

Separate Rulings in the Case Law of the Supreme Court: Procedural Discipline, Responses to Regulatory Gaps, and Protection of the Public Interest (A Review of Separate Rulings, 2021–2026)

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Abstract

A separate ruling of the Supreme Court is an autonomous procedural instrument for responding to violations of law identified in cassation proceedings and to the causes and conditions that contributed to their occurrence. Its issuance is not confined to cases in which the dispute was incorrectly determined by the lower courts. Such a response may be prompted by a participant's improper performance of procedural obligations, bad-faith use of appellate or cassation review mechanisms, failure to comply with a court order requiring mandatory attendance, or the identification of a regulatory gap or legislative inconsistency that creates a risk of recurring violations, new disputes, or harm to the public interest.

The Supreme Court's direct application of Articles 249 and 358 of the Code of Administrative Proceedings of Ukraine is of particular importance to the effectiveness of administrative justice. The court of cassation not only reviews the lawfulness of judicial decisions, but also promotes consistency of case-law, procedural discipline, and observance of the principles of finality and the binding force of judicial decisions. Where a public authority repeatedly fails to comply with time limits for appeal, does not remedy defects in procedural documents, disregards an order requiring mandatory attendance, or uses judicial procedures without adequate organisational and legal preparation, the adverse consequences extend beyond the individual case. Such conduct prolongs proceedings, increases public expenditure and the burden on the courts, and extends the period of legal uncertainty for the person in whose favour a decision has already been given.

A further area in which separate rulings are used concerns the identification of regulatory gaps and systemic problems in the legal framework. In such cases, the Supreme Court does not substitute itself for the rule-making authority, prescribe the mandatory content of a future normative act, or interfere with the constitutional powers of the legislative or executive branches. The Court brings the identified problem, its impact on individual rights, budgetary or other public interests, and the need for action within the relevant authority's competence to the attention of the competent body. This form of judicial response is consistent with the separation of powers: the court does not

determine the content of future regulation, but alerts the competent body to an identified systemic problem and to the need for it to be considered within the body's statutory powers.

The source base of this Review comprises 15 separate rulings issued by the Supreme Court between 2021 and 2026. They are grouped not chronologically, but according to the nature of the problem identified: procedural discipline in appellate and cassation review; compliance with court orders requiring mandatory attendance; responses to gaps and inconsistencies in the regulatory framework; and identification of the competent addressee and the appropriate measure of response. This approach makes it possible to trace the gradual development of a system of criteria governing the Supreme Court's direct use of the separate-ruling mechanism.

A distinct empirical basis of the study consists of the official responses submitted by the addressees of the separate rulings, copies of which are held in the author's working archive. These documents were used to establish the measures actually taken in response to the judicial decisions, including inspections and internal investigations, the imposition of liability, internal organisational decisions, improvements to representation in court, and the initiation of regulatory amendments. As the relevant letters have not been made publicly available, the information presented constitutes the author's synthesis supported by documentary evidence and is assessed with due regard to the varying specificity and verifiability of the measures reported. At the time this Review was prepared, the author had access to responses concerning 14 of the 15 separate rulings examined. Information drawn from unpublished letters is presented exclusively in an aggregated and anonymised form; information subject to restricted access and personal data are not reproduced in this Review.

This Review is a substantive continuation of the author's earlier study of Supreme Court judgments concerning the grounds for and limits on the use of separate rulings, and the procedure for appealing them. It focuses on separate rulings issued directly by the Supreme Court acting as the court of cassation.

Keywords: separate ruling; Supreme Court; procedural discipline; abuse of procedural rights; mandatory attendance; legal certainty; regulatory gap; public interest.

1. Direct Use of the Separate-Ruling Mechanism by the Supreme Court

Article 358 of the Code of Administrative Proceedings of Ukraine empowers the court of cassation to issue a separate ruling in the cases and in accordance with the procedure prescribed by Article 249 of the Code. Such a ruling is issued on the court's own initiative. Information submitted by participants in the proceedings may be taken into account, but it neither creates an obligation for the court to issue a separate ruling nor determines its content.

In the decisions examined, a separate ruling is used as an instrument of institutional response. As a rule, the Supreme Court does not confine itself to notifying the body or person directly responsible for the violation. Where a violation has been committed by a territorial body, the separate ruling is sent to the central executive authority or another body vested with organisational, supervisory, personnel, or disciplinary powers. Such an addressee may conduct an inspection, improve the internal organisation of representation in court, provide staff training, strengthen oversight of procedural time limits, or address the problem through regulatory measures.

The legal nature of a separate ruling precludes its being understood solely as a sanction. Its immediate purpose is to eliminate the causes and conditions that contributed to the violation of law. Even where the Supreme Court finds an abuse of procedural rights, the addressee is generally invited to take organisational measures rather than to impose a predetermined form of liability. The liability of a particular official must be determined by the competent body in accordance with the procedure prescribed by law.

A separate ruling may be issued both during cassation consideration of the merits and at the stage of deciding whether to open cassation proceedings. The return of a cassation appeal or a refusal to open cassation proceedings does not prevent the court from responding to a violation identified during its examination of a procedural document. This is confirmed by the separate rulings in cases nos. 160/8792/20 [8], 580/9949/24 [13], and 640/19786/19 [15]. In such circumstances, the subject of the judicial response is not the appellant's substantive legal position, but the manner in which procedural rights have been exercised and procedural obligations performed.

The finality of a separate ruling issued by the Supreme Court heightens the requirements applicable to its reasoning. The ruling must identify the specific circumstances of the violation, the relevant provisions of procedural law, the

connection between the participant's conduct and the adverse consequences for the administration of justice, and the addressee's competence to eliminate the causes and conditions of the violation. The measure adopted must be proportionate and capable of implementation.

2. Procedural Discipline of Public Authorities in Appellate and Cassation Review

The largest group comprises separate rulings concerning the improper use by public authorities of appellate and cassation review mechanisms. The case-law examined does not establish a presumption that missing a procedural time limit, the return of an appeal, or a refusal to open proceedings automatically constitutes an abuse. The specific circumstances are decisive: the length of the delay, the authority's knowledge of the judicial decision, the absence of objective impediments, failure to comply with an order requiring defects in an appeal to be remedied, the recurrence of violations, and the consequences for legal certainty.

In case no. 440/7433/21 [3], a territorial body of the Pension Fund of Ukraine lodged an appeal more than one year after the full text of the judgment had been prepared, although it had been aware of the proceedings. In view of the mandatory restriction laid down in Article 299(2) of the Code of Administrative Proceedings of Ukraine, the appellate court refused to open appellate proceedings. The subsequent cassation appeal against that order prolonged the state of uncertainty for the person in whose favour the judgment concerning pension provision had been delivered. The Supreme Court drew attention not only to the particular failure to comply with the time limit, but also to the recurrent nature of similar violations by territorial bodies of the Pension Fund of Ukraine. The separate ruling was sent to the central body for urgent action [3].

In case no. 620/4707/22 [4], the separate ruling likewise responded to the improper organisation of appellate and cassation review by a territorial body of the Pension Fund of Ukraine in a social-security dispute. The Court took into account the professional status of the public authority, its duty to know and comply with procedural law, and the inadmissibility of a State body deriving an advantage from deficiencies in its own organisation. The separate ruling was sent to the Pension Fund of Ukraine as the body responsible for coordinating and supervising the activities of its territorial departments [4].

A similar approach was adopted in case no. 380/1105/23 [7]. A territorial body of the Pension Fund of Ukraine failed to comply with an order requiring it to remedy defects in its appeal and did not provide valid reasons for missing the time limit. The Supreme Court emphasised that, in the absence of proper procedural grounds, challenging a judgment that had entered into force and had been given in favour of an individual called into question the binding force of the judgment, legal certainty, and the individual's legitimate expectations. As the violations were not isolated, the separate ruling was sent to the central body of the Pension Fund of Ukraine [7].

In case no. 520/10306/2020 [9], the judicial response concerned prolonged and improperly organised procedural activity by a territorial body of the Pension Fund of Ukraine in proceedings concerning the award of a prosecutor's pension. The successive use of review procedures without compliance with the statutory requirements maintained legal uncertainty concerning a final judicial decision. The Supreme Court linked the procedural discipline of a State body with the guarantees of enforcement, the stability of the individual's legal position, and the need to prevent unjustified expenditure of judicial-system resources. The separate ruling was sent to the Pension Fund of Ukraine [9].

The case-law concerning territorial bodies of the Pension Fund of Ukraine demonstrates the institutional nature of the judicial response. The central body is the addressee because it organises, coordinates, and supervises the activities of territorial departments, manages personnel, provides professional development, and monitors compliance with internal instructions and deadlines. The purpose of the separate rulings in cases nos. 440/7433/21 [3], 620/4707/22 [4], 380/1105/23 [7], and 520/10306/2020 [9] is not to interfere with the authority's legal position in a particular dispute, but to eliminate the organisational causes of repeated failures to comply with procedural time limits.

In case no. 280/6435/22 [5], the separate ruling concerned the procedural conduct of a territorial body of the State Service of Ukraine for Geodesy, Cartography and Cadastre. After missing the time limit for appeal, the appellant was given an opportunity to substantiate restoration of the time limit, but failed properly to comply with the

requirements of procedural law. The subsequent cassation proceedings confirmed the absence of legal grounds for restoring the time limit. The Supreme Court sent the separate ruling to the State Service of Ukraine for Geodesy, Cartography and Cadastre, which exercises supervision, provides methodological assistance to territorial bodies, and is responsible for organising their work [5].

In case no. 480/3867/22 [6], the Ministry of Defence of Ukraine missed the time limit for appealing a judgment awarding a lump-sum payment to a person with a disability resulting from an illness related to the defence of the Homeland and failed to remedy the defects in its appeal even after the relevant period had been extended. The Court took into account the social importance of the dispute, the fact that the judgment had entered into force, and the absence of an adequate explanation for the belated procedural conduct. The separate ruling was sent to the Ministry of Defence of Ukraine to eliminate the causes and conditions of the violations identified [6].

The problem was even more pronounced in case no. 580/9949/24 [13]. The Ministry of Defence of Ukraine lodged a cassation appeal more than four months after the expiry of the applicable time limit. Reliance on the court's failure to explain the appeal procedure, the need for lengthy study of case-law, the representative's annual leave, and attendance at training was not accepted as demonstrating objective and insurmountable impediments. The Supreme Court proceeded from the presumption that a public authority knows the law and from the duty of a State body to ensure continuity of its operations irrespective of the absence of a particular employee. Deliberate delay in lodging the appeal was characterised as conduct incompatible with the principles of legal certainty and the proper administration of justice. The separate ruling was sent to the Minister of Defence of Ukraine [13].

The separate ruling in case no. 160/8792/20 [8] concerned the repeated lodging of a cassation appeal without remedying the defects that had led to the return of the previous appeal. The renewed appeal was lodged 27 days after service of the return order, yet its content remained essentially identical to the previous appeal and did not properly set out the statutory grounds for cassation review. The Supreme Court regarded this as a formalistic approach to the preparation of the cassation appeal, an abuse of procedural rights, and an indication of the absence of a genuine procedural interest in cassation review. The separate ruling was sent to the State Labour Service of Ukraine as the central authority exercising supervision over the relevant interregional department [8].

In case no. 640/19786/19 [15], the Main Department of the State Service of Ukraine on Food Safety and Consumer Protection in Kyiv lodged a cassation appeal without proof of payment of the court fee. After the appellant had been ordered to remedy the defects and granted an additional extension, the defect was not remedied, nor was any application made for a further extension, deferral, payment by instalments, or exemption from the fee. The Supreme Court found that this conduct amounted to improper performance of procedural obligations, which delayed the determination of whether to open cassation proceedings and resulted in the return of the appeal. The separate ruling was sent to the Head of the State Service of Ukraine on Food Safety and Consumer Protection [15].

The cases in this group establish several interrelated rules. First, a public authority enjoys no procedural advantage in complying with time limits and the requirements applicable to procedural documents and cannot derive an advantage from inadequate budgetary funding, personnel changes, an employee's leave, or deficiencies in internal document management. Secondly, the return of the first appeal does not create an unconditional entitlement to restoration of the time limit upon a renewed application. Thirdly, the court assesses not only an isolated procedural error, but also the purpose, recurrence, and consequences of the conduct. Fourthly, the longer an unsubstantiated appeal maintains a state of legal uncertainty for a natural or legal person, the more seriously the principles of finality and the binding force of judicial decisions are impaired.

At the same time, a separate ruling should not be issued merely because the legal position advanced by a public authority has proved unfounded. The right to appellate review and, in the cases prescribed by law, to cassation review of a judicial decision is one of the fundamental principles of adjudication. A judicial response is justified where the manner in which that right is exercised is incompatible with the objectives of administrative justice, evidences bad faith or a serious failure to perform procedural obligations, or is aimed at unjustifiably delaying the proceedings or enforcement of the judgment.

3. Attendance at Court Hearings, the Duty to Give Reasons for Non-Attendance, and Guarantees of Effective Cassation Review

A distinct group of cases concerns the failure to secure the proper participation of a public authority's representative in cassation proceedings. In cases nos. 320/1167/21 [2] and 320/10183/22 [10], the Supreme Court ordered the representative's attendance, but the authorities concerned failed to comply. In case no. 803/1051/16 [12], attendance had not been declared mandatory; nevertheless, the duly notified appellant failed to arrange for a representative to attend, did not inform the Court of the reasons for non-attendance, and did not apply for an adjournment, which resulted in the hearing being postponed. In both situations, the decisive issue is not the representative's absence as such, but the failure to perform a procedural obligation or bad-faith conduct that obstructs timely and effective cassation review.

An order requiring mandatory attendance is not a mere formality. The Supreme Court requires attendance where it is necessary to obtain the appellant's explanations in order to examine the grounds of the cassation appeal, clarify factual or legal aspects of the dispute, or properly discharge its function of developing a legal position.

In case no. 320/1167/21 [2], the Kyiv Regional Employment Centre itself requested that the cassation proceedings be conducted with the participation of its representative. The Supreme Court granted the application and ordered mandatory attendance. The first hearing was adjourned because the representative lacked the requisite documents establishing authority to act, while before the next hearing the body applied for the case to be considered in its absence. The Court stated that an appellant which had itself initiated an oral hearing could not, without valid reasons, evade compliance with the Court's subsequent order requiring attendance. This conduct prevented the Court from hearing the explanations of the authority challenging the judicial decision and led to the separate ruling being sent to the State Employment Service [2].

In case no. 320/10183/22 [10], a representative of the Main Department of the State Service of Ukraine for Geodesy, Cartography and Cadastre in the Kyiv Region failed to attend two hearings, although attendance had been declared mandatory. The authority provided neither valid reasons nor explanations for its failure to comply with the Court's orders. The separate ruling was sent to the State Service of Ukraine for Geodesy, Cartography and Cadastre to take organisational measures. This separate ruling should be distinguished from the other separate ruling issued on the same day in the same case concerning the normative monetary valuation of land in the village of Liutizh [11].

In case no. 803/1051/16 [12], the Court had not expressly declared the attendance of a representative of the State Service of Geology and Subsoil of Ukraine mandatory. The authority had, however, been duly notified well in advance of the date, time, and place for consideration of the cassation appeal which it had initiated. Its representative nevertheless failed to attend, gave no reasons for the absence, and did not request an adjournment. This resulted in the hearing being postponed. The Supreme Court regarded such conduct as a breach of the duty to exercise procedural rights in good faith, a manifestation of procedural indiscipline, and disrespect for the court [12].

Cases nos. 320/1167/21 [2] and 320/10183/22 [10] confirm that attendance declared mandatory by the court constitutes a procedural obligation rather than an optional recommendation. Case no. 803/1051/16 [12], by contrast, demonstrates that, even where attendance has not been made mandatory, a participant which initiated cassation review and has been duly notified of the hearing must inform the court in advance of the reasons for non-attendance and, where appropriate, request an adjournment or participation by videoconference. The absence of a particular employee does not relieve a public authority of its duty properly to organise representation of its interests.

The public interest in such cases is not confined to procedural economy. The Supreme Court must be able to obtain adequate explanations from an authority that applies the law, manages public resources, or exercises supervisory functions. This facilitates a full determination of the circumstances, the correct application of the law, and the formulation of a legal position capable of consistent application in subsequent cases.

4. Responding to Regulatory Gaps and Legislative Inconsistencies

Separate rulings concerning the regulatory framework are different in nature. They do not focus on bad-faith procedural conduct by a participant. Rather, the court finds that the cause of the dispute, or the risk that similar disputes will recur, stems from deficiencies, incompleteness, or inconsistency in the regulatory framework. The addressee is the body empowered to amend an instrument of subordinate legislation, adopt a local-government decision, prepare a draft law, or initiate amendments to legislation.

In case no. 420/6285/20 [1], the Supreme Court found that the Procedure for the Placement of Temporary Structures for the Conduct of Business Activities did not prescribe the form of a decision revoking a siting passport or a proper procedure for adopting such a decision. This uncertainty contributed to inconsistent practice by local authorities and to disputes concerning the lawfulness of revoking such passports. The separate ruling was sent to the Ministry for Communities and Territories Development of Ukraine as the authority empowered to ensure appropriate subordinate regulation [1].

The significance of case no. 420/6285/20 [1] lies in the connection between the quality of a normative act and the effectiveness of judicial protection. Where the form and procedure of an administrative decision are not prescribed, an individual cannot foresee how the authority will exercise its powers, prepare objections effectively, or assess the lawfulness of interference with business activity. The separate ruling was directed at eliminating the regulatory cause of recurring violations, rather than merely their consequences in the individual case.

In case no. 320/10183/22 [11], after the decision approving the normative monetary valuation of land in the village of Liutizh had ceased to have effect as of 26 March 2024, there was effectively no valid normative legal act necessary to determine the tax base for land tax and land rent. This regulatory vacuum created a risk of revenue shortfalls for the local budget, undermined certainty in taxation, and could give rise to new disputes between taxpayers, the local authority, and the tax authorities. The Supreme Court brought this circumstance to the attention of the Petrivska Village Council and set a three-month period for reporting on the measures taken [11].

The separate ruling in case no. 320/10183/22 [11] did not determine the content of a new normative monetary valuation or substitute its own judgment for the discretion of the village council. The Court identified the absence of necessary regulation and the related budgetary and legal risks. The choice of how to remedy the problem was left to the competent local authority.

In case no. 200/8094/24 [14], the Supreme Court identified a legislative inconsistency in the treatment of periods of military service under combat conditions when determining entitlement to an early old-age pension. The applicable framework did not provide for preferential calculation of insurance periods on the basis of “one month of service counting as three months” for the award of a pension under the Law of Ukraine “On Compulsory State Pension Insurance”, although a comparable mechanism operated within the special pension scheme for military personnel. The Supreme Court determined the individual dispute in accordance with the law in force, while at the same time identifying a systemic problem affecting the social protection of persons who participated in hostilities [14].

The separate ruling in case no. 200/8094/24 [14] was sent to the Cabinet of Ministers of Ukraine. The Supreme Court indicated possible directions for legislative regulation, but did not require the Government to introduce a draft law of any specified content. The power to initiate amendments to legislation belongs to those vested with the right of legislative initiative, while the development of State policy in the field of social protection falls within the competence of the Cabinet of Ministers of Ukraine. The judicial response consisted in bringing the identified inconsistency and its consequences for persons who had participated in hostilities to the Government’s attention.

Cases nos. 420/6285/20 [1], 320/10183/22 [11], and 200/8094/24 [14] illustrate three levels of regulatory problem: a gap in a subordinate procedure; the absence of a necessary normative act of a local authority; and inconsistency in legislative regulation. The appropriate addressee of the separate ruling, the content of the court’s notification, and the time allowed for a response depend on the level at which the problem arises.

5. Addressee, Content, and Time Limit for Responding to a Separate Ruling

The effectiveness of a separate ruling depends on identifying the correct addressee. Where a violation is connected with the activities of a territorial body, the ruling is sent to the central body vested with supervisory, organisational, or personnel powers. Accordingly, separate rulings concerning territorial departments of the Pension Fund were sent to the Pension Fund of Ukraine [3], [4], [7], [9]; those concerning a territorial body of the State Service of Ukraine for Geodesy, Cartography and Cadastre were sent to that central authority [5], [10]; the ruling concerning an interregional department of the State Labour Service was sent to the State Labour Service of Ukraine [8]; and the ruling concerning a territorial body of the State Service of Ukraine on Food Safety and Consumer Protection was sent to the Head of that Service [15].

Where the violation is committed by a central authority, the separate ruling is sent to the head of the relevant authority or to the authority itself. This approach was adopted in relation to the Ministry of Defence of Ukraine [6], [13] and the State Service of Geology and Subsoil of Ukraine [12]. The head of the authority has power to organise representation, supervise the performance of procedural obligations, and take personnel or disciplinary measures in accordance with the procedure prescribed by law.

In cases concerning regulatory gaps, the addressee is determined by rule-making competence. The Ministry for Communities and Territories Development of Ukraine was notified of the need to regulate the procedure for revoking a siting passport [1]; the Petrivska Village Council, of the absence of a valid normative monetary valuation of land [11]; and the Cabinet of Ministers of Ukraine, of a legislative inconsistency in the pension entitlements of persons who participated in hostilities [14].

The operative part must remain within the limits of judicial powers. The Supreme Court generally “brings to the attention” of the addressee the circumstances identified and indicates the need for organisational or regulatory measures. This formulation does not deprive the ruling of its binding force. The addressee must consider the separate ruling, take appropriate measures within its competence, and report the outcome to the Court within the prescribed period.

In most cases concerning procedural discipline, a one-month period was set for the response. This is sufficient for an internal review, an assessment of the organisation of representation, and the adoption of organisational decisions. In cases requiring regulatory or legislative action, a three-month period may be set, as in cases nos. 320/10183/22 [11] and 200/8094/24 [14]. Differentiating the time limits is consistent with Article 249(5) of the Code of Administrative Proceedings of Ukraine, as it takes account of the content of the directions and the time objectively required for their implementation.

The decisions examined also confirm that a separate ruling protects several interrelated interests: the procedural rights of the parties; the determination of cases within a reasonable time; legal certainty; the binding force of a final decision; efficient use of public resources; the authority of the judiciary; stability of the regulatory framework; and the public interest in the proper functioning of public administration. It is the combination of these elements that distinguishes a separate ruling from an ordinary procedural remark addressed to a participant in the proceedings.

6. Responses by Addressees and the Institutional Effect of Separate Rulings

(In the discussion below, references to separate rulings follow the numbering in the “Sources” list [N], while responses from addressees are identified by case number and correspond to the entries in the “Unpublished Documentary Sources” list.)

Analysis of the responses submitted by addressees makes it possible to assess not only the legal justification for the judicial response, but also its practical effectiveness. The mere fact that a response was submitted within the prescribed period does not establish full compliance with the separate ruling. What matters is the specificity of the measures reported, their direct connection with the violation identified, whether the measures extend beyond the individual case, and whether their actual outcome can be verified.

The responses examined reflect four principal levels of action: informational and explanatory; organisational and managerial; disciplinary or otherwise individualised; and rule-making. The least intensive form consists in reporting that the conclusions will be taken into account in future work, providing explanations, or disseminating the relevant

case-law to territorial bodies. More substantive action includes adopting an internal order, conducting a review, changing arrangements for representation, or introducing additional oversight. The highest degree of specificity is found in responses confirming the commencement of disciplinary proceedings, the imposition of liability, or the preparation of amendments to a normative act.

The responses of the Pension Fund of Ukraine in cases nos. 440/7433/21 [3], 620/4707/22 [4], 380/1105/23 [7], and 520/10306/2020 [9] demonstrate an established institutional mechanism: systematisation of the Supreme Court's legal conclusions, regular preparation and distribution of methodological materials, professional training, and electronic monitoring of judicial decisions. The specificity of the outcomes nevertheless varied. In case no. 380/1105/23 [7], the response referred to determining the extent of employees' financial liability, while in case no. 520/10306/2020 [9] the circumstances addressed in the separate ruling were discussed at a meeting of the heads of territorial bodies. In the other two cases, the responses referred mainly to general ongoing measures, making it difficult to distinguish the consequences of the particular separate ruling from the authority's ordinary activities.

The responses of the State Employment Centre and the State Service of Ukraine for Geodesy, Cartography and Cadastre were more individualised. Following the separate ruling in case no. 320/1167/21 [2], a specific internal order on procedural representation was issued, managerial responsibilities were defined, and the head of the relevant regional centre was warned of personal responsibility. In case no. 280/6435/22 [5], the State Service of Ukraine for Geodesy, Cartography and Cadastre combined financial, personnel, training, and supervisory measures: it secured funding for the court fee, launched recruitment for positions in the legal unit, held a meeting, initiated an unscheduled inspection, and warned the head of the territorial body. In case no. 320/10183/22 [10], disciplinary proceedings were commenced against the head of the legal unit.

The response of the Ministry of Defence of Ukraine likewise evolved from explanatory measures to individualised and regulatory action. In case no. 480/3867/22 [6], the response was confined to bringing the information to management's attention and reminding representatives of the need for good-faith procedural conduct. By contrast, in case no. 580/9949/24 [13], an internal investigation was conducted, disciplinary action was taken against an official, and instructions were issued to take the Supreme Court's conclusions into account when amending the internal instruction governing representation in court. This combination of measures most fully corresponds to the preventive function of a separate ruling, as it addresses the particular violation, personal responsibility, and the organisational cause of its possible recurrence.

In some instances, the authority's subsequent procedural conduct changed after the separate ruling had been considered. Thus, following receipt of the response from the State Labour Service of Ukraine, no renewed cassation appeal was recorded in case no. 160/8792/20 [8]. In case no. 640/19786/19 [15], the Main Department of the State Service of Ukraine on Food Safety and Consumer Protection in Kyiv provided explanations to the central authority and reported that internal oversight of compliance with procedural time limits had been strengthened. Although less formalised, such measures are of practical importance in bringing the particular violation to an end.

The response of the State Service of Geology and Subsoil of Ukraine in case no. 803/1051/16 [12] demonstrates the need to distinguish between non-compliance with an order requiring mandatory attendance and non-attendance without giving reasons. The authority emphasised that attendance had not been declared mandatory, explained the representative's absence by reference to martial law, a heavy workload, and limited staffing, and proposed more active use of remote participation. These circumstances may be relevant to identifying a proportionate organisational response, but they do not remove the duty properly to inform the court of an inability to participate, particularly where non-attendance results in the adjournment of the hearing.

The effectiveness of separate rulings concerning the regulatory framework must be assessed differently. In case no. 420/6285/20 [1], the Ministry for Communities and Territories Development of Ukraine reported that the Court's conclusions would be taken into account when amending the Procedure for the Placement of Temporary Structures for the Conduct of Business Activities, approved by Order no. 244 of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine of 21 October 2011. This confirms that the problem was incorporated into the rule-making process, but does not in itself demonstrate that the gap was eliminated. The separate ruling in case no. 200/8094/24 [14] was sent to the Cabinet of Ministers of Ukraine, and a response within its remit was provided by the Ministry of Social Policy, Family and Unity of Ukraine. The Ministry disagreed with the conclusion that there was a conflict between the pension laws, considering that they established autonomous

regulatory regimes. According to the information contained in the Ministry's response, the issue was being considered in the preparation of a comprehensive pension reform envisaging the unification of approaches and special support mechanisms for veterans. A response to a separate ruling may therefore take the form of institutional legal dialogue: the addressee is entitled to set out its own legal position on the existence of a regulatory problem and the means of addressing it, but must consider the separate ruling, comply with the binding directions in its operative part, and report to the Court within the prescribed period.

The material examined confirms that a separate ruling is not merely a declaratory judicial decision. It may lead to the adoption of internal orders, strengthening the staffing of legal units, inspections and internal investigations, the imposition of liability, changes in procedural conduct, and the preparation of regulatory decisions. At the same time, the effectiveness of a separate ruling should not be assessed solely by reference to whether a response has been received. Appropriate indicators include the specificity of the measures taken, their correspondence to the violation identified, a demonstrable result, and their capacity to prevent similar violations from recurring.

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38. TRANSPARENCY STATEMENT ON THE USE OF ARTIFICIAL INTELLIGENCE

39. In preparing this Review, artificial intelligence tools were used as auxiliary instruments for structural editing, linguistic and stylistic refinement, verification of the logical coherence of the presentation, and the formulation of alternative versions of individual passages. Under the GAIDeT (Generative AI Delegation Taxonomy) approach [Additional Literature and the Author's Materials, no. 6], such use was assistive in nature and did not extend to determining the research concept, the legal assessment of sources, or the formulation of the final conclusions.
40. The research concept, legal interpretation of the sources, assessment of the case-law, academic conclusions, and final version of the text are attributable to the author. All outputs obtained with the assistance of artificial intelligence tools were verified, critically evaluated, and accepted or rejected by the author.

41. AUTHOR'S NOTE

42. This Review is an original information and analytical work authored independently and does not constitute an official review or an official position of the Supreme Court.
43. The source base of the Review comprises separate rulings issued by the Supreme Court in cases in which the author acted as judge-rapporteur or presiding judge. This criterion determined the scope of the materials selected; accordingly, the Review does not claim to provide an exhaustive account of the entire case-law of the Supreme Court concerning the direct use of the separate-ruling mechanism. The relevant judicial acts are decisions of the Supreme Court, whereas the systematisation of the case-law, the assessment of its practical and societal significance, and the final conclusions are the author's own.
44. The generalisations presented reflect the legal approaches of the Supreme Court within the relevant cassation proceedings and are not a substitute for consulting the full texts of the separate rulings. The assessment of their significance for the effectiveness of administrative justice, the protection of constitutional rights, and the public interest represents the author's own synthesis.

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