

ADJUSTMENT OF THE ECONOMIC NATURE OF LEGAL DISPUTES SINCE 2022

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Abstract. This article examines the structure, dynamics, and legal nature of court cases involving the Ministry of Justice of Ukraine in 2023–2024, based on official statistical and analytical data. The study identifies core categories of disputes in which the Ministry appears as a defendant, plaintiff, or participant in enforcement-related and regulatory proceedings. Particular attention is given to the growing number of social and labour disputes, disputes linked to the full-scale invasion of the Russian Federation, and cases involving nationalization, asset confiscation, and forced alienation of property. The article also analyses trends in administrative cases related to social guarantees for servicemen, veterans, and internally displaced persons, including disputes on housing benefits, compensation, indexing of pensions, and payments due to disability or death in service. A significant portion of the disputes concerns the activities of state enforcement officers, private bailiffs, and notaries. The analysis demonstrates that complaints against decisions, actions, and omissions of enforcement officials remain the most frequent category, reflecting the ongoing challenges of effective execution of court decisions. Another important area includes cases on recognition of legal acts as unlawful, termination of citizenship, activities of legal entities, liquidation of pro-Russian organizations, and disputes over state registration of civil status acts. Several categories of cases are directly linked to war-related legal transformations, particularly concerning mobilization, payment of financial assistance, and the social protection of military personnel. The results reveal systemic trends that characterize the role of the Ministry of Justice in Ukraine's administrative and judicial landscape. The article highlights the need to improve legal regulation in the areas of enforcement, social protection, wartime compensation mechanisms, and guardianship and custody activities. The findings contribute to understanding the evolving legal environment under wartime conditions and point to areas where further regulatory and institutional reforms are required.

Keywords: labour relations, economic nature of pension payments, monetary allowance, economic consequences of the RF aggression, nationalization of property, indemnification for damages, self-employed persons, property disputes.

JEL Classification: K23, K33, K38

1. Introduction

The full-scale invasion of Ukraine has significantly transformed the structure, intensity, and legal nature of administrative disputes involving the Ministry of Justice of Ukraine. As one of the key central executive bodies responsible for legal policy, state registration, enforcement of court decisions, notarial regulation, and coordination of social-legal mechanisms, the Ministry appears in thousands of court cases annually. The period of 2023–2024 is characterized by the emergence of new categories of disputes arising from wartime

legal transformations, particularly in the areas of social protection, compensation mechanisms, mobilization, and asset confiscation.

The relevance of this study is determined by the necessity to understand how wartime conditions affect the functioning of administrative justice and how the Ministry of Justice interacts with individuals and legal entities in court proceedings. Despite the availability of statistical reports and internal summaries, there remains a research gap in systematizing these categories and identifying trends that characterize legal dynamics

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during wartime. The purpose of this article is to analyze the principal categories of disputes involving the Ministry of Justice, explain their legal content, and identify structural changes in comparison with previous periods.

This introduction outlines the novelty of the study, which consists in providing a structured analysis of contemporary administrative disputes involving the Ministry. The next sections present: (1) a review of key literature and analytical sources, (2) methodological approaches to classification of disputes, and (3) a detailed discussion of case groups, with particular attention to war-related legal issues.

2. Literature Review

The study is based primarily on empirical sources, including statistical data, court decisions, and official analytical summaries. The Annual Reports of the Ministry of Justice of Ukraine (2023–2024) and statistical reports of the State Judicial Administration (2023) provide the quantitative foundation for identifying the main categories of disputes involving the Ministry. In addition, analytical overviews of administrative case law issued by the Supreme Court of Ukraine (2023) offer insight into recurring legal issues and interpretative trends.

Normative acts – such as the Constitution of Ukraine, the Code of Administrative Justice, the Law “On Enforcement Proceedings,” the Law “On Notariat,” and legislation on social protection and mobilization – form the legal framework within which these disputes arise.

Academic literature plays a supporting role in clarifying the general principles of administrative law and public administration. Works by scholars such as Averianov (2007), Kolomoiets (2011), Boyko (2019), Butko (2015), and Pidliashkevskyi (2018) provide conceptual background for understanding the institutional functions of administrative bodies, notarial regulation, and enforcement mechanisms. However, the core basis of this study remains empirical, relying on real-world case materials and statistical datasets that reflect the current dynamics of administrative litigation during wartime conditions.

3. Methodology

The research applies a combination of formal-legal, system-structural, comparative, and empirical-analytical methods. The formal-legal method is used to interpret the constitutional and statutory provisions governing the activities of the Ministry of Justice, enforcement bodies, notarial institutions, and agencies responsible for social protection and mobilization. The system-structural method allows the classification of disputes into major categories,

including social protection claims, compensation cases involving servicemen, enforcement-related disputes, notarial challenges, registration issues, and sanction-related cases. The comparative method is employed to contrast pre-war and wartime patterns in administrative litigation, highlighting the influence of martial-law conditions on the volume and nature of disputes. The empirical-analytical method constitutes the core of this study. The analysis is based on: a large set of court decisions from administrative courts, official statistical data of the State Judicial Administration (2023), analytical summaries of the Ministry of Justice (2023–2024), case-law overviews of the Supreme Court (2023). This approach enables the identification of dominant dispute categories, recurrent legal problems, and systemic trends specific to wartime administrative justice.

Results

The start of Russia's full-scale aggression has brought about fundamental changes in almost all aspects of Ukrainian society. It is clear that these circumstances could not fail to affect the functioning of the judicial branch of government. In general terms, it can be said that judicial practice today covers three areas, three categories of cases. Firstly, traditional cases, the consideration of which has not undergone any fundamental changes since 2022. Secondly, traditional court proceedings, which have acquired certain features since the beginning of the period of martial law. Thirdly, categories of cases that were not represented before the full-scale war. It is with regard to the latter two categories that I would like to make some generalisations at the beginning of 2025.

4. Social disputes:

a) Regarding the recognition of certain provisions of Resolution No. 560 of the Cabinet of Ministers of Ukraine dated 16 May 2024 ‘On Approval of the Procedure for Conscription of Citizens for Military Service during Mobilisation and for a Special Period’ as unlawful and invalid.

List/path: there are 5 court cases. In one court case, the claim was denied. In one court case, the claim was left without consideration. Three court cases are currently being considered by the court of first instance.

Specifics/Perspective: These disputes arose from the plaintiffs’ disagreement with certain documents required to obtain deferment from conscription for military service during mobilization. Despite the fact that, in some instances, the Government expanded the list of documents necessary for obtaining such deferment, the Cabinet of Ministers of Ukraine possessed the lawful authority to establish the procedure for the conscription of citizens during mobilization in a

special period, as well as to determine the list of documents necessary for deferment, pursuant to Articles 22 and 23 of the Law of Ukraine "On Mobilization Preparation and Mobilization."

b) Regarding the recognition of certain provisions of Resolution No. 263 of the Cabinet of Ministers of Ukraine dated 24 March 2023, 'Certain Issues of Providing Housing to Internally Displaced Persons Who Defended the Independence, Sovereignty and Territorial Integrity of Ukraine,' as unlawful and invalid.

List/path: there are 3 court cases. The claim was satisfied in 1 case (the decision is being reviewed on appeal). 1 case is pending in the court of first instance. In 1 case, the claim was denied.

Specifics/Perspective: There are legal grounds for refusing to satisfy the claims, since, according to Article 48-1 of the Housing Code of Ukraine, the procedure and amount of monetary compensation to citizens for the living quarters they are entitled to receive are determined by the Cabinet of Ministers of Ukraine. In addition, taking into account the provisions of the Budget Code of Ukraine, under budget programme 1511050, persons who defended the independence, sovereignty and territorial integrity of Ukraine, were registered as internally displaced persons in the Unified Information Database on Internally Displaced Persons before 24 February 2022 and have been registered in the database for at least one year. No legislative act defines a person's right to this type of compensation, so it cannot be said that the CMU has restricted the legislative rights and interests of persons in this category.

c) Regarding the recognition of certain provisions of Resolution No. 168 of the Cabinet of Ministers of Ukraine dated 24 February 2023 'On the indexation of pension and insurance payments and additional measures to improve the level of social protection of the most vulnerable segments of the population in 2023' as unlawful and invalid.

List/path: 10 court cases are pending. In one case, the claim was partially satisfied. The application of the restriction on the maximum pension amount specified by law in the first paragraph of clause 2 of the Resolution was recognised as unlawful and invalid (the decision is being reviewed in cassation). Six cases are pending in the court of first instance. One case was returned. One case was dismissed. One case was left without consideration.

Specifics/Perspective: In accordance with Article 42 of the Law of Ukraine 'On Compulsory State Pension Insurance' and Article 64 of the Law of Ukraine 'On Pension Provision for Persons Discharged from Military Service and Certain Other Persons,' the CMU is authorised to determine the procedure and amount of indexation of pension payments. Therefore, in general, there are no grounds for satisfying claims

regarding this Government act. At the same time, the use of such a criterion in the indexation mechanism as its implementation 'within the maximum pension amount determined by law' may be inconsistent with the decision of the Constitutional Court of Ukraine of 20 December 2016 in case No. 7-rp/2016, on the basis of which the provision of Article 43 of the Law of Ukraine 'On Pension Provision for Persons Discharged from Military Service and Certain Other Persons' regarding the possibility of limiting pensions to the maximum amount was recognised as unconstitutional, and may entail risks of the claim being satisfied.

d) On recognizing certain provisions of Resolution of the Cabinet of Ministers of Ukraine No. 168 dated 28 February 2022 'On certain payments to military personnel, rank and file and senior officers, police officers and their families during martial law' and Resolution of the Cabinet of Ministers of Ukraine No. 43 dated 20.01.2023 No. 43 'On Amendments to Resolution of the Cabinet of Ministers of Ukraine No. 168 of 28 February 2022 'Issues of Certain Payments to Military Personnel, Rank and File and Commanding Officers, Police Officers and Their Families during Martial Law'.

List/path: 5 court cases are pending. Decisions to dismiss the claim – 4 cases. Claim left without consideration – 1 case.

Specifics/Perspective: In these cases, the plaintiffs disagreed with the Government's delegation of powers to determine the procedure and conditions for the payment of additional remuneration to military personnel, rank and file and senior officers, police officers and their families, as well as one-off financial assistance provided for in this resolution, to the heads of the relevant ministries and state bodies.

The court decisions are motivated by the fact that the Law of Ukraine 'On Social and Legal Protection of Servicemen and Members of Their Families' distinguishes between the powers of the CMU and the Ministry of Defence to determine the amount and procedure for payment of monetary allowances, and that the calculation of monetary allowances must be carried out taking into account the specific characteristics of each serviceman's service. Therefore, in adopting these acts, the Government acted within the limits of its legally established powers.

e) Concerning the recognition as unlawful and invalid of certain provisions of the Resolution of the Cabinet of Ministers of Ukraine No. 481 of 12 May 2023 "On the Repeal of Subparagraph 1 of Paragraph 3 of the Amendments Introduced to the Resolutions of the Cabinet of Ministers of Ukraine Approved by Resolution No. 103 of 21 February 2018, and on Amending Paragraph 4 of the Resolution of the Cabinet of Ministers of Ukraine No. 704 of 30 August 2017."

List/path: There are currently five judicial cases in this category, all at the stage of consideration by courts of first instance.

Specifics/Perspective: At first glance, there appear to be legal grounds for denying the claims, as, pursuant to Part Four of Article 9 of the Law of Ukraine "On the Social and Legal Protection of Military Servicemen and Members of Their Families," monetary allowances are paid in amounts established by the Cabinet of Ministers of Ukraine. However, considering that the amount of UAH 1,762, used in calculating the rates of basic pay and rank allowances for military personnel, as well as for persons of the rank and command staff, in essence represents the subsistence minimum for employable persons set as of 1 January 2018, and given that the unlawfulness of this indicator has already been confirmed by a final court decision in case No. 826/6453/18, there exist certain risks that the claims may be satisfied.

g) Regarding the recognition of certain provisions of Resolution No. 754 of the Cabinet of Ministers of Ukraine dated 21 July 2023, 'Certain Issues of Social Protection of War Veterans and Victims of Nazi Persecution,' as unlawful and invalid.

List/path: There are three court cases in which the claim has been denied.

Specifics/Perspective: The contested provisions of the Resolution determine, in particular, the amounts of one-time cash assistance in 2023 for Ukraine's Independence Day, as provided for by the Laws of Ukraine 'On the Status of War Veterans, Guarantees of Their Social Protection' and 'On Victims of Nazi Persecution.' The claim was denied because the contested resolution had expired on the basis of Resolution of the Cabinet of Ministers of Ukraine No. 1396 of 27 December 2023 'Certain Issues of Social Protection of Persons with Special and Exceptional Labour Merits to the Motherland, War Veterans and Persons Working in Special Conditions' as of the date of the decision in the case.

Regarding the recognition of certain provisions of Resolution of the Cabinet of Ministers of Ukraine No. 1 of 3 January 2025 'On determining the procedure for paying pensions to certain categories of persons in 2025 during the period of martial law' as unlawful and invalid

List/path: there are 8 court cases pending before the court of first instance.

Specifics/Perspective: The aforementioned Government Resolution stipulates that during martial law, pensions assigned to certain categories of citizens (Chernobyl victims, military personnel, prosecutors, civil servants, etc.) exceeding 10 times the subsistence minimum established for persons who have lost their working capacity, such pensions shall be paid with the application of coefficients to the respective excess

amounts. These coefficients reduce the total amount of such pensions.

It should be noted that this Government Resolution was adopted in accordance with Article 46 of the Law of Ukraine 'On the State Budget of Ukraine for 2025' and is aimed at optimising expenditure on pension payments, which are financed from the state budget.

Currently, the aforementioned Resolution is being appealed by individuals whose pensions have been granted in accordance with the Law of Ukraine "On Pension Provision for Persons Released from Military Service and Certain Other Persons."

Given that the Government has, in effect, established maximum pension amounts for this category of individuals – and taking into account the "experience" of similar regulatory approaches to these legal relations, as well as their categorical rejection by the courts, which is reflected in the decisions of both the Constitutional Court of Ukraine and the Supreme Court – there are substantial risks that the aforementioned Government Resolution will be annulled (particularly at the stage of appellate or cassation review).

Regarding cases on the recognition of unlawful relocation and detention of minor children, and the obligation to return a child to his or her permanent place of residence.

List/path: There are currently 10 cases of this type pending. No judicial decisions have been rendered yet.

Specifics/Perspective: As a result, inter alia, of the armed hostilities on the territory of Ukraine, a distinct category of cases has emerged, initiated by one parent against the other, with the Ministry as a third party, seeking recognition of the unlawful relocation and detention of minor children and requesting the child's return to his or her permanent place of residence.

Each case in this category is resolved individually, based on the specific circumstances and evidence provided, taking into account the provisions of the Convention on the Civil Aspects of International Child Abduction.

Regarding the Appeals Against the Decisions of the Commission on the Consideration of Materials on Granting Combatant Status under the Ministry of Justice (hereinafter – the Combatant Status Commission, CSC) Concerning the Refusal to Grant Combatant Status to Employees of the State Criminal and Executive Service.

List/path: There are currently 35 court cases of this type. At present, one case is pending before a court of first instance; 34 cases have already resulted in judicial decisions, 16 of which have entered into legal force (2 claims were dismissed, while 14 claims were upheld).

Specifics/Perspective: According to the Regulation on the Commission on the Consideration of Materials on Granting Combatant Status under the Ministry of

Justice, approved on 18 December 2023, No. 4324/5, the main functions of the CSC include making decisions on granting (or revoking) combatant status to persons of the rank and command staff of the State Criminal and Executive Service of Ukraine, as well as to those who have been discharged from service but acquired the right to such status during their service in the said institution.

Based on the materials submitted by the Academy of the State Penitentiary Service (ASPS), the CSC adopted a decision on 8 February 2024 refusing to grant combatant status to 63 employees of the Academy due to the failure to provide documents required by law.

The grounds for filing lawsuits were the allegedly unlawful refusals to grant combatant status, as the plaintiffs claimed to possess sufficient supporting documentation – such as the ASPS combat activity journal and certificates confirming direct participation in activities essential for the defense of Ukraine, the protection of civilian security, and the safeguarding of national interests in connection with the armed aggression of the Russian Federation against Ukraine.

However, it should be noted that under the Instruction on Maintaining the Historical Form, Historical Record, and Combat Activity Journal, the combat activity journal is maintained exclusively in military units. Therefore, since the ASPS is an educational institution rather than a military one, there are no legal grounds to grant its employees combatant status.

At the same time, courts have upheld several claims, particularly citing the failure of the CSC to request relevant classified documents from the Sectoral State Archive of the Ministry of Defence, which could have further confirmed or refuted the plaintiffs' participation in combat operations.

Courts have also taken into account documents submitted by certain plaintiffs demonstrating their service in border guard units and confirming the performance of combat missions (based on the combat activity journals of military units, rather than that of the Academy of the State Penitentiary Service).

At the same time, decisions rejecting the plaintiffs' claims were grounded in the absence of documentary evidence confirming the plaintiffs' direct participation in combat operations.

Future judicial decisions in this category of cases are difficult to predict, as their outcomes may be influenced both by favorable appellate rulings rendered in support of the Combatant Status Commission and by unfavorable ones.

5. Nationalization: Disputes Concerning the Forced Expropriation of Shares of PJSC “Ukrnafta” and PJSC “Ukratnafta” Under Martial Law.

List/path: There are currently 13 cases in which the Cabinet of Ministers of Ukraine is a party, and 2 cases

in which the State, represented by the Ministry of Justice, acts as the defendant. In all 15 cases, the claims were dismissed.

By their substantive nature, disputes of this category may be divided into three groups:

Disputes concerning the restitution of shares;

Disputes challenging decisions of military command;

Disputes regarding amendments to the founding documents and management restructuring of the aforementioned companies.

Specifics/Perspective: This category of disputes has been initiated primarily by a number of offshore companies that previously held corporate rights in PJSC “Ukrnafta” and PJSC “Ukratnafta.”

On 6 November 2022, pursuant to a series of decisions by the military command and in accordance with the provisions of the Law of Ukraine “On the Transfer, Forced Expropriation, or Seizure of Property Under the Legal Regime of Martial or State of Emergency,” the shares of the aforementioned companies were forcibly expropriated in favor of the State, represented by the Ministry of Defence of Ukraine.

At present, there exists favorable case law of the Supreme Court of Ukraine confirming the legality and validity of the State's actions concerning the expropriation of corporate rights in favor of the State during the period of martial law.

6. Labor Disputes

a) Concerning the Recognition as Unlawful and Annulment of the Cabinet of Ministers of Ukraine Resolution No. 941-r dated 4 October 2024 “On Approval of the Composition of the Competition Commission for the Appointment of the Director of the Bureau of Economic Security.”

List/path: There are currently 4 court cases in this category. In one case, the court dismissed the claim, while the remaining three cases are pending before courts of first instance.

Specifics/Perspective: Article 15 of the Law of Ukraine “On the Bureau of Economic Security” provides that the formation and approval of the competition commission for the appointment of the Director of the Bureau of Economic Security is carried out by the Cabinet of Ministers of Ukraine (CMU). However, neither this Law nor any other laws or subordinate legal acts regulate the procedure for selecting candidates for membership in the competition commission. The Government determines such procedures, but no requirements, criteria (professional, personal, etc.), or the circle of entities entitled to propose candidates are established. This may potentially limit the participation of a broader range of individuals in the competition.

Nonetheless, there are prospects that court decisions in this category may favor the CMU, as the legislator deliberately did not detail the procedure for forming

the commission, thereby granting significant discretionary powers to the Government in this matter.

Concerning the Recognition as Unlawful and Annulment of Government Resolutions on the Reorganization of Higher Education Institutions.

List/path: There are currently 8 court cases pending before courts of first instance. Among them:

1 case concerns the CMU Resolution No. 727-r dated 2 August 2024 "On the Reorganization of the State University of Infrastructure";

4 cases concern CMU Resolution No. 111-r dated 12 February 2025 "On the Reorganization of the National University 'Odessa Law Academy'".

In one case, the court adopted interim measures to secure the claim, which are currently being appealed by the Government and the Ministry of Education before appellate courts.

Specifics/Perspective: The reorganization of higher education institutions falls within the exclusive competence of the Government, pursuant to Article 31 of the Law of Ukraine "On Higher Education". This law provides guarantees during reorganization only for students, not for faculty or staff of such institutions.

Additionally, taking into account the provisions of the Law of Ukraine "On Management of State Property", the Labor Code of Ukraine, and numerous legal conclusions of the Supreme Court of Ukraine, the proper way for individuals whose rights are violated due to reorganization is to challenge decisions regarding their dismissal, rather than the reorganization itself.

However, on 28 May 2024, in case No. 520/7440/21, the Supreme Court concluded that during reorganization of higher education institutions under Government acts, prior notification and consultations with trade unions are required. Since such actions are generally not undertaken by the Government, due to the absence of an explicit legal obligation in the Law on Higher Education, there exists a risk of unfavorable outcomes in this category of cases.

Regarding the payment of a monthly additional remuneration of 30,000 UAH to employees of the State Criminal and Executive Service.

List/path: There are 39 court cases. Currently, 27 claims have been satisfied, 9 denied, and 3 left without consideration.

Specifics/Perspective: According to paragraph 1 of the Resolution of the Cabinet of Ministers of Ukraine dated 28.02.2022 No. 168 "On certain payments to military personnel, persons of the rank and command staff, police officers and their families during martial law" (hereinafter – Resolution No. 168), it is established that for the period of martial law, persons of the rank and command staff of the State Criminal and Executive Service who serve in the bodies and institutions of the said Service located within administrative-territorial units on the territory of

which assistance is provided under the "eSupport" Program shall receive an additional remuneration in the amount of 30,000 UAH per month.

The reason for filing the claims was that the plaintiffs performed their duties of service in the institutions long before 24.02.2022 and the introduction of martial law, and the effect of Resolution No. 168 coincides with the period of service of persons of the rank and command staff in the bodies of the State Criminal and Executive Service on the territory where, during the disputed period, an additional remuneration of 30,000 UAH per month was provided, and therefore extended to the plaintiffs but was not paid by the defendants.

The Supreme Court, in its rulings of 02.11.2023 in case No. 160/11851/22, 18.01.2024 in case No. 200/297/23, 25.01.2024 in case No. 520/8343/22, 25.04.2024 in case No. 160/10532/22, and 17.10.2024 in case No. 160/7027/22, concluded that the payment of monthly remuneration to persons of the rank and command staff of the State Criminal and Executive Service is mandatory, regardless of whether they perform tasks and activities aimed at ensuring security under martial law.

Further court decisions in this category of cases will rely on the aforementioned conclusions of the Supreme Court and are therefore more likely to be satisfied.

At the same time, the issue related to the motives of these claims was resolved by introducing amendments to paragraph 1 of Resolution No. 168 by the CMU Resolution No. 1146 dated 08.10.2022, excluding the words "as well as persons of the rank and command staff of the State Criminal and Executive Service who serve in the bodies and institutions of the said Service within territorial communities located in areas of military (combat) operations or temporarily occupied, encircled (blocked) territories."

7. Moral and Material Damage: Cases Concerning Compensation for Property and Moral Damage Caused by the Russian Federation's Military Invasion.

List/path: There are 178 court cases. In 96 cases, decisions were made to partially satisfy the claims (the claims against the Russian Federation were granted), while the claims against the State of Ukraine were denied. 58 cases are currently under consideration in the court of first instance. Proceedings have been closed in 7 cases. 12 claims have been left without consideration. 5 claims have been returned.

Specifics/Perspective: Considering the current legal conclusions of the Supreme Court in this category of cases, satisfying such claims against the State of Ukraine is impossible. According to the principle of the "tort exception," Ukrainian courts may consider any dispute arising within the territory of Ukraine between citizens and foreign states, including the Russian Federation. Ukrainian courts recognize the Russian Federation as responsible for armed aggression and occupation.

It should also be noted that, due to the lack of a regulated mechanism for the enforcement of court decisions where the debtor is the aggressor state, there is a likelihood of filing lawsuits against the State of Ukraine for the prolonged non-enforcement of judgments granting compensation from the aggressor state.

Regarding Compensation for Damages Caused to Natural and Legal Persons by the Armed Aggression of the Russian Federation:

List/path: There are 11 cases in this category filed by legal/natural persons against the Russian Federation or its justice and prosecution authorities, with the Ministry of Justice as a third party, concerning compensation for moral and/or property damage caused by the Russian Federation's military aggression.

In this category, 1 claim was left without consideration, 5 claims were satisfied (with damages of UAH 403,226,330.54 awarded against the Russian Federation in favor of the company), and 58 cases have been initiated, with no decision yet rendered.

Specifics/Perspective: In substantiating their claims, plaintiffs refer to the fact that, as a result of the Russian Federation's armed aggression against Ukraine and the hostilities on Ukrainian territory, they suffered property damage.

The Ministry of Justice is working on a compensation mechanism, the first element of which is the Register of Damages Caused by the Russian Federation's Aggression Against Ukraine. In addition, the Ministry of Justice is actively cooperating with international partners, state institutions, local authorities, and representatives of civil society to create an effective compensation mechanism for all those affected by the Russian Federation's aggression.

8. Regarding the Activities of Self-Employed Persons: Appeals Against the Decisions of the Higher Qualification Commission of Notaries under the Ministry of Justice of Ukraine (hereinafter – HQCN)

List/path: There are 7 court cases. Currently, 2 cases are pending before courts of first instance, and judgments have been delivered in 5 cases, one of which has entered into legal force – namely, case No. 160/33031/23.

Specifics/Perspective: On 22 June 2023, the State Enterprise "National Information Systems" (NAIS), based on the results of its analysis of the electronic system used for anonymous electronic testing and of the equipment installed at the automated workplaces used for testing individuals who had scored the required number of points to qualify for the notarial profession, provided HQCN members with a report on the system's operation. The report expressed substantiated doubts regarding the integrity of the electronic anonymous testing process conducted by 20 individuals.

Based on the information contained in the NAIS report, the HQCN announced a suspension in the

decision-making process concerning the issuance of notary certificates. Furthermore, the HQCN filed a request with law enforcement authorities to open criminal proceedings. Pre-trial investigations in these criminal cases are ongoing, but the court has not provided a proper legal assessment of this fact.

The grounds for filing the lawsuits were, in the plaintiffs' view, the unlawful inaction of the HQCN in failing to make a decision on issuing them notary certificates despite their successful completion of the qualification examination.

Courts of lower instances have interpreted such actions of the HQCN as an unjustified prolonged restriction on access to the profession.

According to the Procedure for Admission to and Conduct of the Qualification Examination by the Higher Qualification Commission of Notaries, a retest must be scheduled and conducted for individuals whose examination results raise doubts about their integrity. However, the HQCN failed to do so.

Future court decisions in this category of cases will depend on the conclusions of the Supreme Court in case No. 160/33031/23 following the Ministry's cassation appeal against the lower courts' decisions.

Regarding Appeals Against the Decisions of the Disciplinary Commission of Private Enforcement Officers on the Suspension of Private Enforcement Officers' Activities for a Period of One Month as a Sanction for Violations of Law During Martial Law.

List/path: Currently, 16 cases are pending before courts; in 12 cases, judgments have been delivered and entered into legal force. In 7 cases, the courts dismissed the private enforcement officers' claims, while in 5 cases, the claims were satisfied.

Specifics/Perspective: Subparagraph 4 of Paragraph 61, Section IV "Final and Transitional Provisions" of the Law of Ukraine "On the Bodies and Persons Responsible for the Enforcement of Court Decisions and Decisions of Other Bodies" (hereinafter – Law No. 1403-VIII) provides that during martial law, introduced under the Law of Ukraine "On the Legal Regime of Martial Law," the activities of a private enforcement officer may be suspended for up to one month by an order of the Ministry of Justice. Such an order is based on a submission from the head of the Ministry's structural unit responsible for implementing state policy in the field of enforcement, approved by at least five members of the Disciplinary Commission of Private Enforcement Officers, in the event that signs of a gross violation (with a motivated justification of its severity included in the order) of legal requirements by the private enforcement officer are identified.

Thus, the key factor for applying disciplinary measures under Subparagraph 4 of Paragraph 61, Section IV of the "Final and Transitional Provisions" of Law No. 1403-VIII is the identification of signs of a gross violation by the private enforcement officer of the legal

requirements governing the enforcement of decisions in the course of their professional duties.

According to the plaintiffs, the grounds for filing lawsuits were the unlawful actions of the Ministry of Justice in adopting decisions to impose sanctions on them for alleged violations of legislation during martial law, without sufficient evidence of the “gross” nature of the violations.

In 5 cases where the courts satisfied the plaintiffs’ claims, the courts concluded that the private enforcement officers, in performing their professional duties, had not violated applicable legal requirements.

For example, by a ruling of the Lviv District Administrative Court dated 20 October 2023 in case No. 380/12053/23, which was upheld by the Eighth Administrative Court of Appeal on 24 May 2024, the claim was fully satisfied. In this case, the court confirmed the existence of a violation in the actions of the private enforcement officer but found that it did not contain the elements of a gross unlawful act.

The further interpretation of the concept of a “gross” violation in this category of cases will depend on the conclusions of the Supreme Court in case No. 380/12053/23 following the Ministry’s cassation appeal against the lower court decisions.

Regarding Appeals Against the Ministry’s Orders Excluding Notaries from the List of Persons Authorized to Perform Notarial Acts Concerning Valuable Property Under Martial Law.

List/path: There are 6 cases in this category. In 2 cases, the claims were left without consideration; in 3 cases, the claims were partially satisfied (the court recognized as unlawful and annulled the Ministry’s order refusing to include the plaintiff in the list of notaries authorized to perform notarial acts concerning valuable property under martial law and ordered the Ministry to include the private notary in the said list); in 2 other cases, proceedings were opened, but no judgment has yet been delivered.

Specifics/Perspective: Following the adoption of the Cabinet of Ministers Resolution No. 164 of 28 February 2022 “On Certain Issues of Notarial Activities Under Martial Law,” a number of lawsuits were filed by private notaries challenging the Ministry of Justice’s orders that excluded them from the list of notaries authorized to perform notarial acts concerning valuable property under martial law.

This category of cases has lost its relevance due to amendments introduced by the Cabinet of Ministers Resolution No. 1309 of 12 December 2023 to the aforementioned Resolution.

Regarding the Recognition as Unlawful of the Ministry’s Order No. 1310/5 “Certain Issues of Access to the Automated Enforcement Proceedings System and the Unified Register of Private Enforcement Officers of Ukraine During Martial Law,” as Amended by the Ministry of Justice Order No. 2068/5 of 24 May 2022.

List/path: There are 5 cases in this category. One claim was left without consideration; in 2 cases, the claims were partially satisfied (the Ministry’s inaction in failing to restore the plaintiff’s access to the Automated Enforcement Proceedings System (AEPS) was recognized as unlawful, and the Ministry was ordered to reconsider the issue of restoring access to AEPS); in 1 case, the claim was dismissed; and in 1 case, proceedings were opened, but no judgment has been delivered.

Specifics/Perspective: The Department for Judicial Affairs represents the Ministry’s interests in case No. 320/1625/23 filed by private enforcement officer of the Kyiv Enforcement District, V.M. Chepurnyi, against the Ministry of Justice, with the Non-Commercial Professional Organization “Association of Private Enforcement Officers of Ukraine” as a third party, seeking recognition as unlawful and annulment of the Ministry’s Order No. 2068/5 of 24 May 2022 “On Amendments to the Ministry of Justice Order No. 1310/5 of 4 April 2022” (hereinafter – Order No. 2068/5).

The lawsuit was filed on the grounds that, in the plaintiff’s opinion, Order No. 2068/5 established additional conditions for private enforcement officers to restore access to the AEPS, which he considers discriminatory compared to the procedure for restoring access to AEPS for state enforcement officers.

The court opened proceedings in the case, but as of 8 January 2025, no judgment on the merits has been issued.

Subsequently, based on Order No. 2068/5, private enforcement officers filed lawsuits seeking recognition of the Ministry’s inaction in failing to restore their access to AEPS as unlawful and requesting that the Ministry be ordered to take actions to restore such access.

This category of cases has now lost its relevance due to the restoration of private enforcement officers’ access to AEPS.

Regarding the recognition of certain provisions of the Resolution of the Cabinet of Ministers of Ukraine No. 164 of February 28, 2022 “On Certain Issues of Notarial Activities under Martial Law” as unlawful and invalid.

List/path: There are two court cases. One case resulted in a decision denying the claim. In one case, the claim was left without consideration.

Specifics/Perspective: The mentioned Resolution of the Cabinet of Ministers of Ukraine established specific procedures for performing notarial acts under martial law and requirements for notaries.

The court decision was motivated by the fact that, at the time of its adoption, the contested provisions of the mentioned Resolution of the Cabinet of Ministers of Ukraine had lost their legal force due to their exclusion on the basis of the Resolution of the Cabinet of Ministers of Ukraine No. 1309 of December 12, 2023.

9. Property disputes: concerning lawsuits filed by the Ministry of Justice aimed at ensuring the transfer of property, funds, and other assets of a political party banned by court, as well as its regional, city, district organizations, primary units, and other structural entities, to state ownership.

List/path: The Ministry has filed 123 lawsuits against the Communist Party of Ukraine, its regional, city, district organizations, primary units, and other structural entities seeking to invalidate donation agreements for immovable property and to cancel state registration of rights, with the purpose of returning the property to the transferors and subsequently transferring it into state ownership.

To date, 75 court decisions have entered into legal force in favor of the Ministry of Justice in this category of cases. Forty-seven cases are currently under consideration in courts of various instances.

Specifics/Perspective: Part 1 of Article 21 of the Law of Ukraine “On Political Parties in Ukraine” authorizes the central executive body responsible for implementing state policy in the field of state registration (legalization) of public associations and other public formations to file a lawsuit seeking the prohibition of a political party.

The Law of Ukraine No. 2243-IX of May 3, 2022 “On Amendments to Certain Legislative Acts of Ukraine Regarding the Prohibition of Political Parties” supplemented Article 21 of the Law of Ukraine “On Political Parties in Ukraine” with Part 4, which states:

“In the event that a court prohibits a political party, the property, funds, and other assets of the political party, its regional, city, district organizations, primary units, and other structural entities shall pass into state ownership, as specified in the court’s decision. The transfer of such property, funds, and other assets into state ownership shall be ensured by the central executive body implementing state policy in the field of state registration (legalization) of public associations and other public formations, in the manner established by the Cabinet of Ministers of Ukraine.”

The Resolution of the Cabinet of Ministers of Ukraine No. 896 of August 12, 2022 approved the Procedure for the Transfer into State Ownership of Property, Funds, and Other Assets of a Political Party Prohibited by Court, its regional, city, district organizations, primary units, and other structural entities (hereinafter – the Procedure), which defines the mechanism for enforcing a court decision prohibiting a political party with regard to the transfer of its property, funds, and other assets into state ownership.

According to paragraph 2 of the Procedure, after a court decision prohibiting a political party enters into legal force and specifies in its operative part the transfer of the political party’s property into state ownership, the Ministry of Justice shall take

measures to locate the party’s property, in particular using information from unified and state registers maintained by the Ministry of Justice.

By the decision of the Eighth Administrative Court of Appeal dated July 5, 2022, in case No. 826/9751/14, the claim of the Ministry of Justice of Ukraine against the Communist Party of Ukraine was satisfied, with third parties not making independent claims regarding the subject of the dispute, including the Security Service of Ukraine, the All-Ukrainian Union “Svoboda”, the Radical Party of Oleh Liashko, the NGO “Volia-Hromada-Kozatstvo”, the Ukrainian Republican Party, and Viktor Viktorovych Borkivskyi, with the participation of the Office of the Prosecutor General.

The decision prohibited the activities of the Communist Party of Ukraine and transferred the property, funds, and other assets of the party, its regional, city, district organizations, primary units, and other structural entities into state ownership.

During the enforcement by the Ministry of Justice of the court decision concerning the transfer of the property, funds, and other assets of the Communist Party of Ukraine and its structural entities into state ownership, it was established that after the court initiated proceedings on July 11, 2014, in the case concerning the prohibition of the Communist Party of Ukraine, the party and its regional, city, district organizations, primary units, and other structural entities alienated 130 immovable property objects (buildings, apartments, non-residential and office premises, land plots, and other real estate) to persons affiliated with the Communist Party of Ukraine under donation agreements, indicating the fictitious nature of such transactions.

In this regard, the Ministry of Justice filed a number of lawsuits in 2023.

It should be noted that the Grand Chamber of the Supreme Court is currently considering case No. 924/971/23 based on the claim of the Ministry of Justice against the Charitable Organization “Charitable Foundation ‘Revival of Khmelnychchyna’” and the Communist Party of Ukraine concerning the invalidation of a donation agreement for non-residential premises – namely, an office space with a total area of 607.7 square meters located in Khmelnytskyi – and the cancellation of state registration of rights.

The Court must determine whether the Ministry of Justice has chosen an appropriate method to protect the interests of the state in such legal relations.

In this case, the further possibility of enforcing the decision to ban a political party and transfer its property rights to the state depends on whether the Ministry of Justice’s claims are satisfied. The purpose of filing the claim is to restore the situation that existed before the donation agreement was concluded, which in itself is not a basis for the emergence of

state ownership rights. The lawful realization of the Ministry's right to include the property of the political party in the list of assets transferred to state ownership depends on restoring the parties to the legal status that existed prior to the conclusion of the disputed contract.

The resolution of the legal issue regarding the Ministry of Justice's ability to file claims seeking the invalidation of contracts and the cancellation of state registration of rights, in the context of an effective and appropriate means of protection while performing the functions defined by Article 21 of the Law of Ukraine "On Political Parties in Ukraine," will determine the correct adjudication of such disputes and contribute to forming a unified judicial practice on this matter.

Regarding the recognition as unlawful and annulment of the Decree of the President of Ukraine No. 694/2022 of October 12, 2022 "On the Decision of the National Security and Defense Council of Ukraine of October 12, 2022 'On the Application and Amendment of Personal Special Economic and Other Restrictive Measures (Sanctions)'" (in part, the Government's proposals on the application of sanctions were submitted by the Order of the Cabinet of Ministers of Ukraine No. 808-r of September 10, 2022).

List/path: There are two court cases. In one case (filed by Kurchenko S.V.), the claim was denied. Another case (filed by Lebedev P.V.) is currently under consideration in a court of first instance.

Specifics/Perspective: There are legal grounds for denying the claims, as the contested Presidential Decree was issued within the powers granted to the President and in compliance with the established procedure.

Regarding court cases concerning the deprivation of the right of the All-Ukrainian Public Organization "Ukrainian Union of Industrialists and Entrepreneurs" (hereinafter – the Union) to use premises on the third floor of the building at 34 Khreshchatyk Street, Kyiv.

List/path: There are five court cases.

One case, filed by the Ministry of Veterans Affairs seeking to eliminate obstacles to the use of property, was satisfied.

One case, filed by the Union seeking recognition of ownership rights by acquisitive prescription, was denied.

One case, filed by the Union seeking recognition of the conclusion of an additional agreement to the contract on reimbursement of maintenance costs of real estate, was denied.

Two cases, filed by the Union against the Cabinet of Ministers of Ukraine seeking to recognize as unlawful and annul paragraph 3 of clause 2 of the Cabinet's Order No. 20-r of January 3, 2024 "On Amendments to Clause 1 of the Cabinet's Order No. 1055 of November 17, 2023, and Recognition as Invalid of the Cabinet's Order No. 137 of February 26, 1993, and Clause 1 of the Cabinet's Order No. 581 of October 16, 1997," as well as the Cabinet's Order No. 720-r of

August 2, 2024 "On the Placement of the Ministry of Veterans Affairs," are currently under consideration in courts of first instance.

Specifics/Perspective: There are legal grounds for denying the claims, since the property is state-owned, and the acts of the Government of Ukraine were adopted within its powers and in accordance with the Law of Ukraine "On the Management of State Property Objects" and the Law of Ukraine "On the Lease of State and Communal Property." The Union had long used the mentioned premises free of charge by the owner's consent; however, due to legislative changes, this legal form of use has become impossible.

10. Others: Regarding lawsuits filed by the Ministry of Justice to ensure the implementation of the provisions of the Law of Ukraine No. 3005-IX of March 21, 2023, "On the Condemnation and Prohibition of the Propaganda of Russian Imperial Policy in Ukraine and Decolonization of Toponymy."

List/path: The Ministry filed nine lawsuits seeking the termination of legal entities. To date, six lawsuits in this category have been satisfied, five of which have entered into legal force. The activities of the following legal entities have been terminated: Limited Liability Company "Hlinky Estate," Public Organization "Russian Cultural Center named after A.S. Pushkin," Public Organization "Creative Association of Supporters of Sergei Yesenin," Agricultural Limited Liability Company named after Vatutin, Private Enterprise "Mayakovsky," and Public Organization "Russian Community named after Saint Alexander Nevsky."

Additionally, due to the legal entity's compliance with the requirements of the Law of Ukraine "On the Condemnation and Prohibition of the Propaganda of Russian Imperial Policy in Ukraine and Decolonization of Toponymy" by changing its name, the Ministry of Justice filed a motion to leave the claim without consideration in one case. Two cases are currently under consideration in Ukrainian courts.

Specifics/Perspective: The Law of Ukraine No. 3005-IX of March 21, 2023, "On the Condemnation and Prohibition of the Propaganda of Russian Imperial Policy in Ukraine and Decolonization of Toponymy" (hereinafter – Law No. 3005-IX) defines the legal framework for condemning Russian imperial policy in Ukraine, prohibits the propaganda of its symbols, and establishes the procedure for the elimination of such symbols.

According to Part 2 of Article 7 of Law No. 3005-IX, in the event that legal entities, political parties, or other civic associations fail to comply with the requirements of this Law, their activities shall be terminated (prohibited) by court decision upon the claim of the central executive body responsible for the formation and implementation of state policy regarding the registration of legal entities, civic

associations without legal entity status, and individual entrepreneurs.

In implementation of Law No. 3005-IX and based on the legal conclusions of the Commission on Compliance with the Laws of Ukraine “On the Condemnation of the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and the Prohibition of the Propaganda of Their Symbols” and “On the Condemnation and Prohibition of the Propaganda of Russian Imperial Policy in Ukraine and Decolonization of Toponymy,” approved by orders of the Ministry of Justice, regarding the non-compliance of the names of certain legal entities with the requirements of the aforementioned Law, the Department for Judicial Work ensured the filing of lawsuits seeking the termination of such legal entities.

Regarding the recognition as unlawful and invalid of certain provisions of the Resolution of the Cabinet of Ministers of Ukraine dated June 5, 2019, No. 483 “On the Approval of the Regulation on the Imposition of Special Obligations on Electricity Market Participants to Ensure Public Interests in the Process of the Functioning of the Electricity Market.”

List/path: There are 3 court cases. In 1 case, the claim was dismissed. 2 cases are currently under consideration in courts of first instance.

Specifics/Perspective: In this category of cases, the plaintiffs challenge the amount of fixed electricity prices for household consumers, which have been repeatedly changed after 2022. There are legal grounds for refusing the claims, since Article 62 of the Law of Ukraine “On the Electricity Market” stipulates that the Cabinet of Ministers of Ukraine may impose special obligations on electricity market participants. Under conditions of constant shelling of the energy infrastructure, the non-application of the PSO mechanism could lead to an uncontrolled increase in electricity prices, particularly for household consumers.

Regarding the recognition as unlawful and invalid of certain provisions of the Resolution of the Cabinet of Ministers of Ukraine dated January 27, 1995, No. 57 “On the Approval of the Rules for Crossing the State Border by Citizens of Ukraine.”

List/path: There are 2 court cases. In 1 case, the claim was dismissed. 1 case is currently under consideration in a court of first instance.

Specifics/Perspective: Within this category, the challenged provision concerns the possibility of crossing the state border during martial law by heads of state authorities, local self-government bodies, and state enterprises, institutions, and organizations only upon the existence of official business trip decisions. There are legal grounds for refusing the claim, since the contested provisions were adopted in accordance with Article 3 of the Law of Ukraine “On the Procedure for Leaving Ukraine and Entering Ukraine by Citizens

of Ukraine” and in implementation of the decision of the National Security and Defense Council of Ukraine dated January 23, 2023, “On Certain Issues Regarding Crossing the State Border of Ukraine under Martial Law,” enacted by the Decree of the President of Ukraine dated January 23, 2023, No. 27/2023.

11. Discussion

The findings of the study demonstrate that administrative disputes involving the Ministry of Justice of Ukraine are characterised by both structural stability and significant wartime transformation. Social protection cases, especially those related to compensation for servicemen and their families, have become one of the most frequently litigated categories. This reflects the increased pressure on administrative bodies responsible for implementing social guarantees and the heightened legal expectations surrounding payments, benefits, and disability assessments. The prevalence of these cases indicates gaps in the regulatory and procedural mechanisms governing social entitlements, as well as inconsistencies in administrative decision-making.

Disputes related to enforcement proceedings remain structurally persistent, confirming long-standing systemic issues within the execution of court decisions. Complaints against actions or omissions of state and private bailiffs continue to form a large share of litigation. This suggests a need for clearer procedural safeguards, improved oversight mechanisms, and enhanced institutional capacity within enforcement bodies. Similarly, the number of cases challenging notarial actions reflects the continued sensitivity of property and registration matters, particularly during wartime when the number of transactions and legal risks increases.

A notable trend is the emergence of disputes directly linked to the wartime legal environment – cases concerning confiscation of assets, application of sanctions, mobilization-related decisions, and compensation for injury or death of servicemen. These disputes highlight the rapid evolution of public-law obligations under martial-law conditions and the necessity for administrative bodies to adapt their procedures in response to new realities. At the same time, the Ministry of Justice’s involvement in cases concerning the liquidation of pro-Russian organizations and the recognition of illegal acts reflects the broader national security context.

Overall, the analysis indicates that administrative justice has become a crucial instrument for balancing state authority and individual rights under wartime conditions. The Ministry of Justice, as a central executive body, remains at the intersection of these legal dynamics, facing an expanding range of obligations and public expectations.

12. Conclusion

This study provides a structured assessment of administrative disputes involving the Ministry of Justice of Ukraine during 2023–2024. The analysis reveals several key findings. First, the wartime context has significantly reshaped the landscape of administrative litigation, leading to a sharp increase in cases related to social protection, mobilization, and compensation for servicemen and their families. These disputes underline the need for clearer legal procedures, improved coordination among social-protection agencies, and consistent application of statutory guarantees.

Second, enforcement-related disputes continue to represent a major segment of administrative litigation, indicating systemic challenges in the execution of court decisions. Strengthening institutional capacity, enhancing training of enforcement officers, and improving procedural transparency remain essential steps for reducing such litigation.

Third, disputes involving notarial actions, state registration, and the application of sanctions demonstrate that the Ministry of Justice plays a central role in ensuring legality in areas with high social and economic sensitivity. The wartime conditions have amplified the importance of these functions, making the Ministry's decisions subject to heightened judicial scrutiny.

The study concludes that administrative justice serves as an important mechanism for safeguarding rights and resolving conflicts in times of crisis. The results may assist policymakers in identifying regulatory gaps, strengthening administrative procedures, and enhancing the effectiveness of public-law governance under wartime challenges. Future research may expand the analysis by incorporating a broader range of court decisions or conducting comparative studies with other jurisdictions affected by military conflict.

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