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**HISTORIOGRAPHY OF THE STUDY OF THE STAGES OF DEVELOPMENT
OF ADMINISTRATIVE JUSTICE AS AN INSTRUMENT FOR THE PROTECTION
OF HUMAN AND CIVIL RIGHTS AND FREEDOMS IN UKRAINE
(THE 20th – EARLY 21st CENTURY)**

Abstract. *The purpose of the research is to analyse the state and characteristics of the historiographical study of administrative justice development of as a means for the protection of human and civil rights and freedoms in Ukraine in the 20th and the beginning of the 21st centuries. The methodology of the research is based on the principles of historicism, objectivity and scientific systematicity. There have been used historical comparative, historical genetic, problem chronological, historiographical and systematic methods. Scientific novelty: the evolution of scholarly views on the development of administrative justice is traced, common and different approaches to its periodization are identified, and the main trends in research on the issue are determined. Conclusions. It has been determined that the contemporary historiography has generally formed a coherent understanding of the administrative justice development in Ukraine. The majority of scholars distinguish the pre-Soviet*

stage, associated with the functioning of administrative and judicial institutions within the Russian and Austro-Hungarian Empires; the period of the Ukrainian Revolution of 1917 – 1921; the Soviet period; and the stage of independent Ukraine. It has been demonstrated that the origins of the administrative justice date back to the second half of the 19th century, when the first mechanisms of the judicial control over the administrative authorities began to emerge under the influence of the European legal models. The state-building processes of 1917 – 1921 played a particularly significant role in the administrative justice development, while the final stage of its institutionalisation was marked by the establishment of a system of the administrative courts following Ukraine's independence and the adoption of the Code of Administrative Procedure of Ukraine in 2005. At the same time, it has been determined that the issues concerning the regional specificities of the administrative justice development, the influence of the European legal traditions on the Ukrainian model of administrative adjudication (proceedings), and the evolution of scholarly approaches to its role in the mechanism for protecting of human and civil rights and freedoms remain studied insufficiently.

Key words: administrative justice, administrative adjudication, historiography, protection of human and civil rights and freedoms, administrative courts, judicial review, Ukraine, modern period.

ІСТОРИОГРАФІЯ ДОСЛІДЖЕННЯ ЕТАПІВ РОЗВИТКУ АДМІНІСТРАТИВНОГО СУДОЧИНСТВА ЯК ІНСТРУМЕНТУ ЗАХИСТУ ПРАВ І СВОБОД ГРОМАДЯН В УКРАЇНІ (XX – початок XXI ст.)

Анотація. Метою дослідження є розкриття стану та особливостей історіографічного вивчення розвитку адміністративного судочинства як інструменту захисту прав і свобод громадян в Україні протягом XX – на початку XXI ст. та систематизація наукових підходів до періодизації його становлення. **Методологія дослідження** ґрунтується на принципах історизму, об'єктивності та наукової системності. Використано історико-порівняльний, історико-генетичний, проблемно-хронологічний, історіографічний та системний методи. **Наукова новизна:** простежено еволюцію наукових поглядів на розвиток адміністративного судочинства, виявлено спільні й відмінні підходи до його періодизації та визначено основні тенденції дослідження проблеми. **Висновки.** Встановлено, що сучасна історіографія сформувала загалом цілісне бачення розвитку адміністративного судочинства в Україні. Більшість дослідників виокремлюють дорадянський етап, пов'язаний із функціонуванням адміністративно-судових інституцій Російській та Австро-Угорській імперіях, період Української революції 1917–1921 рр., радянський період та етап незалежної України. Доведено, що витoki адміністративного судочинства сягають другої половини XIX ст., коли під впливом європейських правових моделей почали формуватися перші механізми судового контролю за діяльністю адміністрації. Особливе значення для розвитку адміністративної юстиції мали державотворчі процеси 1917–1921 рр., а завершальним етапом її інституціоналізації стало створення системи адміністративних судів після здобуття Україною незалежності та прийняття Кодексу адміністративного судочинства України у 2005 р. Водночас з'ясовано, що недостатньо дослідженими залишаються питання регіональної специфіки розвитку адміністративної юстиції, впливу європейських правових традицій на українську модель адміністративного судочинства та еволюції наукових підходів до його ролі в механізмі захисту прав і свобод громадян.

Ключові слова: адміністративне судочинство, адміністративна юстиція, історіографія, захист прав і свобод громадян, адміністративні суди, судовий контроль, Україна, модерна доба.

Problem Statement. The administrative justice is one of the key mechanisms for ensuring the rule of law and the protection of human and civil rights and freedoms in relations with the state authorities and local self-government bodies. Its formation and development in Ukraine occurred under the influence of complex political, legal, and social transformations spanning various historical stages of the 20th and the beginning of the 21st centuries. Due to the absence of a distinct system of administrative justice during the Soviet period, a gradual formation of the mechanisms for the judicial oversight of the public authorities' activities during the period

of independence, and the establishment of a specialized system of administrative courts, there was a considerable interest regarding the issues on the administrative proceedings among scholars.

Despite the fact that there was a considerable body of academic studies on the history of administrative justice, the judicial system reform and the protection of human rights in public law relations (Kazan, & Maliuk, 2025; Maliuk, & Skorych, 2024; Vyhivskiy, & Ondriash, 2025), the issue on the historiographical understanding of the stages of administrative justice development in Ukraine remains studied insufficiently comprehensively. The published studies are predominantly focused on specific periods, legislative changes or institutional aspects of administrative courts functioning, whilst the evolution of scholarly approaches to understanding the role of the administrative justice as an instrument for the protection of human rights and freedoms requires generalisation and systematisation.

In this regard, it is pertinent to conduct a historiographical analysis of the academic research on the administrative justice development in Ukraine, to identify the main directions, trends and characteristics of how its stages are covered in the academic literature, and to determine the extent to which the issue has been studied in contemporary legal and historical legal science. At the same time, it is necessary to take into account theoretical and methodological works on the construction of periods and stages of historical processes (Haliv, & Ilnytskyi, 2024), respectively, theoretical argumentation for demonstrating the historical development of legal and public institutions (Ilnytskyi, & Haliv, 2022; Kurylyshyn, & Haliv, 2024).

The purpose of the research is to analyse the state and characteristics of the historiographical study of administrative justice development of as a means for the protection of human and civil rights and freedoms in Ukraine in the 20th and the beginning of the 21st centuries.

The Research Results. It is necessary, first and foremost, to highlight those works that cover the historical context of the administrative justice formation (on the backdrop of the general evolution of administrative justice in Ukraine) among the published historiographical studies.

Hence, N. Pysarenko, in her study, made an attempt to reconstruct the history of administrative justice development in Ukraine during the modern era (focusing, prior to the events of the Ukrainian Revolution of 1917 – 1921, solely on Naddniproshchyna (Dnieper) region) and to identify several stages within it. According to the author, the first elements of administrative justice in the Ukrainian lands emerged during Ukraine's initial period as part of the Russian Empire, spanning the second half of the 19th century to 1917. At that time, the administrative and legal disputes were heard by hubernia (provincial) councils and the Senate, which acted as the highest administrative court effectively. However, the above-mentioned system was incomplete: due to the absence of clear procedural rules, the vagueness of the authorities' jurisdiction, and its dependence on the executive branch, it significantly limited the possibility of the effective protection of citizens' rights. The Provisional Government made attempts to reform the administrative justice in 1917, envisaging the creation of the specialised administrative courts; however, due to the revolutionary events, these were not implemented.

The second stage coincided with the period of the Ukrainian Revolution of 1917 – 1921, when, as N. Pysarenko argued that the idea of administrative justice was further developed. The constitutional and legislative drafts of the Ukrainian People's Republic and the Ukrainian State provided for the creation of the specialised bodies to hear the administrative cases. However, the Soviet power establishment altered the course of development, marking the beginning of the third stage – in the 1920s, separate mechanisms for considering citizens' complaints against the actions of administration still existed, but the creation of

an independent administrative judiciary was abandoned gradually. Instead, the priority was given to the administrative control and the internal departmental appeals.

Over the following decades, the Soviet command-and-control system effectively precluded meaningful judicial oversight of the authorities' activities. At the same time, there was a gradual expansion of judicial protection of citizens' rights from the late 1950s onwards, marking the beginning of the fourth stage. The codification of the procedural legislation, the establishment of the right to judicial review of certain administrative decisions, and the constitutional recognition of citizens' right to bring legal proceedings against the officials for unlawful acts were of utmost importance. It was during this period that academic debates intensified regarding the nature of administrative justice and the need to expand the judicial oversight in the sphere of public administration.

The fifth stage began in the late 1980s and was a qualitatively new stage, linked to the legislative formalisation of citizens' right to judicial review of the actions and decisions of public administration bodies. The relevant legislative acts (such as the Soviet Law of 30 June 1987 "On the Procedure for Challenging in Court Unlawful Actions and Decisions of Officials that Restrict Citizens' Rights", and the USSR Law of 2 November 1989 "On the Procedure for Challenging in Court Unlawful Acts of State Administrative Bodies and Officials that Restrict Citizens' Rights") created the legal foundations for the formation of modern system of the administrative justice, although their scope remained limited. In general, the administrative justice development of in Ukraine prior to independence was characterised by a gradual expansion of the judicial guarantees for the protection of citizens' rights, but without the establishment of specialised administrative courts. It was precisely this historical experience that laid the foundation for the subsequent formation of administrative justice in independent Ukraine as a vital instrument for safeguarding human rights and freedoms (Pysarenko, 2002).

O. Svyda also identified several stages in the development of administrative courts in Ukraine. Thus, according to the scholar, the pre-Soviet period (regarding Soviet Ukraine) spanned the time from the elements' emergence of administrative justice to the revolutionary events of 1917. The scholar further identified three stages within the above-mentioned period: the period prior to the judicial reform of 1864, when the judiciary was not yet separated from the administration; the period from 1864 to the February Revolution of 1917, when the so-called "prysutstviia" bodies emerged, combining administrative and judicial functions, and the academic research into the models of administrative justice intensified; and, finally, the period between the February and October Revolutions of 1917, when the practical establishment of the specialised administrative courts began.

In the western Ukrainian lands, which were part of the Habsburg Monarchy, the administrative justice development followed the Austrian model. There were established the mechanisms for the judicial oversight of administrative activities gradually there, from the adoption of the 1867 Constitution until the outbreak of World War I. At the same time, during the period of the Ukrainian Revolution of 1917 – 1920, the issue on establishing the administrative courts remained largely at the level of the draft laws and concepts, which, due to the political instability, were never implemented fully.

The Soviet period, in the scholar's view, was characterised by an ambivalent attitude towards administrative justice. In the 1920s, there were ongoing discussions among the scholars under the New Economic Policy (NEP) regarding the need to establish the administrative justice as an independent institution. However, in the 1930s and early 1950s, this idea was effectively rejected as contrary to the principles of the socialist state. It was

only from the mid-1950s to the late 1980s, on the backdrop of a certain liberalisation of the political regime, that interest in the issues on the administrative justice gradually revived, although there were never established the specialised administrative courts.

The current stage of the administrative justice development began in the late 1980s. Its first period, which lasted until the adoption of the 1996 Constitution of Ukraine, was characterised by the democratisation of society, the expansion of judicial protection of citizens' rights, and active discussion of the need to establish administrative courts. The second stage began with the adoption of the Constitution of Ukraine, which enshrined the principles of specialisation within the judicial system and guarantees of the judicial protection of human rights. It was on this basis that modern system of administrative courts in Ukraine was gradually formed, becoming an integral part of the mechanism for ensuring the rule of law and the oversight of public authorities (Svyda, 2008, pp. 7–8).

V. Bevzenko also identified similar stages in the 20th century, he distinguished periods in the functioning of the administrative justice in Ukrainian lands according to the geopolitical realities in which they existed: 1) the era of the Russian and Austro-Hungarian Empires (up to 1917 – 1918); 2) the period of the Ukrainian statehood formation (1917 – 1921) – the era of the Central Rada, the Hetmanate and the Ukrainian People's Republic; 3) the period of political emigration by the Government of the Ukrainian People's Republic in exile (from 1920 to 1992); 4) Ukraine during its time as part of the USSR (1922 – 1991); 5) independent Ukraine (from 1991 to the present) (Bevzenko, 2013, pp. 56–57).

V. Reshota offered the following stages in the development of the institution of administrative justice in modern history of Ukraine: 1) 1864 – 1917: the formation of judicial and administrative bodies for resolving disputes in the sphere of public administration, and the publication of fundamental studies on the issues of administrative justice; 2) 1917 – 1920: projects to establish the administrative justice during the formation of independent Ukrainian state; 3) 1920 – 1991: the decline and rejection of the institution of administrative justice in the public administration of the Soviet Union; 4) 1991 – 2005: the establishment and development of the administrative justice in Ukraine; 5) from 2005 to the present day – the formation and development of the administrative justice (Reshota, 2015, pp. 124–125).

Furthermore, in analysing the preconditions for administrative justice formation in Ukraine, the researcher also focused primarily on the relevant experience within the Russian Empire and the USSR. Thus, according to him, whilst administrative justice began to form in Western European countries as early as the 18th – 19th centuries, interest in the administrative justice arose much later in the Russian Empire – only in the second half of the 19th century. Following the judicial reform of 1864, individual elements of a system for resolving disputes between the citizens and the public authorities began to emerge. However, a fully-fledged administrative justice system in the modern sense did not exist. There were heard complaints by the general courts, magistrates and special administrative bodies, and the system itself remained fragmented, lacking a clear structure and proper procedural regulation.

There was formed a distinctive model for resolving administrative and legal disputes in the Russian Empire at the end of the 19th and at the beginning of the 20th centuries. It was based on provincial “prysutstviia” – special quasi-judicial bodies consisted of the officials and representatives of the local self-government, as well as the First Department of the Senate as the highest instance. Despite a certain degree of specialisation and the presence of features of the administrative proceedings, this system had numerous shortcomings: an unclear division of powers, dependence on the administration, a lack of adversarial proceedings and

transparency, as well as delays in the consideration of cases. At the same time, it was during this period that academic research into the administrative justice was actively developing and proposals for its reform were being discussed.

The events of 1917 – 1920 marked an important stage, when, within the context of the Ukrainian statehood, the issue on the administrative justice received significant attention. The Constitution of the Ukrainian People's Republic and legislative proposals from the periods of the Hetmanate and the Directory provided for the establishment of the specialised administrative courts and the separation of administrative power from the judicial power. There were plans to introduce a multi-tiered system of the administrative justice, which was intended to ensure oversight of the legality of government actions and protection of citizens' rights. However, due to the political instability and the Bolsheviks' rise to power, these projects were not implemented.

There ceased the development of the administrative justice during the Soviet period. The Bolshevik authorities rejected the very idea of a conflict between the citizen and the state, so there were not established any specialised administrative courts. The protection of citizens' rights was carried out primarily through administrative procedures, supervisory bodies, public prosecutor's office and people's courts. It was only in the 1970s and 1980s that the right of citizens to challenge the actions of the officials and the administrative bodies in court was gradually enshrined. Thus, as V. Reshota summarised, the administrative justice development in Ukraine was complex and uneven: from the first quasi-judicial institutions of the Russian Empire, through the unrealised projects of the UNR era, to the prolonged period of the Soviet rejection of this institution. The real conditions for its full-scale development arose only after Ukraine's declaration of independence (Reshota, 2015, pp. 125–127).

P. Lepisevych employed a similar division into stages with analogous periodisation in his work. The scholar concluded while summarising the evolution of administrative justice in Ukraine that, at the present stage, the development of market relations has facilitated a clear distinction between private-law relations among economic entities and public-law relations between them and state authorities, and consequently, the institution of administrative justice gained significance as a mechanism for the legal protection of the rights, freedoms and legitimate interests of natural and legal people in their relations with public authorities. Administrative justice constitutes a comprehensive system of legal remedies and procedures aimed at ensuring effective judicial review of decisions legality, actions or omissions by public authorities. Its systemic nature requires proper regulatory framework for the principles, forms and mechanisms of protection, as well as the definition of the scope of subjects and objects of the legal protection. At the same time, effective judicial protection in the sphere of the public law relations is one of the key elements of the rule of law, as it ensures that the activities of public authorities are reviewed for compliance with the law, that well-founded and fair judicial decisions are made, and guarantees their enforcement within a reasonable timeframe, which serves as an important prerequisite for the effective protection of human and civil rights (Lepisevych, 2024).

I. Hrytsenko made a similar argument. In particular, the scholar noted that in the second half of the 19th – the beginning of the 20th centuries, the institution of administrative justice in the Russian Empire (to which most of the Ukrainian territories belonged) was still very imperfect – for example, there was no coherent system of the administrative courts, and the practice whereby disputes between citizens and authorities were considered by administration itself was ineffective. At that time, the functions of administrative justice were performed by

the *hubernia prysutstva* and the First Department of the Senate; however, their activities were characterised by a lack of clear procedural rules, insufficient independence, and the involvement of the representatives of the administrative apparatus in the consideration of cases. As a result, the administrative justice often became not a mechanism for protecting rights, but a tool for supporting the ruling structures. Despite this, the revolutionary events of 1905 and the adoption of the Fundamental Laws of the Russian Empire in 1906 intensified academic discussions regarding the need to establish specialised administrative courts and strengthen the oversight of state administrative bodies' activities.

Furthermore, according to I. Hrytsenko, during the period of the Ukrainian Revolution of 1917 – 1920 and the existence of the Ukrainian state formations, there were made attempts to establish a separate system of administrative justice. The 1918 Constitution of the Ukrainian People's Republic (UNR), the legislation of the Hetmanate, and the draft of the UNR's Fundamental State Law during the Directorate era provided for the judicial oversight of the legality of the administrative bodies' actions and even the establishment of a Supreme Administrative Court. And although the above-mentioned projects were not fully implemented due to the political instability, they demonstrated the Ukrainian lawyers' desire to introduce the European model of the administrative justice. During the Soviet period, the idea of the administrative courts remained unrealised for a long time due to the dominance of the administrative command system, although there continued to exist individual draft laws and academic studies. It was only at the end of the 20th century, following Ukraine's declaration of independence, that the conditions were created for the formation of modern system of administrative justice, which was enshrined in the Constitution of Ukraine, the Law "On the Judicial System of Ukraine" and the Code of Administrative Procedure (CAP) of Ukraine (Hrytsenko, 2019).

However, M. Bulkat emphasised that the adoption of the Code of Administrative Procedure should not, in itself, be regarded as a definitive solution to the issue regarding protecting human rights and freedoms in the sphere of public administration. According to the scholar, it is necessary to improve the system of public administration consistently in such a way as to minimise the possibility of bureaucratic arbitrariness alongside the introduction of effective judicial mechanisms for challenging the actions and decisions of public authorities. The scholar emphasised that the priority should be not only to ensure the judicial protection of violated rights, but also to create legal and organisational conditions that would prevent the adoption of unlawful decisions, the commission of unlawful acts or inaction on the part of public administration bodies and their officials (Bulkat, 2023, p. 78).

At the same time, V. Pchelin noted that the Code of Administrative Procedure of Ukraine incorporated the fundamental conceptual principles of the judicial protection of human rights and freedoms in the sphere of public law relations. In the scholar's opinion, the provisions of the Code were aimed at ensuring comprehensive, all-round and effective protection of the citizens' subjective rights against possible violations by public administration bodies and their officials. The scholar emphasised that the Code of Administrative Procedure of Ukraine established appropriate procedural mechanisms for the realisation of the right to the judicial protection, ensuring the possibility of a full and impartial consideration of the administrative disputes and strengthening guarantees of legality in public authorities' activities (Pchelin, 2017, p. 35).

There were diverse scholars, who conducted a historical and legal analysis of the administrative justice development in Ukraine, for example, R. Myhal, I. Zakharchuk, M. Blonskyi, D. Melnyk and V. Liubchynskyi, who emphasised that the foundation upon

which the restored Ukrainian statehood was based during the 1917 – 1921 revolution had been formed in the 19th–20th centuries within the legal systems of the Russian and Austro-Hungarian empires, of which the Ukrainian territories were a part at that time.

As the scholars argued, the first elements of the administrative justice existed as early as in the Muscovite state in the form of the Cholobitnyi Order (Prykaz), which considered the complaints against the officials and supervised the activities of the authorities. In the 18th and the first half of the 19th centuries, these functions were transferred to the Senate and the Public Prosecutor's Office of the Russian Empire, which exercised supervisory powers over the legality of officials' actions.

Western European legal models, primarily French and German, had a decisive influence on the administrative justice development. Following the judicial reform of 1864, the idea of the judicial oversight of the administration rooted in the Russian Empire gradually. In *hubernias* (provinces), particularly in the Ukrainian lands, special judicial administrative “*prysutstviia*” were established to hear the citizens' complaints about local authorities. Although they performed certain functions of the administrative justice, their activities remained closely linked to the administrative apparatus and did not comply with judicial independence principle (Myhal, Zakharchuk, Blonskyi, Melnyk, & Liubchynskyi, 2023).

According to scholars, the First Department of the Senate served as the highest instance of the administrative justice in the Russian Empire. However, it was not a fully-fledged administrative court in the modern sense, as it was under significant influence from government bodies, and the procedure for appointing senators did not guarantee their professional legal competence or independence. Despite there were made several attempts in order to reform at the beginning of the 20th century, in particular, P. Stolypin's projects and the legislative changes of 1916 – 1917, there was not completed the creation of a comprehensive system of administrative courts in the Russian Empire successfully.

At the same time, as the authors noted, in the western Ukrainian lands that were the part of the Habsburg Monarchy, the administrative justice development followed a different model. The constitutional reforms of 1867 enshrined the principle of the judicial independence, and the 1875 Act defined the status of the Supreme Administrative Court. *Povit* (county) and *Krajowy* (regional) courts were granted the right to review the legality of the administrative acts, and in 1914 the *Krajowy Administrative Tribunal* was established in Galicia. Consequently, the Austrian system was far more in line with the European standards of the judicial review of administration.

According to the scholars, a new stage in the administrative justice development is linked to the Ukrainian state-building processes of 1917 – 1920. The Central Rada, Pavlo Skoropadskyi's Hetmanate and the Directory of the Ukrainian People's Republic (UPR) consistently supported the idea of establishing the administrative courts. The administrative departments operated within the structure of the General Court and the State Senate, whilst draft constitutional acts provided for the creation of a separate Supreme Administrative Court. Hence, the Ukrainian governments sought to lay the foundations for an independent system of administrative justice as a mechanism for protecting citizens' rights against unlawful actions by the state bodies.

After the Soviet rule establishment, there was halted the administrative courts development effectively. Despite some academic debates and proposals to establish administrative courts in the 1920s, the Soviet legal system favoured prosecutorial oversight and administrative control. The idea of administrative justice was long regarded as incompatible with the Soviet

model of the state. It was only after Ukraine regained its independence in 1991 that the issue on the establishing the administrative courts became relevant again, ultimately leading to the formation of modern system of administrative justice as one of the key instruments for the protection of human and civil rights and freedoms (Myhal, Zakharchuk, Blonskyi, Melnyk, & Liubchynskyi, 2023).

O. Korchynskyi drew attention to the historical preconditions among other things, while he was studying the legal foundations of administrative justice organisation in Ukraine. Thus, the scholar noted that the first institutions emerged to consider citizens' complaints against the actions of officials, and the theoretical foundations of the administrative justice were formed as a means of controlling the activities of the state administration and protecting the individual rights at the beginning of the 20th century, in the context of the administrative law development under the Russian and Austro-Hungarian empires.

An important milestone for the part of Ukraine under Russian rule came in 1917, when the Russian Provisional Government adopted legislation on the administrative courts and introduced a three-tier system for the adjudication of administrative disputes. There happened similar processes in the Ukrainian state formations of the 1917 – 1921 revolutionary period (the UNR, the Ukrainian State, and the ZUNR). As an example, O. Korchynskyi cites the fact that on 12 December 1917, the Secretariat of Judicial Affairs submitted to the Central Rada a draft law on the establishment of a provisional General Court, which became the highest judicial body in accordance with the Constitution of the Ukrainian People's Republic of 28 April 1918. The scholar emphasised that, alongside the civil and criminal departments, the General Court also included an administrative department (Korchynskyi, 2018, pp. 49–57).

However, the Soviet power establishment led to the abolition of the previous judicial system and abandonment of independent administrative justice. Despite this, there carried on the academic debates regarding the necessity of judicial oversight of administration during the Soviet period, and a gradual expansion of citizens' rights to challenge public officials' actions laid the groundwork for future reforms. After proclaiming independence, Ukraine began the phased creation of its own system of administrative justice. The key milestones included the 1992 Concept of Judicial and Legal Reform, the 1996 Constitution of Ukraine, the 2002 Law "On the Judicial System of Ukraine", and the adoption of the Code of Administrative Procedure in 2005. As a result, the administrative courts became a separate and fully-fledged branch of judicial system, designed to ensure effective protection of human rights against unlawful decisions, actions or omissions by the state authorities and local self-government bodies. In general, as the it was concluded by the scholar, the administrative justice development in Ukraine reflects a combination of the national legal experience and the European traditions. Each historical stage has contributed to the formation of modern model of administrative justice, which today serves as a vital instrument for the realisation of the rule of law and a guarantee of the protection of citizens' rights in their relations with the state (Korchynskyi, 2018, pp. 57–61).

In addition, R. Onysko also made similar arguments in his research. The scholar also argued that the first elements of control over the activities of authorities in the Ukrainian lands that were part of the Russian Empire were formed through a system for considering complaints about the officials, and from the second half of the 19th century, under the influence of the European reforms, special bodies for considering administrative disputes began to appear. The judicial reform of 1864 initiated the separation of judiciary from administration and brought the issue on the oversight of local self-government bodies. At the

same time, *hubernias* “*prysutstviia*” and the First Department of the Senate did not ensure full and independent administrative justice, as they were under the significant influence of the bureaucratic apparatus and did not guarantee the principles of adversarial proceedings, openness and procedural equality of the parties.

At the beginning of the 20th century, the need to reform administrative justice became even more apparent. There were drawn up plans to establish specialised administrative courts, and following the revolutionary events of 1917, a law on administrative courts was passed, which for the first time introduced the system of administrative courts as separate bodies to adjudicate disputes between the citizens, government bodies and local authorities. Although the above-mentioned reforms were not fully implemented due to the political instability, they marked an important stage in the development of the idea of judicial oversight of administration and the protection of citizens’ rights against abuses of power.

The administrative justice developed in line with the Austrian legal tradition in the western Ukrainian territories that were part of Austria-Hungary. Constitutional reforms in the second half of the 19th century ensured the independence of the judiciary and granted courts the right to review the legality of administrative acts. There were also plans to establish specialised administrative tribunals, but their implementation was interrupted by World War I. Despite this, the Austrian model contributed to the spread of principles of the rule of law, legality and judicial review of the administrative activities in the western Ukrainian territories.

During the Ukrainian Revolution of 1917 – 1921, the issue of establishing the national system of administrative justice played a significant role in the judicial reform. The Central Rada, Pavlo Skoropadskyi’s Hetmanate and the Directory envisaged the administrative departments functioning within the higher judicial bodies and even the creation of the Supreme Administrative Court. Although most of these plans could not be realised due to military and political circumstances, they demonstrated the desire of Ukrainian statesmen to introduce the European mechanisms for protecting citizens’ rights in their relations with the authorities.

The idea of the administrative courts remained largely a subject of the academic debate during the Soviet period. Despite some projects to establish the administrative courts and draft relevant legislation in the 1920s, the Soviet authorities preferred an administrative procedure for handling complaints. Some scholars supported the need for specialised judicial oversight of administration, whilst the others considered administrative justice incompatible with the Soviet legal system. It was only after Ukraine regained its independence that the issue on establishing administrative courts once again became one of the key areas of judicial and legal reform, which ultimately led to the formation of modern system of administrative justice (Onysko, 2014).

Conclusions. A historiographical analysis on the administrative justice development of in Ukraine reveals a substantial body of academic works devoted both to general issues on the administrative justice and to specific stages in the establishment of the judicial oversight of the public authorities’ activities. The scholars predominantly studied the administrative justice through the prism of the evolution of mechanisms for protecting citizens’ rights and freedoms in their relations with the state, which enables one to trace the gradual transition from administrative forms of control to specialised judicial protection.

In the studies under analysis there were formed similar approaches to the periodisation of the administrative justice development. The majority of authors identify a pre-Soviet stage, linked to the functioning of administrative and judicial institutions in the Russian and Austro-Hungarian empires; the period of the Ukrainian Revolution of 1917 – 1921, when the first attempts were made to establish the national system of administrative justice; the

Soviet period, characterised by the denial or significant restriction of administrative judicial control; and modern stage, which began after the restoration of Ukraine's independence and culminated in the formation of a fully-fledged system of administrative courts.

An important conclusion of the historiography is the recognition that the origins of administrative justice in Ukrainian lands date back to the second half of the 19th century, when, under the influence of the European legal models, the first institutions for resolving disputes between citizens and public authorities began to form. At the same time, the scholars emphasised the limited nature of these institutions in the Russian Empire due to their dependence on the administrative apparatus. There were established more developed mechanisms of administrative justice, which met the European standards of the time in contrast, in the western Ukrainian lands that were part of Austria-Hungary.

The scholars emphasised unanimously that the state-building processes of 1917 – 1921 were of particular significance for administrative justice development. Constitutional acts and legislative proposals of the Ukrainian People's Republic, the Ukrainian State and the West Ukrainian People's Republic provided for the establishment of specialised administrative courts and the introduction of judicial oversight of the public authorities' activities. Although these initiatives were not fully implemented due to the complex political circumstances, they laid the ideological and legal foundations for the future development of administrative justice.

A separate strand of historiographical research is devoted to analysing the transformations of the end of the 20th and the beginning of the 21st centuries. The majority of authors covered the adoption of the 1996 Constitution of Ukraine, the Law of Ukraine "On the Judicial System of Ukraine" and the 2005 Code of Administrative Procedure of Ukraine as key stages in the formation of the modern model of the administrative justice. At the same time, some scholars emphasised that the effectiveness of citizens' rights protection depends not only on the functioning of administrative courts, but also on the improvement of the entire system of public administration and the prevention of human rights violations by the public authorities.

Thus, contemporary historiography formed a fairly comprehensive picture of the main stages in the administrative justice development in Ukraine, however, further study is required into the regional specifics of the administrative justice development, the influence of the European legal traditions on the Ukrainian model of the administrative justice, and the evolution of the academic approaches to its role as an instrument for the protection of citizens' rights and freedoms. Taking everything into consideration, it opens up prospects for further comprehensive historical legal and historiographical research into the above-mentioned issues.

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