

Evolution of the principles of administrative proceedings: past, present, and future

Author: Bernaziuk Ian

Affiliation: Supreme Court

Publication: Конституціоналіст · 2026

Publication date: 2026-02-04

Permanent URL:

<https://constitutionalist.com.ua/evolution-of-the-principles-of-administrative-proceedings-past-present-and-future/>

Author information

Bernaziuk Ian

Doctor of Law, Professor,

Honored Lawyer of Ukraine

Abstract

The article highlights the current state and future prospects for the development of the principles of administrative proceedings, which form the basis for ensuring its dynamism and ability to adapt under martial law and post-war reconstruction, as well as the upholding of the rule of law in Ukraine. The article provides a comprehensive analysis of the evolution of the principles of administrative proceedings - from the first stages of its formation with limited powers of the courts and a formal approach to understanding the rule of law to the modern human-centred approach, which is based on such values as justice, good faith, etc.

The author has studied the constitutional basis of the basic principles of administrative proceedings, their development in procedural and special legislation. Particular attention is paid to the principles of administrative procedure, which establish standards for the activities of public authorities.

Based on the analysis, conclusions are drawn about the gradual departure from excessive formalism in the application of law and the strengthening of the role of the court as an active guarantor of human rights protection. The author emphasizes the shift in emphasis from the theoretical possibility of seeking judicial protection to ensuring real and effective access to justice, including the proper enforcement of court judgments. The main directions for further development of the principles of administrative proceedings are identified, in particular, taking into account the establishment of the priority of national security, European integration processes, expansion of the sphere of public interests, awareness of responsibility to future generations, as well as the introduction of artificial intelligence (AI) technologies in the field of justice.

Keywords: rule of law, administrative justice, administrative procedure, good faith, judicial discretion, discretionary powers, legitimate expectations, proportionality, access to justice, good governance, active role of the court, efficiency of justice, enforcement of court judgments, justice, principle of responsibility to future generations, artificial intelligence.

Problem statement. Administrative justice in Ukraine during the period of its formation has gone through a difficult path, the initial stage of which was characterized by the activities of administrative courts in conditions of insufficiently effective legislative support, as a result of which the approach to limiting the powers of courts to review decisions of public authorities prevailed. Today, the activities of administrative courts are gradually moving towards the modern European standard of human rights protection in public legal relations, which is based on a system of principles that determine the nature of judicial proceedings and the interaction of a person with the state and local self-government. Therefore, such principles are not static - they evolve under the influence of various factors.

The relevance of the study is due to the need for a deep understanding of the evolution of the principles of administrative proceedings - from the traditional understanding of legality - to the modern paradigm of the rule of

law, justice, good faith (*bona fides*), as well as readiness for new challenges of the future. The development of these principles allows us to generalize changes in the model of administrative justice and determine their role in protecting individual rights [1; 2; 24]. In addition, understanding the patterns of the evolution of the principles of administrative proceedings has important applied significance for improving legislation and judicial practice, which allows not only to assess achievements, but also to timely identify problematic aspects that need to be resolved. Such understanding contributes to increasing the efficiency of administrative justice, the formation of stable and predictable judicial practice, strengthening public trust in the judiciary and establishing real, rather than declarative, rule of law in Ukraine.

The purpose of the study is to outline the current state and further prospects for the development of the principles of administrative proceedings. To achieve this goal, the following tasks were set and solved in the article: to determine the system of modern principles of administrative proceedings and their constitutional and legislative basis; to investigate the transformation of traditional principles under the influence of new challenges; to analyze the system of new principles that may determine the future role of administrative justice.

Status of the development of the problem. The issue of the principles of administrative proceedings and individual aspects of the development of these principles has repeatedly become the subject of scientific research, in particular by such scientists as O. Bratasyuk, B. Budzyk, Yu. Kunev, A. S. Ostashchenko, O. P. Ryabchenko and S. V. Kharchenko, E. Fedorenko, S. M. Shevchuk and others.

In particular, some scholars (for example, S. M. Shevchuk [3]) thoroughly analyze how the principles of administrative justice contribute to the implementation of Article 6 of the European Convention on Human Rights, and also consider the purpose and principles of administrative justice in the context of judicial reform and administrative changes, including taking into account foreign experience (B. Budzyk [4], O. P. Ryabchenko and S. V. Kharchenko [5], etc.). Other scholars have focused their research on determining the specifics of the implementation of the principles of administrative justice in martial law, emphasizing the person as a value, as well as issues of access to a fair trial (in particular, O. Bratasyuk [6], Yu. Kunev [7], etc.).

Some researchers have defined the system of basic principles of administrative justice as the foundation for considering public law disputes (in particular, A. S. Ostashchenko [8] and others), and have also investigated the formation of the principle of transparency and openness in the work of administrative courts, which is important for trust in the judicial system (for example, E. Fedorenko [9]). The work of O. Solovyova, who analyzes the innovations of the Law of Ukraine "On Administrative Procedure", in particular the introduction of the principles of good governance [10], deserves special attention.

Some of these issues were also investigated by the author of this article, in particular in terms of the characteristics of such principles as proportionality [11] and the inadmissibility of abuse of procedural rights [12], as well as taking into account the principles of good governance [13; 14], legal certainty [15], etc. in the process of implementing administrative justice.

At the same time, questions regarding the prospects for the development of the system of principles of administrative justice, taking into account the achievements and challenges of modern social development, remain insufficiently addressed in legal science.

Presentation of the main material. Modern administrative justice is carried out on the basis of a comprehensive system of principles, which includes both general principles of justice and specific principles determined by the public-legal nature of the relevant disputes. These principles are enshrined at the constitutional level, detailed in procedural and special legislation, in particular in the Law of Ukraine "On Administrative Procedure", and are also developed in judicial practice, in accordance with international standards.

Modern system of principles of administrative justice

Thus, the fundamental principles of judicial proceedings, defined in part two of Article 129 of the Constitution of Ukraine [16], are universal for all types of legal proceedings, however, in administrative legal proceedings they acquire a certain specificity. Such principles include, in particular: equality of all participants in the legal proceedings before the law and the court; adversarial nature of the parties and freedom in providing evidence, which in the administrative process is implemented along with the active role of the court, which consists, in particular, in requesting evidence on its own initiative for a full clarification of the circumstances; publicity of the legal proceedings

and their full recording by technical means; reasonable terms for considering the case by the court; ensuring the right to appellate and cassation review; binding force of judicial decisions. The Constitution also provides for the possibility of determining by law other principles of judicial proceedings.

Violation of some of these principles (in particular, equality, publicity, adversarial nature, reasonable terms) are grounds for disciplinary liability of a judge. Thus, in accordance with Article 109 of the Law of Ukraine "On the Judicial System and the Status of Judges", a judge may be held disciplinary liable, in particular, on the following grounds: unlawful denial of access to justice (including unlawful denial of consideration of the merits of a claim, appeal, cassation complaint, etc.); violation of the principles of publicity and openness of the judicial process; violation of the principles of equality of all participants in the judicial process before the law and the court; violation of the principles of adversarial nature of the parties and freedom in providing the court with their evidence and in proving its persuasiveness before the court; unjustified delay or failure by the judge to take measures to consider the application, complaint or case within the period established by law [17].

The standards of judicial review, actions or inaction, enshrined in Part Two of Article 2 of the Code of Administrative Procedure of Ukraine, are a specific group of substantive legal principles that serve as a guideline for judicial control over public authorities and differ from the general procedural principles of judicial proceedings.

From the analysis of this system of criteria, it can be concluded that they are, in essence, a detailing of the general principles of law regarding the activities of public authorities and judicial control over them. These include: 1) legality (on the basis, within the limits of authority and in the manner); 2) legitimate aim; 3) justification; 4) impartiality (impartiality); 5) good faith; 6) reasonableness; 7) equality and non-discrimination; 8) proportionality (balance of interests); 9) right to participation; 10) timeliness (reasonable time) [18]. These criteria set a high standard for the activities of public authorities and serve as a guideline for administrative courts. It is important to distinguish that the above principles are criteria for the court's assessment of decisions already made or actions of public authority, while the principles of the Law of Ukraine "On Administrative Procedure", similar in name or similar in content, establish requirements for the activities of such subjects during the procedure itself.

Unlike the principles of judicial process and the standards of judicial review, the principles of administrative procedure establish standards for the activities of public authorities.

The entry into force of the Law of Ukraine "On Administrative Procedure" was aimed at unifying the procedures for interaction between administrative bodies and private law entities. Article 4 of the Law of Ukraine "On Administrative Procedure" establishes a wide range of principles: the rule of law (including legality and legal certainty), equality, justification, impartiality, good faith and reasonableness, proportionality, openness, timeliness and reasonable time, effectiveness, presumption of legality of actions and claims of a person, officialdom, ensuring the right to participate, guaranteeing effective legal remedies. The significance of these principles for judicial proceedings is that: they are mandatory for administrative bodies; non-compliance of an act with these principles is grounds for declaring it unlawful (part two of Article 87 of the Law of Ukraine "On Administrative Procedure"); other laws, until brought into line with the Law of Ukraine "On Administrative Procedure", are applied only in the part that does not contradict the principles of this Law [19].

In addition to the codified principles, case law and doctrine highlight other important principles, including: the principle of good governance, which requires that public authorities be efficient and oriented towards human needs; the principle of legitimate expectations, which protects a person's well-founded trust in the actions of the state and local self-government; the principle of good faith, which is pervasive and requires honest behavior from all participants in the relationship.

Paragraph 41 of the Rule of Law Report, adopted by the Venice Commission, states that a consensus is currently possible on the mandatory elements of the concept of the rule of law: legality, including a transparent, accountable and democratic process for the implementation of legal provisions; legal certainty; prohibition of arbitrariness; access to justice, represented by independent and impartial courts, including those exercising judicial oversight of administrative activities; respect for human rights; prohibition of discrimination and equality before the law [20].

Thus, it should be stated that the modern system of principles of administrative justice combines constitutional principles of justice, special procedural norms and criteria for controlling the activities of public authorities, which ensure a balance between the protection of individual rights and the efficiency of public authorities and reflect the

gradual integration of national legislation with international standards, forming high requirements for both the activities of administrative bodies and judicial control over them.

Evolutionary development of traditional principles in administrative justice

Meanwhile, it should be noted that the evolution of the legal system and social relations inevitably leads to the revision and rethinking of fundamental legal principles that were until recently considered universal and immutable. In the context of administrative justice, which is at the intersection of protecting human rights and ensuring effective public administration, traditional approaches are gradually giving way to more flexible, people-centered concepts oriented towards justice.

As A. Dakhniy notes in his work "The History of the Idea of Justice", truth cannot contradict justice, and vice versa [21]. At the same time, in the modern global context, there is an increasingly frequent departure from this ideal: as A. Davutoglu notes in the article "Trump's Old World Order", the only principle that seems to dominate today is the rule: might is right [22].

In such conditions, the establishment of the rule of law in the national system, in particular through administrative justice mechanisms, takes on special importance and becomes a legal instrument for combating arbitrariness and protecting fundamental values.

When studying the development of the modern system of principles of administrative justice, it is necessary, first of all, to pay attention to the fact that the classical understanding of legality as a strict, sometimes formal, observance of the letter of the written law ("dura lex, sed lex") is giving way to a broader approach based on the rule of law. This principle, in turn, is of a comprehensive nature, since it encompasses not only the requirement of legality, but also such components as legal certainty, prohibition of arbitrariness, proportionality and access to effective legal protection. In modern administrative justice, it acts as a methodological guideline that allows combining formal norms with ensuring real justice and protection of human rights.

In view of this, in modern administrative and judicial practice, along with the requirement to act "on the basis, within the limits of authority and in the manner...", the importance of the principles of administrative procedure, enshrined in the Law of Ukraine "On Administrative Procedure", which are aimed at overcoming excessive formalism, is growing. At the same time, judicial practice is increasingly starting to prioritize the essence of violations by public authorities and their impact on the rights of the parties, recognizing as insignificant those procedural shortcomings that did not affect the content of the decision and did not lead to a violation of the rights of the individual.

Moreover, when assessing the actions of public authorities, courts increasingly apply not only the norms of national legislation and principles of administrative procedure, but also international human rights standards and principles of European administrative law, incorporated into the national legal system, in particular through the practice of the European Court of Human Rights (ECHR). Such standards become not just an external reference point, but part of the internal criterion of legality.

In this regard, it is important to emphasize that the modern understanding of the rule of law in Ukraine goes beyond national legislation and is considered as an approach that inherently integrates international standards. The decisions of the ECHR are a mandatory reference point for the interpretation and application of law, and the practice of this Court and the general principles of EU law (in particular, in terms of the application of such principles as good governance, legitimate expectations and proportionality) are directly applied by administrative courts to interpret national legislation and assess the actions of public authorities. This indicates not just influence or integration, but the formation of a single legal space where international standards become an organic part of the national mechanism for the protection of human rights.

Another feature of the transformation of the principles of administrative justice is that the modern concept of the separation of powers acquires signs of dynamic interaction between the branches of power, where the administrative court occupies a leading place in the system of checks and balances, exercising control over the legality of decisions, actions or inaction of public authorities, especially in the sphere of the exercise of discretionary powers. Verification by the court of the compliance of such powers with the rule of law, justification, impartiality, legitimate aim, legal certainty and proportionality is aimed not at replacing the administrative body, but at ensuring the legitimacy of its activities and achieving a balance between the public interest and the protection of human rights.

No less important in terms of the development of the principles of administrative justice is the expansion of the principle of access to justice. Today, it is interpreted not simply as a formal opportunity to file a lawsuit, but as the right to effective judicial protection. This concept encompasses not only the accessibility of the procedure itself, but also the effectiveness of the method of protection chosen by the court and, critically important, the effectiveness of the execution of the court decision. Accordingly, the modern legal approach involves the transformation of the role of the court from an "arbitrator" to an active subject that ensures the realization of the rights of the participants in the legal process. This requires the administrative court not only to objectively assess the evidence, but also to facilitate the clarification of all the circumstances of the case.

Other traditional ideas about the principles of administrative justice are also gradually developing, in particular, the importance of the principle of proportionality in the application of sanctions in the public legal sphere is increasing, and the understanding of human rights is becoming broader, including "new generations" of rights (digital rights, environmental rights) and the procedural aspects of their enforcement. Even the complete state monopoly on the administration of justice is to some extent replaced by the development of alternative methods of dispute resolution, although judicial control over the actions of public authorities remains the exclusive competence of the courts.

New challenges and potential future principles in administrative justice

Modern administrative justice is a dynamic system that requires constant adaptation to new challenges. Changes caused by social, technological and geopolitical transformations, in particular the full-scale armed aggression against Ukraine and the crisis of international law and order, the development of AI, require a review of established approaches in order to ensure the effectiveness of justice and the effective protection of human rights in the face of modern threats.

First of all, it should be emphasized that in the process of revising the fundamental principles of administrative justice in the context of societal challenges, the content of some of them is being expanded, in particular, this mainly concerns the rule of law. Thus, the European Commission's 2024 Rule of Law Report emphasizes that the rule of law is "a necessary prerequisite for the protection of all EU values", as it guarantees respect for fundamental rights, the effectiveness of legislation and a stable environment for the development of democratic institutions and public trust [23].

Given this, we can conclude that modern challenges require administrative justice not only to ensure fair resolution of disputes, but also to establish it as a key institution that strengthens trust in the legal system in conditions of global instability.

In addition, in the conditions of the ongoing martial law in Ukraine, priority in application of law is given to the issue of ensuring national security as a legitimate goal, in the presence of which temporary restrictions on certain rights and freedoms of citizens are allowed. In such conditions, the task of the judicial system is to find a balance between individual rights (property, freedom of movement, economic activity) and the existential needs of the state. An analysis of the practice of the Supreme Court shows that the priority of national security is taken into account when considering and resolving public law disputes [25; 26].

In particular, the case law has developed a firm position that the interference of an administrative court in the decisions of a subject of national security and defense, adopted in wartime, has clear limits. For example, when considering disputes regarding the forced seizure of property for defense needs, the Supreme Court indicates that judicial control is limited exclusively to issues of the legality of the procedure and the proportionality of the intervention, while the expediency and effectiveness of interference with property are at the sole discretion of the military command. Similarly, in cases of suspension of special permits due to sanctions, the courts recognize the priority of national and economic security, while emphasizing the need to adhere to the principles of legal certainty. This approach of the Supreme Court indicates the application of the "three-part test" to balance state, public and private interests. However, the key task for administrative justice remains the development of clear criteria that will ensure that the priority of security in wartime does not lead to unjustified restrictions on human rights in peacetime.

Another challenge for the administrative justice system in the future may be the rapid development of AI technologies, which will lead to changes in many areas, including justice. The potential benefits of AI, such as increased efficiency, speed of consideration, improved access to justice through data analysis, automation of some processes, are obvious. However, the risks are no less significant, in particular, bias (algorithms can reproduce and

reinforce existing social prejudices, which will lead to discriminatory decisions); opacity (the complexity of technologies can make it impossible to understand the logic of decision-making, which contradicts the principle of reasoned decision-making); interference with the independence of the judge.

In this regard, it should be noted that an important step at the initial stage of introducing the regulation of AI technologies in justice was the adoption of a new version of the Code of Judicial Ethics [27], Article 16 of which stipulates that the use of AI by a judge is permissible only when it does not affect the independence and impartiality of the judge, does not concern the assessment of evidence and the decision-making process, and does not violate the requirements of the law. This provision has actually outlined the boundaries of the use of AI technologies in justice, but in the future it is necessary to develop more detailed principles and standards for the application of AI, perhaps at the level of procedural legislation or judicial practice, which would guarantee accountability, transparency, impartiality, and preservation of the human dimension of justice in the age of technology [28; 41].

Another challenge of the future, which should be paid attention to within the framework of this study, is global environmental problems, depletion of the planet's resources and long-term consequences of economic activity, which actualize the concept of sustainable development and responsibility to future generations. Although this principle is not yet formally enshrined in the legislation of Ukraine, its influence may grow, especially in cases related to, in particular, conducting environmental impact assessments, issuing environmental permits, disputes over protected areas [29; 30]; granting and revoking licenses for the use of subsoil, management of water and forest resources [31]; approval of long-term investment programs, development of alternative energy [32].

Administrative courts, when assessing decisions of public authorities in these categories of disputes, may be forced to go beyond the analysis of the current balance of interests and take into account potential irreversible consequences for future generations, which will require judges to apply a preventive approach.

It is important to note that the concept of sustainable development means an approach to meeting the needs of the present without compromising the ability of future generations to meet their own needs. It is based on a balance between three components: economic growth, social development, and environmental protection. The main principles of sustainable development include the responsible use of natural resources, social justice and equality, and economic efficiency and stability. The concept is based on the principle that human activities should be carried out taking into account the long-term consequences for ecological systems, the economy, and society. This idea, formulated in the UN report "Our Common Future" (Brundtland Report) back in 1987, remains one of the fundamental guidelines for global development [33].

The constant development of society generates new challenges and interests that require legal protection, often through the mechanisms of administrative justice. Such new interests include, in particular: protection of rights in the digital sphere, namely - ensuring the confidentiality of personal data, combating disinformation, regulating the activities of technological giants, access to public information in electronic form; protection of cultural heritage from destruction or illegal development [34; 35], etc.

Administrative courts must be prepared to recognize and protect these new public interests, interpret legislation in accordance with modern challenges, and find a fair balance between private and public interests.

When studying the issue of the transformation of the principles of administrative justice, it is important to emphasize that in the conditions of dynamic development of society, European integration and the presence of some gaps in the legislation, the role of administrative courts in the formation of law through judicial practice is inevitably increasing. Courts not only apply, but also interpret the norms, adapt them to new circumstances, fill in the gaps, referring to the general principles of law. Such moderate judicial activism can be a driver of positive changes. However, it has clear limits, outlined, in particular, by the principles of legal certainty and separation of powers, as evidenced, in particular, by the practice of the ECHR (for example, the decision of the ECHR in the case "Ukrkava, LLC" v. Ukraine, application no. 10233/20 [36]).

Moreover, as rightly noted in Tom Bingham's lecture on the principles of the rule of law, judicial activism, taken to extremes, leads to radical, unpredictable changes or replacement of the legislator, and also destroys the rule of law [37].

It is necessary to agree that a judicial decision, even while developing the law, must remain reasoned, logical, predictable, and the legal positions formed must be clear and understandable. An important element in curbing

excessive activism is also the Supreme Court's activity in ensuring the unity of judicial practice, which is designed to form stable and predictable legal positions. At the same time, excessive passivity of the court, when it formally refuses to develop the law even in the presence of an obvious gap, can lead to a denial of justice. Therefore, the future role of administrative justice lies in finding a balance between activism and restraint.

Richard Germer, in his 2024 Bingham Lecture, "The Rule of Law in the Age of Populism," rightly observes that in the age of populism, the courts are becoming the main bulwark of the rule of law, but this role requires them to ignore political expediency and demonstrate exceptional devotion to the basic principles of law and predictability [38].

Finally, it is necessary to mention the importance and particular relevance in the context of global social changes of the principle of binding judicial decisions. Since the ultimate goal of applying to court is the actual restoration of the violated right, the effectiveness of justice is measured not only by the legality and justice of the decision itself, but also by its enforceability. As the practice of the Supreme Court and the ECHR in cases against Ukraine shows, the failure to enforce final judicial decisions is a systemic problem that devalues the right to a fair trial [39].

Thus, the establishment of the principle of unconditional mandatory execution of decisions of administrative courts in the future legal development is of decisive importance. It is not only about improving the institutional mechanisms of judicial control and the efficiency of enforcement proceedings, but also about the formation of an appropriate legal culture in this area. Public authorities must be aware of their legal obligation to act in accordance with a judicial act that has entered into legal force. It is under such conditions that administrative justice is able to ensure the full implementation of its main function - the effective protection of human rights and freedoms.

The future role of administrative courts as an effective mechanism for protecting individual rights and, accordingly, the evolution of the principles of administrative proceedings will largely depend on the ability of the judicial system, the legislator and society as a whole to adequately respond to these complex challenges, to find balances between competing interests and values, while maintaining a focus on the person, his rights and dignity as the highest value in the rule of law system [40].

Conclusions. The research conducted in this article provides grounds for formulating the following conclusions.

1. In the process of evolutionary development of the principles of administrative proceedings in Ukraine, there has been a transition from a formalized and state-centric model to a human-centred paradigm focused on the real protection of human rights. The dynamics of change is due to the influence of the Constitution of Ukraine, international standards (primarily the practice of the ECHR), legislative innovations, in particular the Law of Ukraine "On Administrative Procedure", as well as legal conclusions of the Supreme Court. In addition, the emphasis is shifting from literal compliance with procedural formalities to ensuring the rule of law in its substantive dimension, which combines national legal traditions with international standards of justice and good faith.
2. The modern model of administrative justice functions as a synergistic system of principles, where each element reinforces the other. Thus, the rule of law establishes a general framework, and the principles of legal certainty and legitimate expectations ensure the predictability of decisions by public authorities. Proportionality and good faith act as safeguards against arbitrariness, while good governance requires authorities to be oriented towards human interests. Only in their interaction is the proper balance between public and private interests achieved, which guarantees effective judicial control.
3. The future role of administrative justice will be determined by the ability of the legal system to adequately respond to new challenges and social changes. It is at this current stage, which involves the establishment of the priority of national security in the context of armed aggression, the integration of AI technologies into the justice system, and the need to protect new public interests (in particular, in the digital and environmental spheres), that the agenda for administrative justice of the future is being formed. Such challenges not only require the adaptation of legislation, but also a profound rethinking of the role of the court as a guarantor of human rights in a constantly changing world.

Literature:

Bernaziuk Ian. The rule of law and its components: classical, new and atypical principles. Supreme Court. 2024.

URL:

https://court.gov.ua/storage/portal/supreme/prezentacii_2024/components_of_the_rule_of_%20law_bernaziuk.pdf

- Bernaziuk Ian. New Principles of Justice. Supreme Court. 2024. URL: https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/2024_prezent/101-%20new_principles_court_bernaziuk.pdf
- Shevchuk S. M. Principles of administrative justice as a component of the implementation of the right to a fair trial. Legal Science. 2020. No. 2(2). P. 133–140. URL: <https://journal-nam.com.ua/index.php/journal/article/view/665>
- Budzyk B. The purpose, tasks and principles of administrative justice at the current stage of reforming the judicial system of Ukraine. Bulletin of the National University "Lviv Polytechnic". Series: Legal Sciences. 2017. Vol. 4, No. 884. Pp. 88–92. URL: http://nbuv.gov.ua/UJRN/vnulpurn_2017_884_15
- Ryabchenko O. P., Kharchenko S. V. Principles of Administrative Justice. International Legal Bulletin: Current Problems of Modernity (Theory and Practice). 2018. Issue 1-2. Pp. 51–54. URL: http://nbuv.gov.ua/UJRN/muvnudp_2018_1-2_13
- Bratasyuk O. Administrative justice in Ukraine: basic principles and peculiarities of implementation in Ukraine under martial law. Bulletin of the Kharkiv National University of Internal Affairs. Series: Law. 2023. No. 2. P. 110–118. URL: <https://journal-vjhr.sk/wp-content/uploads/2024/06/4-1.pdf>
- Kunev Yu. Legal Principles of Administrative Activity and Administrative Judiciary in Ukraine. Ukrainian Law Journal. 2022. No. 1. R. 56–64. URL: <https://jrn1.nau.edu.ua/index.php/UV/citationstylelanguage/get/acs-nano?submissionId=16483&publicationId=16249>
- Ostashchenko A. S. The concept of the principles of administrative justice and their system. Scientific Bulletin of Uzhgorod National University. Series: Law. 2023. Issue 80. Part 1. P. 526-529. URL: <https://visnyk-juris-uzhnu.com/wp-content/uploads/2024/01/82.pdf>
- Fedorenko Ye. Genesis of the Principle of Transparency in the Activities of Administrative Courts. Law Review of Kyiv University of Law. 2023, No. 2. P. 33–40. URL: <http://plaw.nlu.edu.ua/article/view/274305>
- Soloviova O. Some Considerations on the Principles of Administrative Procedure. Problems of Legality. 2023. No. 163. R. 248–266. URL: <http://plaw.nlu.edu.ua/article/view/292332>
- Bernaziuk Ian. The principle of proportionality in the practice of the European Court of Human Rights. Expert: Paradigms of law and public administration expert: Paradigm of law and public administration No. 6 (18). 2021. P. 197-214. URL: <https://constitutionalist.com.ua/pryntsypp-proporsijnosti-u-praktytsi-ievropejskoho-sudu-z-prav-liudyny/>
- Bernaziuk Ian. The concept and features of the principle of inadmissibility of abuse of procedural rights in administrative proceedings. Scientific Bulletin of Uzhhorod National University. 2021. Law Series. Issue 66. P. 135-141. URL: <https://constitutionalist.com.ua/poniattia-ta-osoblyvosti-pryntsyphu-neprypustymosti-zlovzhyvannia-pryotsesualnymy-pravamy-v-administratyvnomu-sudochynstvi/>
- Bernaziuk Ian. The principle of good governance: national and European case law // Scientific Bulletin of Uzhhorod National University. 2021. Law Series. Issue 64. Pp. 189-197. URL: <https://constitutionalist.com.ua/pryntsypp-nalezho-noho-uriaduvannia-good-governance-natsionalna-ta-ievropejska-sudova-praktyka/>
- Bernaziuk Ian. The principle of good governance: concept, content and values . Visegrad Journal on Human Rights. 2021, No. 2, pp. 357-362. URL: <https://constitutionalist.com.ua/wp-content/uploads/2021/08/93.pdf>
- Bernaziuk Ian. Legitimate expectations (reasonable expectations) as a component of the principle of legal certainty in domestic and European judicial practice. Bulletin of the Luhansk State University of Internal Affairs named after E.O. Didorenko. 2021, No. 2 (94), pp. 13-28. URL: <https://constitutionalist.com.ua/lehitymni-ochikuvannia-reasonabl-e-expectations-ia-skladova-pryntsyphu-iurydychnoi-vyznachenosti-u-vitchyznani-j-ta-ievropejskij-sudovij-praktytsi/>
- Constitution of Ukraine dated 28.06.1996 No. 254k/96-BP. URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>
- On the judicial system and the status of judges: Law of Ukraine No. 1402-VIII of 02.06.2016. URL: <https://zakon.rada.gov.ua/laws/show/1402-19#n1181>

Code of Administrative Procedure of Ukraine dated 06.07.2005 No. 2747-IV. URL: <https://zakon.rada.gov.ua/laws/show/2747-15#n9497>

On administrative procedure: Law of Ukraine dated 17.02.2022 No. 2073-IX. URL: <https://zakon.rada.gov.ua/laws/show/2073-20#Text>

Venice Commission. Report on the Rule of Law. CDL-AD(2011)003. Adopted at the 86th Plenary Session (Venice , March 25–26, 2011). URL: [https://www.venice.coe.int/webforms/documents/CDL-AD\(2011\)003rev-e.aspx](https://www.venice.coe.int/webforms/documents/CDL-AD(2011)003rev-e.aspx)

Dakhniy A. History of the Idea of Justice. Transform-wise : Portal of Responsible Thinking. URL: <https://transform-wise.com/portal/istoriya-ideyi-spravedlyvosti>

Davutoğlu A. Trump's Old World Order . Project Syndicate . 2025. URL: <https://www.project-syndicate.org/commentary/trump-second-term-neo-imperial-order-by-ahmet-davutoglu-2025-04>

European Commission. 2024 Rule of Law Report: The Rule of Law Situation in the European Union (COM(2024) 800 final). Brussels , 3 July 2024. URL: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2024:800:FIN>

Bernaziuk Ian. Constitutional mission (jurisdiction) of the administrative court: protection of individual rights in public legal relations (administrative procedure) . URL: https://court.gov.ua/storage/portal/supreme/prezentacii_2025/162_Constitutional_Mission_of_Administrative_Justice_bernaziuk.pdf

Resolution of the Grand Chamber of the Supreme Court of September 13, 2023 in case No. 757/64569/16-ц. URL: <https://reyestr.court.gov.ua/Review/114203267>

Resolution of the Cassation Economic Court of the Supreme Court of February 12, 2025 in case No. 925/323/24. URL: <https://reyestr.court.gov.ua/Review/125264834>

Code of Judicial Ethics: Decision of the XX Regular Congress of Judges of Ukraine dated February 18, 2024. URL: <https://zakon.rada.gov.ua/rada/show/n0001415-24#Text>

Bernaziuk Ian. Article 16 of the Code of Judicial Ethics: Permissible and Prohibited in the Use of AI 2025. URL: https://court.gov.ua/storage/portal/supreme/prezentacii_2025/137_AI_Code_Judicial_Ethics_Art_16_Permissible_Prohibited_bernaziuk.pdf

Bernaziuk Ian. Environmental rights and modern challenges in the field of environmental protection: the practice of the Supreme Court and international institutions. 2025. URL: <https://constitutionalist.com.ua/ekolohichni-prava-ta-suchasni-vyklyky-u-sferi-zakhystu-dovkillia-praktyka-verkhovnoho-sudu-ta-mizhnarodnykh-instytutiv>

Bernaziuk Ya . Claim for protection of public interests (doctrine of actio popularis) as a guarantee of observance of environmental rights: practice of the Supreme Court. Constitutionalist.com.ua. 2024. 32 p. URL: <https://constitutionalist.com.ua/pozov-na-zakhyst-suspilnykh-interesiv-doktryna-actio-popularis-iak-harantiia-dotrymannia-ekolohichnykh-prav-praktyka-verkhovnoho-sudu-3>

Bernaziuk Ian. Discussion of the current practice of the Supreme Court in disputes arising in the field of environmental protection and environmental rights. Constitutionalist.com.ua. 2021. 71 p. URL: <https://constitutionalist.com.ua/obhovorennia-aktualnoi-praktyky-verkhovnoho-sudu-v-sporakh-shcho-vynykaiut-u-sferi-zakhystu-pryrodo-dovkillia-ta-ekolohichnykh-prav>

Bernaziuk Ian. Practice of the Supreme Court in cases where the National Commission for State Regulation in the Spheres of Energy and Municipal Services (NKREKP) is a party. Constitutionalist.com.ua. 2024. 77 p. URL: <https://constitutionalist.com.ua/praktyka-verkhovnoho-sudu-u-spravakh-de-storonoiu-vystupaie-natsionalna-komisiia-shcho-zdiisniue-derzhavne-rehulivannia-u-sferakh-enerhetyky-ta-komunalnykh-posluh-nkrekp>

World Commission on Environment and Development. Our Common Future . – Oxford : Oxford University Press , 1987. URL: <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>

Bernaziuk Ian. Constitutional guarantees for the protection of the cultural heritage of Ukraine and judicial control over the preservation of the Historical Area of the City of Kyiv. Constitutionalist.com.ua. 2023. URL: <https://constitutionalist.com.ua/konstytutsijni-harantii-zakhystu-kulturnoi-spadshchyny-ukrainy-ta-sudovyj-kontrol-za-zberezhenniam-istorychnoho-arealu-mista-kyieva>

Bernaziuk Ian. Acts of public authorities that determine the status of cultural heritage objects have the characteristics of regulatory legal acts. Constitutionalist.com.ua. 2024. 6 p. URL: <https://constitutionalist.com.ua/akty-subiektiv-vladnykh-povnovazhen-iaki-vyznachaiut-status-obiektiv-kulturnoi-spadshchyny-volodiut-oznakamy-normatyvno-pravovykh-aktiv/>

Case of Ukrkava, TOV v. Ukraine: Decision of the European Court of Human Rights, 06.02.2025, No. 10233/20. URL: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-241576%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-241576%22]})

Bingham T. The Rule of Law; edited by Serhiy Holovaty; translated from English by V. Castelli and D. Shkryoba ; preface to the Ukrainian edition by Serhiy Holovaty. - Kyiv: Vaite , 2024. 256 p.

Hermer R. The Rule of Law in an Age of Populism . Bingham Lecture , 2024. URL: https://www.biicl.org/documents/12532_bingham_lecture_2024.pdf?utm_source=chatgpt.com

Bernaziuk Ian. Judicial practice in cases of enforcement of court decisions. Constitutionalist.com.ua. 2023. 33 p. URL: <https://constitutionalist.com.ua/sudova-praktyka-v-spravakh-shchodo-vykonannia-sudovykh-rishen>

Bernaziuk Ian. Administrative jurisdiction as an effective mechanism for protecting individual rights // Administrative justice of Ukraine: issues of theory and practice (on the occasion of the 20th anniversary of the adoption of the Code of Administrative Justice of Ukraine): monograph. Kyiv: VAITE Company, 2025, 626 p. – P. 212-222. URL: https://supreme.court.gov.ua/supreme/pokazniki-diyalnosti/konferencii/2025_06_24_konferen_adm_yust

Bernaziuk Ian. Artificial intelligence and its use to ensure the unity of judicial practice as a component of trust in the court // Slovo of the National School of Judges of Ukraine. – 2024, No. 2(49), pp. 16-35. URL: https://slovo.nsj.gov.ua/images/pdf/2024_4_49/nsj_4_49_2024.pdf

Material files

[Original author file](#)