases and their significant number; excessive load on courts, etc.

We believe that these problems can be solved due to the implementation of modern digital technologies while implementing administrative proceedings. However, the specified technologies must be based on a rational and fair approach and take into account the socio-legal state of development of society and the categories of cases that can be solved with their help. For example, it is obvious that not all people will be able to take advantage of digital technologies, considering their age, financial situation, access to the Internet, understanding of the specifics of court proceedings, etc.

Therefore, it is necessary to introduce modern technologies into administrative proceedings gradually with the simultaneous implementation of informational and educational activities regarding the features and advantages of electronic proceedings. It is also not necessary to impose the latest procedures on society. The traditional form of legal protection and, as an alternative, the latest online procedures should be simultaneously used.

Comparing different types of judicial proceedings, we believe that administrative proceedings in particular have great perspectives for the introduction of digital technologies given the absence of a number of complex and time-consuming procedures typical to civil and criminal proceedings. However, it is important not only to follow all procedural procedures and provisions of the law while conducting online proceedings, but also to pay attention to data protection and information security of the trial participants. Insecurity of these processes can lead to distrust in the entire judicial system and the legality of its decisions.

Reforming the judicial procedure in the resolution of administrative disputes with an emphasis on the implementation of digital technologies will help to relieve the judicial system and judges, to increase the efficiency of case management, to reduce storage and archiving costs, to speed up the time of hearing court cases, to simplify the submission of applications and evidence to the court online, to introduce remote participation through video conferences with the court, etc. Therefore, modern technologies can positively influence the court and the participants of court proceedings.

2.2. Peculiarities of ensuring access to administrative justice in terms of the martial law

The President of Ukraine introduced the martial law on February 24, 2022, which undoubtedly affects all legal relations in society and the state. However, the Art. 64 of the Constitution of Ukraine remains the guarantee of the right to judicial protection, according to which the right to judicial protection in terms of the martial law is not subject to restrictions and must be ensured by the proper administration of justice.

According to the position of the Venice Commission, the judicial system under emergency legal regimes must continue to guarantee the exercise of the right to a fair trial without any limitations in its functioning, except of the case when such functioning is actually impossible (Respecting the principles of democracy, human rights and the rule of law in a state of emergency – reflections, 2022). And if necessary, the intervention in the administration of justice must be proportionate and not encroach the content of the right to judicial protection.

This prompts the Ukrainian legislator to look for special approaches and introduce new and effective forms and means of administering justice. We mean the need to ensure the uninterrupted functioning of courts during the martial law, especially those located on the front line or under occupation, as well as regulating the status of those court employees who have joined the ranks of the Armed Forces of Ukraine. Hence, the issue of strengthening the use of e-government tools to ensure access to administrative justice becomes relevant, taking into account the obstacles or impossibility of the participants in the process to appear in court or provide written evidence.

Nowadays, the implementation of justice in the mode of video conferencing, the use of which has already been successfully tested during the COVID-19 pandemic, is being actively implemented. At the same time, the authorization of the participant in the process during the submission of documents and the court session is ensured by the use of an electronic signature or by presenting documents confirming the citizenship of Ukraine, certifying the person or his / her special status (Zavydniak, 2022).

The improvement of access to administrative proceedings is also facilitated by the provision of electronic document circulation, which involves the complete processing of case materials in electronic format. Electronic document management is fundamentally important in terms of the constant potential threat of loss or destruction of court case materials, which may occur as a result of hostilities or occupation of the territory where the administrative court is located.

A number of electronic applications downloaded to a smartphone help to record case materials and documents that are important for the correct case-resolution. Such applications help to scan documents in PDF format and include them into the administrative case file by uploading them to the court's electronic inbox (Zavydniak, 2022).

If there is no access to the court premises or it is restricted for security reasons, the parties may submit electronic evidence certified by an electronic signature. Submitted evidence is stored on servers, backup systems, memory cards, the Internet or other places of data storage in electronic form. It imposes an obligation on the state to guarantee the security of court servers that store case files in electronic form, since information and communication systems are objects to enemy cyber-attacks during wartime.

Therefore, the possibility of using video conferences and electronic document circulation indicates that Ukraine adheres to the principle of citizens' access to administrative justice, despite military actions.

At the same time, access to the Unified State Register of Court Decisions, the "Status of Cases" and "List of Cases to be Considered" services has been suspended for the safety of judges and participants in court proceedings, and courts are allowed to work remotely. In case of a real threat to the life and health of judges, court employees and participants in the proceedings, courts (judges) are allowed to make a decision on the temporary suspension of judicial proceedings. It is also allowed to consider cases from different premises of the court by using their own technical means in case if the proceedings are considered collegially and the panel of judges cannot gather in one premise (Some recommendations for organizing the work of courts and judges under martial law: approved by the Council of Judges of Ukraine, 2022).

Certain changes are also applied to the procedural time limits for hearing a court case, which may be extended until the end of the martial law, as well as the participation in the court session of the participants of proceedings (in particular, in the absence of the participant of proceedings and information about his / her awareness of such a court session, the proceedings in the case may be stopped or its hearing is postponed without determining the next court session date (BCU called for clarification of the procedures for consideration of cases in civil, administrative and commercial jurisdictions during martial law, 2022).

Therefore, the implementation of administrative proceedings is possible in the mode of video conference, and the participation of a judge remotely in a court session is carried out in exceptional cases, when there are real obstacles to access to the workplace. Under such conditions, administrative proceedings cannot always end with the adoption of a decision on the merits, but must first of all focus on recording facts that are of essential importance for the case, in particular through electronic document circulation, the scope of which will tend to expand.

We note as an interim conclusion that the introduction of the martial law is not a reason to limit the right to judicial protection and imposes on the state additional obligations related to guaranteeing the most complete opportunities for access to justice. Courts primarily rely on electronic document circulation in Ukrainian realities and participation in court hearings via video conferences. The above demonstrates respect for the basic principles of law and, at the same time, for the state's duty to ensure the continuity of justice along with ensuring the safety of judges, the court apparatus and other participants of proceedings.

3.3. Implementation of the European standards of access to justice into administrative judiciary of Ukraine

Integration processes into the European legal space go on in Ukraine even during the martial law. We talk about the implementation of principles and standards into administrative justice formed at the pan-European level. The European standards of accessibility of administrative proceedings are the basic component of the national mechanism of judicial protection of human rights and the basis for further reforming the legal system of Ukraine.

The implementation of the European standards of access to justice in the administrative process is reflected in the normative guarantees of exercising the right to judicial protection and compliance with international requirements regarding the procedure for the administration of justice, as well as the consolidation of the requirements for access to the court in the norms of administrative procedural law, which were developed by the practice of the European Court of Human Rights. The result of such implementation in the activity of administrative courts is improvement and increase in the level of protection of human and civil rights in Ukraine.

The standards of administrative proceedings are embodied in the principles of law, legal norms and customs and establish a mandatory minimum level of human rights ensured in administrative proceedings. Besides, they can be an integral part of international standards of human rights, because they are aimed at ensuring the effectiveness of judicial protection of human rights and freedoms in relations with state authorities.

The European standards of the administrative process mainly relate to the possibility of protecting human rights, which derive from the norms of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and caselaw of the European Court of Human Rights. Government decisions always have an impact on the rights and freedoms protected by the Convention. Therefore, the issue of protecting such rights is extremely important.

The EU Member States must ensure the effectiveness of administrative proceedings in accordance with the requirements of the Convention and other EU acts. The general standards of the judicial process enshrined in the Convention are specified in the resolutions and recommendations of the Committee of Ministers of the Council of Europe regarding the improvement of the legislation of the Member States in the field of administrative process.

The system of administrative process standards includes: 1) the right to a trial and the right to access to a court as its component; 2) the right to a fair trial (this is a public and fair trial by a legally established, independent and impartial court within a reasonable time frames); 3) the effectiveness

of judicial control over the acts and actions or inaction of state authorities. The specified standards are designed to ensure the appropriate degree of accessibility and efficiency of justice in the state, and are also a guarantee of successful reform of administrative procedural legislation.

Thus, the right to a trial and access to justice guarantee everyone the possibility to address an administrative court for the protection of own rights, if there is interference in human rights and freedoms by authorities (Biard *et al.*, 2021). At the same time, access to justice must be effective and embody the compliance with norms regarding the duration of court proceedings, reasonable terms, and procedural economy (Bernaziuk *et al.*, 2022). The Article 13 of the Convention provides that everyone whose rights and freedoms guaranteed by the Convention are violated, shall have the right to an effective legal protection mean in the appropriate national authority, notwithstanding that such violation is committed by official persons (ECHR, 1950).

Therefore, the protection of rights in the sense of the Convention can be carried out not only by the court, but also by another agency that can provide effective protection. However, if functions of protection of the violated right are carried out by the court, paragraph 1 of the Art. 6 of the Convention provides additional guarantees related to the effectiveness of the legal protection mean. In particular, it provides the possibility of suspending the execution of the appealed decision or actions of an administrative agency, if they may lead to irreparable damage, and imposing an obligation on the relevant agency to compensate for the damage (in certain cases) caused by the violation of the rights defined by the Convention (ECHR, 1950).

Administrative cases must be considered within a reasonable period of time and take into account the complexity of the case, the approach of the authorities to the consideration of a specific case, certain aspects of the applicant's behavior that could affect the extension of the consideration period, as well as certain circumstances that justify a longer period of judicial consideration.

At the same time, the effectiveness of the judicial process depends on the compliance with the requirements of mandatory execution of a court decision that has entered into force. Therefore, national legislation should provide the responsibility of administrative agencies and their officials in case of non-execution or improper execution of a court decision (ECHR judgment of March 19, 1997 in the case of Hornsby v. Greece, Rep., 1997-II).

The right to a fair trial involves a public and fair trial by a legally established, independent and impartial court within reasonable terms (ECHR: the Art. 6). The ECHR stipulates that the court must meet the requirements of independence from other branches of power, and judges must properly perform their duties. For this purpose, the Council of Europe adopted Recommendation (94) 12, which concerns the independence of

judges and is based on the 1985 UN principles on the independence of the judicial power.

The provisions of this Recommendation provide that independence should be guaranteed by ensuring the appropriate number of judges, their security of tenure, proper training, appropriate staffing and logistical support (Recommendation N (94) 12 on the independence, efficiency and role of judges (adopted by the Committee of Ministers of the Council of Europe at the 518th meeting of deputy ministers on October 13, 1994). Judges must be not only independent, but also fair, impartial and competent (The European Charter on the Statute of Judges, 1998). Moreover, the trial and the announcement of the court decision must be public, and the trial itself must be fair and should be based on the principle of equality.

The evolution of judicial control is considered the result of the work of judges in terms of the development of such key concepts as procedural justice, unreasonableness and legal error (Griffiths *et al.*, 2017). Judicial control is aimed at rationally respond to decisions that are subject to reversal due to their unfairness or impropriety. It is judicial control that helps in the implementation of the principle of legality and ensures the compliance with laws. Therefore, justice is related to both the legal mechanism for the protection of human rights and is the basis for building and establishing democracy and civil society.

Conclusions

Summing up, we note that access to justice occupies one of the basic places in the system of fundamental values of any democratic society. The availability of administrative justice primarily involves the ability of a person to obtain unimpeded judicial protection as access to independent and impartial resolution of disputes according to the established procedure on the rule of law basis. Access to administrative justice has many different aspects. However, improving the access to justice through the use of online justice in administrative courts and ensuring the implementation of the principles of legality and legal certainty are the most important in modern conditions for Ukraine.

Nowadays, Ukrainian courts are actively using electronic document management and the possibility of participating in court hearings via video conferences. However, it is not enough. Therefore, the implementation of the world's best practices of using, for example, Artificial Intelligence would be of great benefit to Ukrainian courts, given the fact that there will be many disputes that need to be effectively resolved both during the war and in the post-war period.

Therefore, reforming the judicial procedure in the resolution of administrative disputes with an emphasis on the implementation of digital

technologies will help to relieve the judicial system and judges, to increase the efficiency of case management, to reduce storage and archiving costs, to speed up the time of consideration of court cases, etc.

Besides, integration processes into the European legal space encourage domestic legislators to harmonize Ukrainian and EU legislation in the sphere of administrative dispute resolution. European standards of administrative process are embodied in the principles of law, legal norms and customs and establish a mandatory minimum level of human rights ensured in administrative proceedings. The specified standards are intended to ensure the appropriate degree of access to justice in the state, since success in reforming administrative procedural legislation depends on their compliance. Therefore, the implementation and unconditional fulfillment of European standards is the key to the development of modern Ukrainian society and the state.

Bibliographic References

BERNAZIUK, Ian. 2022. "The principle of procedural economy as a component of the efficiency of administrative proceedings" In: Paradigm of law and public administration. Vol. 21, No. 3 pp. 133-142.

BIARD, Alexandre; HOEVENAARS, Jos; KRAMER, Xandra; THEMELI, Erlis. 2021. "Introduction: The Future of Access to Justice - Beyond Science Fiction" In: New Pathways to Civil Justice in Europe. Springer, Cham. Available online. In: https://doi.org/10.1007/978-3-030-66637-8_1. Consultation date: 20/01/2023.

COMMITTEE OF MINISTERS. 1994. Recommendation N (94) 12 on the independence, efficiency and role of judges. Available online. In: https://zakon.rada.gov.ua/laws/show/994_323#Text. Consultation date: 20/01/2023.

COUNCIL OF EUROPE. 1950. "European Convention on Human Rights" as amended by Protocols Nos. 11, 14 and 15 supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16. Available online. In: https://www.echr.coe.int/documents/convention_eng.pdf. Consultation date: 21/01/2023.

COUNCIL OF EUROPE. 1998. "The European Charter on the Statute of Judges". Available online. In: https://rm.coe.int/090000168092934f. Consultation date: 20/01/2023.

COUNCIL OF JUDGES OF UKRAINE. 2022. "Some recommendations for organizing the work of courts and judges under martial law" Decision No. 10. Available online. In: https://zib.com.ua/ua/print/150884.html. Consultation date: 20/01/2023.

DEBORAH L. Rhode. 2001. "Access to Justice" In Fordham L. Rev. 1785 (2001). Available online. In: https://ir.lawnet.fordham.edu/flr/vol69/iss5/11. Consultation date: 20/01/2023.

ECHR. 1997. Judgment in the case of Hornsby v. Greece, Rep., 1997-II. Available online. In: https://zakon.rada.gov.ua/laws/show/980_079#Text. Consultation date: 20/01/2023.

GENERAL ASSEMBLY OF THE UNITED NATIONS. 1966. "International Covenant on Civil and Political Rights". 1966. Available online. In: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights. Consultation date: 20/01/2023.

GRIFFITHS, John. 2017. "Access to administrative justice". Available online. In: http://classic.austlii.edu.au/au/journals/AIAdminLawF/2017/18.pdf. Consultation date: 20/01/2023.

MATAT, Yurii. 2017. "The right of access to a court: European tradition and guarantee problems in Ukraine" In: National Law Journal: Theory and Practice. Pp. 19-23. Available online. In: http://www.jurnaluljuridic.in.ua/archive/2017/6/part_2/4.pdf. Consultation date: 20/01/2023.

NATIONAL BAR ASSOCIATION OF UKRAINE. 2022. "BCU called for clarification of the procedures for consideration of cases in civil, administrative and commercial jurisdictions during martial law" Available online. In: https://unba.org.ua/news/7329-rau-zaklikala-utochniti-proceduri-rozglyadu-sprav-u-civil-nij-administrativnij-ta-gospodars-kij-yurisdikciyah-pid-chas-voennogo-stanu.html. Consultation date: 20/01/2023.

UNITED NATIONS ORGANIZATION. 1948. "Universal Declaration of Human Rights". General Assembly resolution 217 A. Available online. In: https://www.un.org/en/about-us/universal-declaration-of-human-rights. Consultation date: 20/01/2023.

VENICE COMMISSION FOR DEMOCRACY THROUGH LAW. CDL-PI(2020)005rev. 2020. "Respecting the principles of democracy, human rights and the rule of law in a state of emergency – reflections", pp. 24. Available online. In: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2020)005rev-ukr. Consultation date: 20/01/2023.

ZAVYDNIAK, Alina. 2022. "Access to administrative justice in martial law" In: Electronic scientific journal Analytical and Comparative Jurisprudence. No 1, pp. 218-222. Available online. In: http://app-journal.in.ua/wp-content/uploads/2022/05/43.pdf. Consultation date: 20/01/2023.

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