

ADMINISTRATIVE AND LEGAL MEANS OF PROTECTING CITIZENS OF UKRAINE IN PUBLIC ADMINISTRATION

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INTRODUCTION

In Ukraine and in other countries of the world, the effective implementation of administrative and legal means of protecting the rights of citizens in public administration is one of the main criteria, an indicator of democracy and legal development of the state. On February 24, 2022, martial law was introduced in Ukraine, the reason for which was the military aggression of the Russian Federation against Ukraine. The Law of Ukraine «On the legal regime of martial law» indicates the legal basis for the introduction of martial law. Military actions in Ukraine concern each of us – death of people, loss of health, property, economic and psychological damage to our fellow citizens. Also, in the temporarily occupied territories in Ukraine, the military of the Russian Federation violates human rights almost every day. This threatened all basic human rights, including the right to life of citizens of Ukraine.

The Constitution of Ukraine determines that «... existing international treaties, the consent to be bound by which is provided by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.» That is, Ukraine must also recognize international institutions that ensure the protection of human rights and freedoms, which are enshrined in treaties signed by it. Ukraine entered the modern universal system of human rights protection back in 1945, when the UN Charter was signed. Ukraine joined the European system within the framework of the OSCE in 1992, and within the framework of the Council of Europe – in 1995. Numerous universal and European acts on human rights have been signed and ratified, Ukraine's representatives are in many international and European monitoring and human rights bodies. The above indicates the relevance of the chosen research topic.

1. Theoretical and legal foundations for the application of the right of citizens to apply in the field of public administration

Legal means are the fundamental means of legal support, which have their own characteristics and functional purpose. In the theory of law, the features of legal means include the following: (1) they reflect generalizing legal methods for ensuring the interests of subjects of law, achieving goals; (2) determine the information-energetic qualities and resources of law, which gives them a special legal force aimed at overcoming obstacles to satisfying the interests of participants in legal relations; (3) combined in a certain way, they are the main functioning parts (elements) of the operation of law, the mechanism of legal regulation, legal regimes (ie, the functional side of law); (4) cause legal consequences, specific results that

determine a certain degree of effectiveness or defectiveness of legal regulation; (5) provided by the state; (6) are of a legal nature; (7) have a specific form of expression; (8) reflected in legal documents; (9) have a psychological impact on the subjects of law; (10) is a means of reconciling the interests of society and the individual; (11) fix models of lawful behavior of subjects; (12) determine the nature of the behavior of subjects, taking into account its compliance or contradiction with the requirements of law; (13) stimulate lawful behavior; (14) is an element of the mechanism of legal influence (p. 42-43)¹.

In the legal literature, for example, V.K. Kolpakov proposes to include prescriptions, prohibitions, and permits among the means that have an administrative-legal nature of regulation. Prescriptions – the imposition of a direct legal obligation to perform certain actions under the conditions provided for by the legal norm. Prohibitions – the imposition of direct legal obligations not to perform certain actions under the conditions provided for by the legal norm. Permissions – legal permission to perform, under the conditions provided for by the norm, certain actions or to refrain from doing them at will.

The issues of protecting the implementation of administrative and legal means of protecting the rights of citizens in public administration were considered by both Ukrainian and foreign scientists, in particular, on the issues of the international system for the protection of human rights^{2,3}, national human rights machinery⁴. The right to defense is a substantive right of a law enforcement nature that arises at the time of violation of the right on the side of the victim. The right of a person to protection means the ability to resort, in necessary cases, to the coercive force of the state, that is, the subject of law enforcement relations, as a rule, is a state body, without which such coercion is impossible⁵.

Separate features of the implementation of the right were studied in the areas of (1) ensuring the rights of drug addicts to rehabilitation in Ukraine and the European Union⁶, the human right to virtual reality in healthcare⁷, the human right to security

¹ Павлюков І.І. Правові засоби: поняття, види, функції та взаємодія в процесі регулювання суспільних відносин. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2023. Том 1 № 75. С.41–46. DOI: <https://doi.org/10.24144/2307-3322.2022.75.1>

² Бисага Ю.М., Палінчак М.М., Белов Д.М., та ін. Національний механізм захисту прав людини. Ужгород, 2003. 57 с.

³ Шуміла І. А. Міжнародна система захисту прав людини: навчальний посібник. Київ: ФОП Голембовська О.О. 168 с.

⁴ Антонович М. М. Міжнародна система захисту прав людини: крізь призму України. *Право України*. 2007. № 3. С. 37-41.

⁵ Бисага Ю.М., Палінчак М.М., Белов Д.М., Данканич М.М. Національний механізм захисту прав людини. Ужгород, 2003. 57 с.

⁶ Shevchuk O., Shevchuk V. Kompaniiets, I., Lukashevych S., Tkachova O. Features of ensuring the rights of drug addicts for rehabilitation in Ukraine and the European Union: Comparative Legal Aspect. *Juridical Tribune – Tribuna Juridica*. 2022. Volume 12, Issue 2, P. 264 – 282.

⁷ Shevchuk O., Bululukov, O., Lysodyed, O., Mamonova, V., Matat Y. Human right to virtual reality in the healthcare: legal issues and enforcement problems. *Juridical Tribune – Tribuna Juridica*, 2021. Vol. 11, Special Issue, October, 2021, P. 302 -315.

in the implementation of the concept of «the right to healthcare»⁸, the human right to access to the Internet in healthcare in the «concept of the right to health»⁹, the patient's right to innovation in healthcare¹⁰, human rights and reproductive health¹¹, human rights to palliative care in Ukraine¹², rights to health care of drug addicts¹³, patient's rights to receive information in the concept of «health and human rights»¹⁴, the right to inclusive education of people with disabilities in Ukraine¹⁵, forensic examinations in cases of protection of human rights in the field of healthcare in Ukraine¹⁶ and others.

In most democratic states, the main legal mechanisms for the protection of human rights are court (USA, Canada), constitutional complaint (Germany, Austria, Spain), ombudsman (Sweden, Norway, Finland), etc. In scientific sources, the understanding of such a category as «international protection of human rights» is widespread as international cooperation between states, efforts and measures of the UN to promote universal respect for and observance of human rights and fundamental freedoms for all, regardless of race, gender, language and religion. In the theory of law, there are: (1) the mechanism of legal regulation; (2) a mechanism for the realization of rights and freedoms; (3) a mechanism for ensuring the realization of human rights and freedoms.

Of particular importance are the mechanisms for protecting the rights of women during martial law. According to the UN, women in war are one of the most vulnerable groups, they make up 54% of people who need help because of the war.

⁸ Shevchuk, O., Matyuknina N., Babaeva O., Dudnikov A., Volianska O. The human right to security in the implementation of the concept of the «right to health protection». *Juridical Tribune – Tribuna Juridica*. 2021. Volume 11, Issue 3, P. 535 -548.

⁹ Shevchuk, O., Matyuknina N., Babaeva O., Dudnikov A., Volianska O. The human right to security in the implementation of the concept of the «right to health protection». *Juridical Tribune – Tribuna Juridica*. 2021. Volume 11, Issue 3, P. 535 -548.

¹⁰ Shevchuk O., Lysodyed, O., Borysenko, I., Bululukov, O. Babaeva O. Legal Support of the Patient's Right to Innovation in Health. *European journal of sustainable development*. 2020. Vol. 9 Iss. 4.– P.337-350.

¹¹ Shevchuk, O., Harashchuk, V., Protsiuk, I., Mokhonchuk, S., & Naumova, K. Reproductive health and human rights: concept, features and classification. *Amazonia Investiga*, 2020. 9(29), 550-557. <https://doi.org/10.34069/AI/2020.29.05.60>.

¹² Shevchuk O., Trofymenko V., Martynovskyi V., Goncharenko G., Zatenatskyi D. Realization of the human right to palliative care in Ukraine: problems and legal questions (review). *Georgian Medical News*. 2019. № 4. (289). pp. 168 – 173.

¹³ Shevchuk O., Rzhevskia O., Korop O., Pyluha L. V. Implementation of the right to health protection drug addicts (separate aspects). *Georgian Medical News*. 2018. №3 (276). pp. 161– 167.

¹⁴ Shevchuk, O., Kucheryavenko, M., Davydenko, S., & Babaeva, O. Implementation of the patient's right to obtain information in the concept «health and human rights». *Amazonia Investiga*, 2020. 9(29), 288-296. <https://doi.org/10.34069/AI/2020.29.05.33>

¹⁵ Shevchuk, O., Mokhonchuk, S., Lysodyed, O., & Mamonova, V. On some features of the implementation of the right to inclusive educations of human with disabilities in Ukraine. *Humanities & Social Sciences Reviews*. 2020, Vol 8, No 2e, pp. 102-108 <https://doi.org/10.18510/hssr.2020.82e11>

¹⁶ Shevchuk O., Matyuknina N., Davydenko S., Babaeva O., Lysodyed O. Forensic Examination in Cases on the Protection of Human Rights in the Sphere of Healthcare in Ukraine: legal issues. 2022. *Juridical Tribune*. Volume 12, Issue 4. P. 552 -565.

This applies to both civilian and military women. First of all, we are talking about captivity. Civilian women are still the most unprotected under martial law and need immediate measures to improve the legal mechanism for protecting their rights and freedoms.

In practice, the implementation of these mechanisms is a complex problem, especially in the context of military conflicts, where the rights of civilian women are often violated. Guarantees for the protection of the rights and freedoms of women in the context of an armed conflict is a system of norms, principles and requirements, various legal and organizational administrative and legal mechanisms (procedures), thanks to which social and legal protection of the individual is ensured. Such a mechanism should function in order to ensure the most favorable conditions for the implementation of the constitutionally fixed status of a person in the context of an armed conflict.

Regarding the definition of the category «constitutional legal mechanism for protecting the right of the individual», there is an opinion of scientists that it is a system of state, international and civil institutions whose functions are to protect the rights of individuals and / or legal entities, procedures for such protection, as well as the constitutional right to protection, which is carried out thanks to these procedures with the help of the state, international institutions and public associations. Note that the concept of a mechanism for the protection of human rights partially coincides with the concept of a mechanism of legal regulation.

An important place in the system of administrative and legal means of protecting the rights, freedoms and legitimate interests of citizens in the field of public administration is the implementation of their right to appeal. In Art. 40 of the Constitution of Ukraine defines the right of individuals and citizens to send individual or collective written appeals or personally apply to state authorities, local governments and officials and officials of these bodies, who are obliged to consider the appeal and give a reasoned answer within the period established by law¹⁷.

In the Constitution of Ukraine, the second section is devoted to the rights, freedoms and duties of a person and a citizen, which are not a random combination, but an internally agreed system of rights and freedoms of citizens, covering with its regulatory influence all the most important and most significant spheres of human life and activity. Through the appeal of citizens, one of the constitutional principles is put into practice – the participation of citizens in public administration as state and public affairs. The appeal of citizens in public administration is also an important form of control over the legality of the activities of state bodies and local governments, ensuring the rights and freedoms of citizens.

Article 55 of the Constitution of Ukraine guarantees everyone the right to appeal in court decisions, actions or omissions of public authorities, local self-government bodies, officials and officials. Everyone has the right to apply for the protection of their rights to the Commissioner of the Verkhovna Rada of Ukraine for Human

¹⁷ Конституція України: Закон України від 28.06.1996 № 254к/96-ВР. Відомості Верховної Ради України. 1996. № 30, ст.141.

Rights. Everyone is guaranteed the right to file a constitutional complaint with the Constitutional Court of Ukraine on the grounds established by this Constitution and in the manner prescribed by law. Everyone has the right to protect their rights and freedoms from violations and unlawful encroachments by any means not prohibited by law¹⁸.

The general basis for the realization of the right of citizens to appeal is defined by the Law of Ukraine «On Citizens' Appeals» dated October 2, 1996¹⁹, and it is indicated that citizens' appeals should be understood as proposals (comments), statements (petitions) and complaints expressed in writing or orally. This Law does not apply to the procedure for considering applications and complaints of citizens, established by criminal procedural, civil procedural, labor legislation, legislation on the protection of economic competition, the laws of Ukraine «On the judiciary and the status of judges» and «On access to court decisions», «Code «administrative legal proceedings of Ukraine, the laws of Ukraine»,»On the Prevention of Corruption», «On Enforcement Proceedings» (Article 12).

Providing citizens of Ukraine with the opportunity to apply, the Law of Ukraine «On Citizens' Appeals» details and develops constitutional provisions, giving citizens the right to apply not only to state authorities and local governments, but also to associations of citizens, institutions, organizations, regardless of ownership, to enterprises, to the media, to officials in accordance with their functional duties for the implementation of their socio-economic, political and personal rights and legitimate interests or their violation.

Citizens of Ukraine have the right to apply to state authorities, local self-government, associations of citizens, enterprises, institutions, organizations, regardless of ownership, mass media, officials in accordance with their functional duties with comments, complaints and suggestions regarding their statutory activities, a statement or petition for the exercise of their socio-economic, political and personal rights and legitimate interests and a complaint about their violation.

Military personnel, employees of internal affairs and state security bodies, as well as private and commanding officers of the State Penitentiary Service of Ukraine have the right to file appeals that are not related to their official activities (Article 1).

This Law defines that a proposal (remark) is an appeal of citizens, where advice is expressed, a recommendation is made on the activities of state authorities and local self-government, deputies of all levels, officials, and opinions are expressed on the regulation of social relations and living conditions of citizens, improvement of legal foundations of state and public life, socio-cultural and other spheres of activity of the state and society;

application (petition) – an appeal of citizens with a request to facilitate the implementation of their rights and interests enshrined in the Constitution and the current legislation or notification of a violation of the current legislation or

¹⁸ Конституція України: Закон України від 28.06.1996 № 254к/96-ВР. Відомості Верховної Ради України. 1996. № 30, ст.141.

¹⁹ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

shortcomings in the activities of enterprises, institutions, organizations, regardless of ownership, people's deputies of Ukraine, deputies of local councils, officials persons, as well as expressing an opinion on improving their activities; solicitation – a written request for recognition of a person's relevant status, rights or freedoms;

complaint – filing a request for the renewal of the rights and protection of the legitimate interests of citizens violated by actions (inaction), decisions of state bodies, local governments, enterprises, institutions, organizations, associations of citizens, officials²⁰.

In general terms, we can say that appeals are received in connection with: a) the implementation of specific subjective rights; b) the need to fulfill duties; c) the desire to acquire an appropriate subjective right, which a person does not have, but which, according to the law, he can have; d) the need for assistance in the implementation of a subjective right.

Appeals are addressed to public authorities and local governments, enterprises, institutions, organizations, regardless of the form of ownership, associations of citizens or officials whose powers include resolving the issues raised in the appeals. An appeal can be filed by an individual (individual) or a group of people (collective). A special form of collective appeal of citizens to the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, local government is an electronic petition. The appeal may be oral or written. An oral appeal is presented by a citizen at a personal reception or by means of telephone communication through certain contact centers, telephone «hot lines» and is recorded (registered) by an official.

A written appeal is sent by mail or transmitted by a citizen to the appropriate body, institution personally or through an authorized person whose powers are formalized in accordance with the law. A written appeal can also be sent using the Internet, electronic communications (electronic appeal).

The Law of Ukraine «On Citizens' Appeals» dated October 2, 1996 provides for: 1) the language of appeals and decisions and responses to them (Article 6); 2) Prohibition of refusal to accept and consider an appeal (Article 7); appeals that are not subject to consideration and resolution (Article 8); the prohibition of persecution of people for submitting an appeal and the inadmissibility of forcing them to submit it (Article 9); prohibition of disclosure of information contained in appeals (Article 10); appeal to associations of citizens (Article 11), as well as section 2 of this Law provides for the procedure for considering citizens' appeals²¹.

Persons guilty of violating this Law shall bear civil, administrative or criminal liability provided for by the legislation of Ukraine (Article 24). If the complaint is satisfied, the body or official that made an unlawful decision regarding the citizen's appeal, compensate him for the material damage caused by the submission and consideration of the complaint, the reasonable expenses incurred in connection with

²⁰ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

²¹ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

the trip to consider the complaint at the request of the relevant body, and lost during this time earnings. Disputes about the recovery of expenses are considered in court. A citizen, at his request and in the manner prescribed by current legislation, may be compensated for moral damage caused by unlawful actions or decisions of a body or official when considering a complaint. The amount of compensation for moral (non-property) damage in monetary terms is determined by the court (Article 25).

Submission by a citizen of an appeal containing slander and insults, discrediting public authorities, local governments, associations of citizens and their officials, heads and other officials of enterprises, institutions and organizations, regardless of ownership, calls for inciting national, racial, religious hatred and other actions, entails liability under the current legislation (Article 26). Expenses incurred by a state authority, local self-government, an enterprise, institution, organization, regardless of the form of ownership, an association of citizens, the media in connection with the verification of applications containing deliberately false information, can be recovered from a citizen by a court decision (Article 26)²².

2. Institute of administrative appeal in the field of public administration: content and features of implementation

One of the forms of legal protection of an individual in relations with public administration is the institution of administrative appeal, that is, appealing against decisions, actions or inaction of subjects of power directly to themselves or to administrative bodies that are the highest in the system of hierarchical subordination. The content of the institute of administrative appeal consists of: a) the existence of legal relations between a private person and a public authority arising in connection with the implementation of managerial functions by bodies endowed with power; b) the subject and grounds for appeal are the decision, actions or inaction of public authorities.

Administrative appeal is a complex legal institution, as it includes certain norms of other institutions – the institution of legal responsibility, the institution of state control. Their presence in the institution of administrative appeal is determined by one of its main tasks – to ensure a holistic and relatively complete regulation of relations arising in the process of administrative appeal. One of the characteristic features of the institution of administrative appeal is that within its framework, the resolution of an administrative-legal dispute (conflict) between a citizen and public administration bodies is carried out.

In legal science, administrative appeal is understood as a legal institution, which is a set of legal norms governing social relations arising in connection with the exercise by an individual or legal entity of the right to appeal against decisions, actions and inaction of executive authorities by filing a complaint with the executive authority (official) that is authorized to carry out their consideration and resolution.

²² Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст. 256.

The general provisions of the institute of administrative appeal are defined by the Law of Ukraine of October 2, 1996 «On Citizens' Appeals», analyzing its provisions of «administrative appeal» – the procedure established by the laws of Ukraine and by-laws for the protection of rights violated by decisions, actions or inaction of public authorities, freedoms and legitimate interests of citizens, carried out by filing complaints (written or oral) and provides for the obligation of certain officials to respond and make decisions on the merits of the issues raised in a timely manner²³.

This Law stipulates that only individuals are entitled to administrative appeal against any decisions, actions or inaction of public authorities. At the same time, legal entities are deprived of such a right and can appeal out of court only certain decisions of public authorities in cases expressly provided for by law in the manner of a special appeal. In all other cases, legal entities do not have the right to administrative appeal and exercise their right to appeal only by going to court²⁴.

In the field of management activities, decisions, actions (inaction) that can be appealed include the following: 1) the rights and legitimate interests or freedoms of a citizen (group of citizens) have been violated; 2) obstacles have been created for the citizen to exercise his rights and legitimate interests or freedoms; 3) any duties are illegally assigned to a citizen or he is illegally held accountable (Article 4)²⁵.

A complaint can be filed by individuals and legal entities who believe that the decision of the subject of provision of administrative services in the field of law enforcement (or its officials or administrators) has violated their rights, freedoms or legitimate interests. The complainant may act both directly and through his legal representatives. A complaint can be filed either by an individual (individual) or by a group of people (collective).

The procedure for dealing with complaints from people. A complaint against the actions or decisions of a public authority, local government, enterprise, institution, organization, association of citizens, the media, an official is filed in order of subordination to a higher body or official that does not deprive a citizen of the right to go to court in accordance with current legislation, and in the absence of such a body or disagreement of the citizen with the decision made on the complaint – directly to the court.

A citizen may file a complaint in person or through another person authorized to do so. A complaint in the interests of minors and incapacitated persons is submitted by their legal representatives. A complaint in the interests of a citizen, by his authorization, drawn up in the manner prescribed by law, may be filed by another person, labor collective or organization engaged in human rights activities. The complaint shall be accompanied by the decisions available to the citizen or copies of

²³ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

²⁴ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

²⁵ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

the decisions that were taken at his request earlier, as well as other documents necessary for the consideration of the complaint, which, after consideration, are returned to the citizen²⁶.

Deadline for filing a complaint. A complaint against a previously appealed decision may be filed with the appropriate state body or a higher-level official within one year from the date of its adoption, but no later than one month from the time the complainant is familiarized with the decision. Complaints filed outside the specified time limit will not be considered. The deadline missed for a good reason may be restored by the state body or official considering the complaint. The decision of the highest state body that considered the complaint, in case of disagreement with the applicant, can be appealed in court within the time period stipulated by the legislation of Ukraine (Article 17)²⁷.

The rights of a citizen when considering an application or complaint. A citizen who has filed an application or complaint with state authorities, local self-government, enterprises, institutions, organizations, regardless of the form of ownership, associations of citizens, mass media, officials, has the right: 1) personally state the arguments to the person checking the application or complaint, and participate in the verification of the submitted complaint or application; 2) get acquainted with the materials of the audit; 3) submit additional materials or insist on their request by the body considering the application or complaint; 4) be present during the consideration of the application or complaint; 5) to use the services of a lawyer or a representative of the labor collective, an organization performing a human rights function, having issued this authority in the manner prescribed by law; 6) receive a written response on the results of consideration of the application or complaint; 7) express orally or in writing the requirement to keep the secrecy of the consideration of the application or complaint; 8) demand compensation for damages if they were the result of violations of the established procedure for considering applications²⁸.

3. Features of the implementation of the institute of administrative appeal

In certain areas of public administration, there are numerous departmental regulations that establish their own rules for considering citizens' complaints. It should be noted that all the procedures for the institute of administrative appeal in certain areas of public administration established by regulatory enactments have common features²⁹. So, in each case of an administrative appeal, it is mandatory to

²⁶ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

²⁷ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

²⁸ Про звернення громадян: Закон України від 02.10.1996 № 393/96-ВР. Відомості Верховної Ради України. 1996. № 47. Ст.256.

²⁹ Права громадян у сфері виконавчої влади: адміністративно-правове забезпечення реалізації та захисту / [В.Б. Авер'янов, М.А. Бояринцева, І.А. Кресіна, Д.М. Лук'янець; за заг. ред. В.Б.Авер'янова]. К.: Наукова думка, 2007. 582 с.

determine such basic components as (1) the subject and grounds for appeal, (2) the deadlines for accepting and (3) resolving the issues raised in the complaint, (4) the procedure for registering and considering a complaint, (5) submission and consideration of a repeated complaint; (6) personal reception of citizens; (7) responsibility for violation of the existing procedure for administrative appeal and (8) control over its observance. Let us consider the existing procedure for administrative appeal in certain areas of public administration.

In the legal literature, scientists, both foreign and domestic, paid considerable attention to the study of the features of the existence of an appeal, in particular, on issues of administrative appeal as a way to protect the rights of citizens in the activities of public administration bodies³⁰, an administrative claim in the system of remedies for protecting the rights of citizens in the field of public law relations³¹, institute of appeal in the administrative and tort process of Ukraine³², complaint as a procedural form of human rights protection in administrative and legal relations³³, appealing against decisions of executive authorities in an administrative order³⁴, appealing against normative legal acts in administrative proceedings³⁵. And also some scientists studied the issues of the peculiarities of conducting customs examinations of medicinal narcotic drugs in the implementation of customs control in Ukraine³⁶, etc.

Appeal against decisions, actions or inaction of the customs authorities.

The Labor Code of Ukraine provides that every person has the right to appeal against decisions, actions or inaction of the customs authorities, their officials and other employees, if he considers that these decisions, actions or inaction have violated his rights, freedoms or interests. The subject of the appeal is:

1) decisions – individual acts by which the customs authorities or their officials make decisions on issues provided for by the legislation of Ukraine on state customs

³⁰ Лошицкий М. В. Адміністративне оскарження як спосіб захисту прав громадян у діяльності органів публічної адміністрації. *Науковий вісник Ужгородського національного університету. Серія «Право»*. 2015. Вип. 31. Т. 2. С. 146-150.

³¹ Поворознюк М.І. Адміністративний позов у системі засобів захисту прав громадян у сфері публічно-правових відносин. *Часопис Київського університету права*. 2017. № 3. С. 137-145.

³² Сорочко Є. О. Інститут оскарження в адміністративно-деліктному процесі України: автореф. дис. ... канд. юрид. наук: 12.00.07. ДНДІ МВС України. Київ, 2012. 20 с.

³³ Лученко Д. В. Скарга як процесуальна форма правозахисту в адміністративно-правових відносинах. *Вісник Національного університету «Юридична академія України імені Ярослава Мудрого»*. 2014. № 1 (16) С. 286–293.

³⁴ Лученко Д. В. Скарга як процесуальна форма правозахисту в адміністративно-правових відносинах. *Вісник Національного університету «Юридична академія України імені Ярослава Мудрого»*. 2014. № 1 (16) С. 286–293.

³⁵ Рябченко Я. С. Оскарження нормативно-правових актів в адміністративному судочинстві: дис. ... канд. юрид. наук. Нац. ун-т «Юрид.акад. України імені Ярослава Мудрого». Х., 2011. 190 с.

³⁶ Shevchuk O., Shevchuk V., Matyukhina N., Zatenatskyi D., Chub O. Testing of drugs in the implementation of customs control in Ukraine: legal aspects. *Georgian Medical News*. 2020. № 1 (298). pp. 165 – 169.

matters, as well as satisfy complaints, applications, petitions of specific individuals or legal entities or refuse to satisfy them;

2) actions – the actions of officials and other employees of the customs authorities are related to the performance of their duties assigned to them in accordance with this Code and other acts of the legislation of Ukraine; 3) inaction – non-fulfillment by the bodies of income and fees, their officials and other employees of the duties assigned to them in accordance with this Code and other acts of the legislation of Ukraine, or their failure to make decisions on issues related to their powers, within the period determined by the legislation³⁷.

The above procedure is applied in all cases of appealing against decisions, actions or inaction of customs authorities, their officials and other employees, except for appealing against decisions on cases of violation of customs rules and cases where the law establishes a different procedure for appealing against these decisions, actions or inaction. In cases established by law, the Commissioner of the Verkhovna Rada of Ukraine for Human Rights, the prosecutor, public authorities, local governments, citizens and enterprises may apply with complaints or applications for the protection of the rights, freedoms or interests of other persons. Appeal of tax notices-decisions of customs authorities of income and fees is carried out in the manner prescribed by the Tax Code of Ukraine³⁸.

Procedure for appealing decisions. High-level officials in relation to officials and other employees of customs authorities are the heads of these authorities. The highest level bodies are: 1) in relation to customs posts – customs, the structural subdivisions of which are these customs posts; 2) for mittens, special mittens, mitnik organizations – the central body of the vikonavchoi government, which ensures the formation and implementation of the state mitna policy. Skarga on the decision, or the lack of work of the landowner, or another practitioner of the military organ (including the protector of the cervivnik) is submitted to the cervivnik organ, organization.

The Customs Code of Ukraine determines that a complaint against decisions, actions or inaction of the head of the customs post is filed with the customs office, a structural unit of which is the customs post. A complaint against decisions, actions or inaction of the head of the customs office, a specialized customs body, a customs organization is filed with the central executive authority in this area. The implementation of the contested decision may be stopped completely or in a certain part by the official or body considering the complaint. The official or body considering the complaint is obliged to provide the person who filed the complaint with a duly substantiated written response within the period specified by law.

Requirements for the content of complaints. The requirements for the form and content of citizens' complaints, the terms for their submission, the procedure and terms for their consideration, as well as liability for illegal actions related to the

³⁷ Митний Кодекс України: Закон України від 13.03.2012 № 4495-VI. Відом. Верхов. Ради України. 2012. № 44-45, № 46-47, № 48. Ст. 552.

³⁸ Митний кодекс України: Закон України від 13.03.2012 № 4495-VI. Відом. Верхов. Ради України. 2012. № 44-45, № 46-47, № 48. Ст. 552.

submission and consideration of complaints, are determined by the Law of Ukraine «On Citizens' Appeals». The complaint of the enterprise must contain all the necessary details and be signed by the head of the specified enterprise or a person acting as his/her duties. Unless otherwise provided by law, complaints from enterprises are filed and considered in the same manner and within the same timeframe as complaints from citizens. The complaint must contain specific information about the subject of the complaint and be properly substantiated. If a person, when filing a complaint, cannot provide relevant evidence, such evidence may be presented later, but within the time period allotted by law for consideration of the complaint³⁹.

Appeal in the field of activity of internal affairs bodies (police).

According to the «Regulations on the procedure for working with citizens' appeals and organizing their personal reception in the system of the Ministry of Internal Affairs of Ukraine» approved by order of the Ministry of Internal Affairs of Ukraine dated 10.10.2004 No. 1177, a unified procedure for accepting, registering, considering, summarizing and analyzing citizens' appeals in the office Ministry of Internal Affairs, institutions, institutions and enterprises related to the sphere of management of the Ministry of Internal Affairs, and also determines the procedure for monitoring its observance. A complaint against the actions or decisions of the apparatus of the Ministry of Internal Affairs, institutions, enterprises belonging to the sphere of administration of the Ministry of Internal Affairs or an official is filed in order of subordination to the higher apparatus of the Ministry of Internal Affairs, institutions, institutions, enterprises belonging to the sphere of administration of the Ministry of Internal Affairs or an official in accordance with applicable law, and in if a citizen disagrees with the decision made on the complaint – directly to the court⁴⁰.

For each complaint in which citizens raise the issue of violations or shortcomings in the work of the apparatus of the Ministry of Internal Affairs, institutions, enterprises belonging to the sphere of administration of the Ministry of Internal Affairs or complain about the actions of employees of internal affairs bodies, a thorough check of the stated facts is carried out by the apparatus of the Ministry of Internal Affairs, institutions, institutions, enterprises related to the sphere of management of the Ministry of Internal Affairs, to which the citizen applied. Based on the results of the audit, materials are provided to the head of the apparatus of the Ministry of Internal Affairs, institutions, enterprises belonging to the sphere of management of the Ministry of Internal Affairs or his deputies, which indicate whether the information (facts) has been confirmed or not and what measures have been taken to eliminate the identified violations or shortcomings and bring the

³⁹ Митний кодекс України: Закон України від 13.03.2012 № 4495-VI. Відом. Верхов. Ради України. 2012. № 44-45, № 46-47, № 48.– Ст. 552.

⁴⁰ Про затвердження Положення про порядок роботи зі зверненнями громадян і організації їх особистого прийому в системі Міністерства внутрішніх справ України: Наказ МВС України 10.10.2004 № 1177. Офіційний вісник України. 2004. № 43. Ст. 2853.

perpetrators to justice Based on the results of the consideration of the complaint, the citizen is provided with a written or oral answer (at his request)⁴¹.

The decision to consider a citizen's complaint is made by the head of the apparatus of the Ministry of Internal Affairs, institutions, enterprises related to the sphere of management of the Ministry of Internal Affairs (or his deputy), in whose proceedings the complaint is located. An official, having recognized a citizen's complaint as justified or subject to satisfaction, is obliged to ensure the completeness and timeliness of its consideration, make a decision in accordance with the law and immediately take measures to restore the violated rights of the citizen. The decision of the higher apparatus of the Ministry of Internal Affairs, institutions, enterprises belonging to the sphere of management of the Ministry of Internal Affairs regarding the consideration of a complaint in case of disagreement with a citizen can be appealed in court within the time period stipulated by the legislation of Ukraine⁴².

It is forbidden to send complaints from citizens for consideration to those institutions, institutions, enterprises related to the management of the Ministry of Internal Affairs, or officials whose actions or decisions are being appealed, as well as those whose competence does not include their consideration or whose leaders made decisions on the arguments set forth in the appeal. If necessary, institutions, institutions, enterprises related to the sphere of management of the Ministry of Internal Affairs may be entrusted with conducting, in accordance with applicable law, an additional verification of specific circumstances or information (facts) set forth in the citizen's appeal⁴³.

They do not look at the verdict of the scarga on the adoption of the decision, which were slandered earlier, filed to the organ or the posadov's individual of the highest equal, with a stretch of one fate from the moment of their acceptance that later one month from the hour of recognition of the huge man with them. Looking at and ending the scarga, filed with the damage to the designated term, can be updated by the organ of the township special, looking at the scarga, the term, as it will be recognized that the fault of the violations is due to important reasons⁴⁴.

Appeal against illegal actions of the police.

The police do not always fulfill their duties in accordance with the law or deliberately violate it. Active actions (improper communication – insults; illegal inspection / superficial check; illegal verification of documents), as well as inaction (ignoring a verbal statement about the offense; failure to provide assistance in a

⁴¹ Про затвердження Положення про порядок роботи зі зверненнями громадян і організації їх особистого прийому в системі Міністерства внутрішніх справ України: Наказ МВС України 10.10.2004 № 1177. Офіційний вісник України. 2004. № 43. Ст. 2853.

⁴² Про затвердження Положення про порядок роботи зі зверненнями громадян і організації їх особистого прийому в системі Міністерства внутрішніх справ України: Наказ МВС України 10.10.2004 № 1177. Офіційний вісник України. 2004. № 43. Ст. 2853.

⁴³ Про затвердження Положення про порядок роботи зі зверненнями громадян і організації їх особистого прийому в системі Міністерства внутрішніх справ України: Наказ МВС України 10.10.2004 № 1177. Офіційний вісник України. 2004. № 43. Ст. 2853.

⁴⁴ Про затвердження Положення про порядок роботи зі зверненнями громадян і організації їх особистого прийому в системі Міністерства внутрішніх справ України: Наказ МВС України 10.10.2004 № 1177. Офіційний вісник України. 2004. № 43. Ст. 2853.

dangerous situation, etc.) can be illegal. According to Art. 12 of the Law of Ukraine «On the National Police», the police do not have the right to refuse to consider or postpone the consideration of appeals to ensure human rights and freedoms with reference to a day off, holiday or non-working day or the end of the working day⁴⁵.

In the event of an illegal action / inaction of police officers in relation to a person in administrative proceedings, this person disputes the illegal actions of the police in accordance with Art. 267 of the Code of Ukraine on administrative violations. In the case of a person, illegal actions/inaction (but not a criminal offense) have been committed: illegal examination, improper communication, ignoring a request for help, threats, etc. then a complaint against them is submitted to the head of the police or the security service of the relevant territorial body in accordance with the Law of Ukraine «On Citizens' Appeals».

According to the order of the Ministry of Internal Affairs of Ukraine dated February 08, 2019 No. 100 «On approval of the Procedure for maintaining a unified record in police bodies (divisions) of applications and reports on criminal offenses and other events», applications and reports on criminal offenses, regardless of the place and time of their commission, the completeness of the received information and form of submission, as well as the person of the applicant, are registered around the clock by authorized officials of the National Police and their territorial (separate) police units), to whom the person applied or received a message⁴⁶.

Applications and messages, according to which a decision was made in accordance with the Law of Ukraine «On Citizens' Appeals» or the Code of Ukraine on Administrative Offenses, are provided for review after a written request from the prosecutor's office (officials) in compliance with the requirements of the Law of Ukraine «On the Protection of Personal Data», according to written permission of the head of the body (division) of the police or the person performing his duties, and only in the premises of the bodies (divisions) of the police where they are stored⁴⁷.

According to the Procedure for Considering Appeals and Organizing a Personal Reception of Citizens in the Bodies and Subdivisions of the National Police of Ukraine, approved by Order of the Ministry of Internal Affairs of Ukraine dated November 15, 2017 No. 930, it is stipulated that a complaint against the actions or decisions of a police body (division) or their officials is filed in the order of subordination to a higher body or official that does not deprive a citizen of the right to go to court in accordance with the legislation of Ukraine, in the absence of such a

⁴⁵ Про Національну поліцію: Закон України від 02.07.2015. № 580-VIII. Відом. Верхов. Ради України. 2015. № 40-41. Ст. 379.

⁴⁶ Про затвердження Порядку ведення єдиного обліку в органах (підрозділах) поліції заяв і повідомлень про кримінальні правопорушення та інші події: наказ Міністерства внутрішніх справ України 08 лютого 2019 року № 100. URL:<https://zakon.rada.gov.ua/laws/show/z0223-19#Text>

⁴⁷ Про затвердження Порядку ведення єдиного обліку в органах (підрозділах) поліції заяв і повідомлень про кримінальні правопорушення та інші події: наказ Міністерства внутрішніх справ України 08 лютого 2019 року № 100. URL:<https://zakon.rada.gov.ua/laws/show/z0223-19#Text>

body or the citizen disagrees with the decision made on the complaint – directly to the court⁴⁸.

Consideration of citizens' complaints about the actions (inaction) of employees of police bodies (divisions) is carried out in the manner prescribed by this Procedure. For each complaint of citizens about the presence of violations or shortcomings in the work of police bodies (divisions) or actions (inaction) of police officers, a thorough check is carried out by the police body or division to which the citizen has applied with a complaint, or by the police body (division) entrusted with conducting the relevant checks by the leadership of the National Police of Ukraine⁴⁹.

Based on the results of the inspection, the performer draws up and submits for consideration to the head of the police body (unit) or his deputies a report (memorandum) in which the information (facts) indicated or confirmed and what measures have been taken to eliminate the identified violations or shortcomings.

Based on the results of consideration of the complaint, the citizen is provided with a written response. The decision to consider a citizen's complaint is made by the head of the police body (unit) (or his deputy) in charge of the complaint. If the citizen's complaint is recognized as justified or subject to satisfaction, the completeness and timeliness of its consideration is ensured, decisions are made in accordance with the legislation of Ukraine and immediately take measures to restore the violated rights of the citizen. The decision of the supreme police body based on the results of consideration of the complaint, in case of disagreement with the citizen, may be appealed to the court within the period established by the legislation of Ukraine⁵⁰.

It is prohibited to send citizens' complaints for consideration to those bodies (divisions) of the police or their officials whose actions or decisions are being appealed, as well as those who do not have the authority to consider them. If necessary, a subordinate body (division) of the police may be entrusted with conducting an additional verification of specific circumstances or information (facts) set out in the citizen's appeal, in accordance with the legislation of Ukraine. Consideration and resolution of a complaint filed in violation of the specified period may be carried out if the police body (unit) or the official considering the complaint resumes the period, if it is recognized that it was violated for a good reason⁵¹.

⁴⁸ Про затвердження Порядку розгляду звернень та організації проведення особистого прийому громадян в органах та підрозділах Національної поліції України: Наказ Міністерства внутрішніх справ України 15.11.2017 № 930. Офіційний вісн. України. 2018. № 8, Ст.319.

⁴⁹ Про затвердження Порядку розгляду звернень та організації проведення особистого прийому громадян в органах та підрозділах Національної поліції України: Наказ Міністерства внутрішніх справ України 15.11.2017 № 930. Офіційний вісн. України. 2018. № 8, Ст.319.

⁵⁰ Про затвердження Порядку розгляду звернень та організації проведення особистого прийому громадян в органах та підрозділах Національної поліції України: Наказ Міністерства внутрішніх справ України 15.11.2017 № 930. Офіційний вісн. України. 2018. № 8, Ст.319.

⁵¹ Про затвердження Порядку розгляду звернень та організації проведення особистого прийому громадян в органах та підрозділах Національної поліції України: Наказ Міністерства внутрішніх справ України 15.11.2017 № 930. Офіційний вісн. України. 2018. № 8, Ст. 319.

Control over the activities of the police can be carried out in the form of involving members of the public in the joint consideration of complaints about the actions or inaction of the police and verification of information on the proper performance of their duties in accordance with the laws and other regulatory legal acts of Ukraine (Article 90)⁵².

4. The right of citizens to judicial protection in the field of public administration

The human right to fair judicial protection is guaranteed by Article 55 of the Constitution of Ukraine⁵³ and Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms⁵⁴. So, according to Art. 55 of the Constitution of Ukraine, each person has the right to appeal in court decisions, actions or inaction of public authorities, local governments, officials and officials. In addition, everyone has the right, after using all domestic remedies, to apply for the protection of their rights and freedoms to the relevant international judicial institutions or the relevant bodies of international organizations, of which Ukraine is a member or participant.

The content of this right is that everyone has the right to apply to the court if his rights or freedoms are violated or violated, obstacles are created or created for their implementation, or other infringements of rights and freedoms take place. This norm obliges the courts to accept applications for consideration even in the absence of a special provision on judicial protection in the law (paragraph 2 of the decision of the Constitutional Court of Ukraine on December 25, 1997 in case No. 9-zp). The right to look right means the right of an individual to be brought before the court, and the right to those who will be looked at on the right and judged by the court (European Court of Human Rights). In case of any individual, it is possible to secure the possibility of exercising the indicated rights without any barriers or complications. The property of an individual can be taken without delay by the judge's defender and with a better understanding of access to justice.

According to Art. 2 of the Law of Ukraine «On the judiciary and the status of judges»⁵⁵, it is settled that the court, administering justice on the basis of the rule of law, ensures everyone the right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine, as well as international treaties, consent the binding nature of which was granted by the Verkhovna Rada of Ukraine.

The right to a fair trial – everyone is guaranteed the protection of his rights, freedoms and legitimate interests by an independent and impartial court established

⁵² Про Національну поліцію: Закон України від 02.07.2015. № 580-VIII. Відом. Верхов. Ради України. 2015. № 40-41. Ст. 379.

⁵³ Конституція України: Закон України від 28.06.1996 № 254к/96-ВР. Відомості Верховної Ради України. 1996. № 30, ст.141.

⁵⁴ Конвенція про захист прав людини і основоположних свобод від 04.11.1950 р. URL: http://zakon2.rada.gov.ua/laws/show/995_004.

⁵⁵ Про судоустрій і статус суддів: Закон України від 02.06.2016 № 1402-VIII. Відомості Верховної Ради. 2016. № 31. Ст.545.

in accordance with the law. Foreigners, stateless persons and foreign legal entities are entitled to judicial protection in Ukraine on an equal basis with citizens and legal entities of Ukraine. (Article 7)⁵⁶.

The right to a competent court. No one may be deprived of the right to have his case heard in a court to whose jurisdiction it is assigned by procedural law. The judge considers the cases received in accordance with the procedure for the distribution of court cases established in accordance with the law. The distribution of court cases between judges cannot be influenced by the will of the judge or other persons (art. 8).

Equality before the law and the tribunal. Justice in Ukraine is carried out on the basis of the equality of all participants in the trial before the law and the court, regardless of race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, linguistic and other characteristics. The court creates such conditions under which each participant in the trial is guaranteed equality in the exercise of the granted procedural rights and the fulfillment of the procedural obligations defined by the procedural law (Article 9).

Professional legal assistance in exercising the right to a fair trial. Everyone has the right to professional help. In cases specified by law, the state ensures the provision of professional assistance free of charge. Everyone is free to choose a defender of their rights and a person providing legal assistance. To provide professional legal assistance, there is an advocacy. Ensuring the right to defense against criminal charges and representation in court is carried out by a lawyer, with the exception of cases established by law. Expenses of participants in a trial for professional assistance are reimbursed in the manner prescribed by law (Art. 10)⁵⁷.

In general, the following options for citizens to apply to the court can be distinguished: 1) according to the rules of criminal proceedings; 2) according to the rules of civil proceedings; 3) according to the rules of economic legal proceedings; 4) according to the rules of the relevant international judicial institutions or to the relevant bodies of international organizations, of which Ukraine is a member or participant; 5) to the European Court of Human Rights; 6) according to the rules of administrative proceedings, etc.

As for the right of citizens to judicial protection according to the rules of administrative proceedings, according to Art. 5 of the Code of Administrative Procedure of Ukraine provides that each person has the right, in the manner prescribed by this Code, to apply to an administrative court if he considers that his rights, freedoms or legitimate interests have been violated by a decision, action or inaction of a subject of authority, and ask for their protection by: 1) recognition as unlawful and invalid of a normative legal act or its individual provisions; 2) recognition as unlawful and cancellation of an individual act or its individual provisions; 3) recognition of the actions of the subject of authority as unlawful and the obligation to refrain from committing certain actions; 4) recognition of the

⁵⁶ Про судоустрій і статус суддів: Закон України від 02.06.2016 № 1402-VIII. Відомості Верховної Ради. 2016. № 31. Ст. 545.

⁵⁷ Про судоустрій і статус суддів: Закон України від 02.06.2016 № 1402-VIII. Відомості Верховної Ради. 2016. № 31. Ст. 545.

inaction of the subject of authority as unlawful and the obligation to perform certain actions; 5) establishing the presence or absence of competence (powers) of the subject of power; 6) the adoption by the court of one of the decisions specified in paragraphs 1-4 and the recovery from the defendant – the subject of power of funds to compensate for the harm caused by his unlawful decisions, action or inaction⁵⁸.

The protection of the violated rights, freedoms or interests of the person who applied to the court may also be carried out by the court in another way that does not contradict the law and ensures effective protection of the rights, freedoms, interests of a person and a citizen, other subjects in the field of public law relations from violations by subjects of power. Bodies and persons who have been granted such a right by law may apply to the court in the interests of other persons. The subjects of power have the right to apply to the administrative court only in cases determined by the Constitution and laws of Ukraine. No one may be deprived of the right to participate in the consideration of his case in accordance with the procedure established by this Code. Waiver of the right to apply to the court is invalid⁵⁹. After using all the means of national protection, a person may apply for the protection of his rights to the European Court of Human Rights, which is an international judicial institution authorized to consider applications from persons who complain about the violation of their rights under the Convention for the Protection of Human Rights and Fundamental Freedoms.

According to Art. 35 of the Convention, the European Court of Human Rights accepts applications for consideration only after all domestic remedies have been exhausted, in accordance with the generally recognized principles of international law and within six months from the date of the final decision at the national level. The European Court of Human Rights does not consider any individual application if it: a) is anonymous; b) are essentially identical to an application that has already been considered by the Court or has been submitted for consideration to another international body of investigation or settlement, and if it does not contain new facts in the case.

CONCLUSIONS

Citizens in the field of public administration have the right to apply not only to state authorities and local self-government bodies, but also to associations of citizens, institutions, organizations, regardless of ownership, enterprises, the media, and officials according to their functions. responsibilities for the implementation of their socio-economic, political and personal rights and legitimate interests or their violation.

Appeals of citizens in the field of public administration in the field are received in connection with: (a) the implementation of specific subjective rights; (b) the need to perform duties; (c) the desire to acquire the corresponding subjective right, which

⁵⁸ Про судоустрій і статус суддів: Закон України від 02.06.2016 № 1402-VIII. Відомості Верховної Ради. 2016. № 31. Ст.545.

⁵⁹ Про судоустрій і статус суддів: Закон України від 02.06.2016 № 1402-VIII. Відомості Верховної Ради. 2016. № 31. Ст.545.

the person does not have, but which, according to the law, he can have; (d) the need to assist in the implementation of a subjective right. One of the forms of legal protection of an individual in relations with the public administration is the institution of administrative appeal, its content is disclosed through the following criteria, namely: powers; the subject and basis of the appeal is the decision, actions or omissions of public authorities.

Administrative appeal in public administration is a legal institution, which is a set of legal norms governing public relations arising in connection with the exercise by an individual or legal entity of the right to appeal against decisions, actions and inaction of public administration bodies by filing a complaint with a public authority (official) that is authorized to carry out their consideration and resolution.

The components of the institution of administrative appeal in public administration include (1) the subject and grounds for the appeal, (2) the terms for accepting and (3) resolving the issues raised in the complaint, (4) the procedure for registering and considering a complaint, (5) submitting and considering a repeated complaint., (6) personal reception of citizens, (7) responsibility for violation of the existing procedure for administrative appeal and (8) control over its observance.

It is proposed to highlight the following options for citizens to apply to the court: (1) according to the rules of criminal proceedings; (2) according to the rules of civil procedure; according to the rules of economic legal proceedings; (4) according to the rules of the relevant international judicial institutions or to the relevant bodies of international organizations, of which Ukraine is a member or participant; (5) to the European Court of Human Rights; (6) according to the rules of administrative proceedings, etc.

SUMMARY

The paper examines the problems of implementation of individual administrative and legal means of protecting the rights of citizens in public administration. Attention is focused on the relevance of studying the legal means of protecting the rights of citizens of Ukraine during martial law. It was stated that the priority of protecting human rights and freedoms is very important both for Ukraine as a candidate for EU membership, and for the whole world and EU member states. The paper reveals the procedure for exercising the right of citizens to appeal in the field of public administration, types of citizens' appeals, their content and forms. It has been established that the appeal of citizens in public administration is one of the forms of control over the legality of the activities of state bodies and local governments, ensuring the rights and freedoms of citizens. The analysis of the institute of administrative defamation in public administration, the mechanisms of its implementation, the recognition of yogo smist, the procedure for examining the scarg, the procedure for defamation, the procedure for defamation, the procedure for defamation, the procedure for defamation en, diy or the lack of deeds of the police. Certain aspects of the right of citizens to judicial protection in public administration are disclosed, detailing such features of its implementation as the right to a fair trial,

the right to a competent court, equality before the law and the court, the right to professional assistance.

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