

Note from the Field

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APPLICATION OF ADMINISTRATIVE JUDICIAL MECHANISMS IN THE FIGHT AGAINST INTERNAL THREATS TO NATIONAL SECURITY IN CONDITIONS OF RUSSIAN-UKRAINIAN WAR

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ABSTRACT

Judicial control and authorization of state coercion or other interference in the sphere of private legal interest is a universal standard for building a political and legal system based on the

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principles of the rule of law. To obtain reliable and substantiated conclusions, general and special research methods were used, which processed the results of theoretical research on the problems of administrative proceedings in Ukraine, materials of legal practice in the form of conclusions of international human rights institutions and Ukrainian courts. The study found that the proposed regulatory changes, which determine the dominant role of administrative courts in the application of sanctions related to the assets of individuals or the prohibition of political parties, perform a dual function - to ensure the necessary level of protection of rights, freedoms and interests of private individuals as well as administrative courts protect the national interests, national security, sovereignty and territorial integrity of Ukraine, counter terrorist activity, as well as prevent violations, restore violated rights, freedoms and legitimate interests of citizens of Ukraine, society and the state. Thus, the preconditions have been created for resolving these complex human rights issues while maintaining the necessary balance, even in exceptional martial law.

1 INTRODUCTION

1.1 Ontological basis of scientific interest

The full-scale military invasion of the Russian Federation into the territory of Ukraine on 24 February, 2022 was another point of growth of the long-term aggression of this state against the state sovereignty and territorial integrity of Ukraine. It is clear that this was preceded by serious and systematic training for a long time, which was carried out both outside and inside Ukraine. The aim of the latter was to maximize the weakening of institutional mechanisms of Ukrainian statehood, which should ensure ease of conquest by minimizing resistance and loyalty among the population, creating a favorable field for the establishment of occupation administrations and the formation of the latter through collaborationism, including political, economic, and military elite. Unfortunately, many of these subversive measures have long gone unnoticed by the state, under the guise of democracy and political pluralism, freedom of thought and speech, economic liberalism, and multi-vector public policy.

At the same time, the interests of national and public security, ensuring territorial integrity are considered universally recognized limits to the admissibility of the rights, freedoms, and interests of individuals in the leading regulatory standards of the human rights system. They are at the intersection of balancing the private law interests of a person with the concepts of the need to ensure public order to achieve the common good, including for the person holding the relevant private law or interest.

‘The wording of Article 1 of the Constitution of Ukraine, which primarily indicates the definition of Ukraine as a sovereign and independent state, as well as its status as a democratic, social and legal state, indicates the consequent relationship between the need to ensure sovereignty and independence within the State to fulfill its further obligations on guarantees of democracy and the establishment and protection of human rights and freedoms as an element of the rule of law, ensuring the implementation of the constitutional principle of social and legal state’ (paragraph 4 of the motivating part)².

The same international normative standards and long-term practice of their application prove the importance of fair and independent judicial procedures for authorizing the lawfulness of state coercion and restriction of individual rights and freedoms, their necessity and proportionality to achieve the relevant goal.

² Case No 23-pri/2010 (Constitutional Court of Ukraine, 22 December 2010) [2011] Oficiynyi visnyk Ukrainy 101/128.

Substantive criteria of the relevant cases allow to confidently refer them to the category of public-law disputes that arise in connection with the exercise of the subjects of power of their public-power management functions for the implementation of relevant areas and forms of public policy. Therefore, the introduction of appropriate mechanisms is in the sphere of practical and scientific interest of the administrative judicial process.

The practice of the last year of the Supreme Court's operation in one of the complex categories of cases revealed an appeal against the application of special economic and other restrictive measures (sanctions) under the Law of Ukraine "On Sanctions" of 14 August 2014 № 1644-VII (hereinafter, Law № 1644-VII). And the changes in wartime updated the catalog of sanctions, supplementing them with Law № 2257-IX of 12 May 2022 the possibility of collecting assets belonging to a natural or legal person in state revenue, as well as assets in respect of which such person may directly or indirectly (through other natural or legal persons) perform actions identical in content to the right to manage them (para. 1-1 art. 4 of the Law № 1644-VII) in an administrative court.

At the same time, the beginning of June 2022 marked a mass hearing of cases banning political parties by the Eighth Administrative Court of Appeal in Lviv on lawsuits of the Ministry of Justice of Ukraine on the grounds of anti-state pro-Russian position and its open support on the basis of amendments to Law № 2243-IX. Thus, of the eleven parties identified in the decision of the National Security and Defense Council of Ukraine of 18 March, 2022 "On the suspension of certain political parties", enacted by the Decree of the President of Ukraine of 19 March, 2022 №153/2022, the court of first instance as of 17 June, 2022, banned 10 political parties that had a clear pro-Russian orientation in their political programs and public positions³.

Undoubtedly, these political and judicial processes have intensified researchers' attention to the quality of the normatively defined procedure of administering justice in these categories of cases and the actual readiness of administrative courts to maintain the internal front of the struggle against the "Russian measure" in Ukraine.

1.2 Research methodology and source base

The reason for a detailed study of the stated issues were numerous materials of law enforcement practice, which was formed in a very short time and testified to the existence of systemic problems due to the scale of legal issues arising in the application of sanctions restricting the rights, freedoms and interests of private law, as well as bans on political parties. It also leads to the appeal of judicial institutions with requests for scientific conclusions on the procedure for applying the relevant procedures in the consideration of public law disputes and the formation of appropriate uniform practice.

Given the specifics of the topic, purpose and objectives, the basis of the study is a dialectical approach to research. The systematic method was used to establish the content and purpose of means and methods of protection of rights, freedoms and interests in accordance with regulations. On this basis, with the help of a formal-logical method, the definition of legal concepts that are essential (substantive) content, as well as the defined purpose of legal regulation was formulated. The formal-dogmatic method allowed to carry out the analysis of the normative-legal base of the state, to reveal the functional orientation of the system of protection of rights and interests of persons in disputable legal relations

3 The eighth appellate administrative court <<https://8aa.court.gov.ua/sud4857/pres-centr/general/>> accessed 19 June 2022.

with the participation of subjects of power, their technical and legal perfection. Several other general scientific research methods were also used, in particular: analysis (to study the systematic application of concepts), historical and legal (to study the establishment, change and development of the deposit guarantee system), comparative law (in a comparative study of legislation) and others.

The theoretical basis of the study was provided by the results of analytical reviews on the problems of administrative proceedings in Ukraine. However, the efficiency of the processes taking place in the social and legal systems led to the lack of systematic research on the subject. However, this does not mean the loss of practical significance of the search and uniformity of solutions.

At the same time, the applied theoretical approaches and the scientific conclusions formulated by the authors were substantiated by the wide application of legal practice materials through the conclusions of international human rights institutions and Ukrainian courts.

2 APPLICATION OF SPECIAL ECONOMIC AND OTHER RESTRICTIVE MEASURES (SANCTIONS) UNDER THE LEGISLATION OF UKRAINE

2.1 The nature of special economic and other restrictive measures (sanctions) and the problems of their application under the legislation of Ukraine

Special economic or other restrictive measures (sanctions) applied by states against threats to sovereignty and the constitutional order were based on Art. 41 of the UN Charter:

‘The Security Council is empowered to decide what non-military measures should be applied to implement its decisions, and it may require Members to apply those measures. These measures may include the total or partial cessation of economic relations, rail, sea, air, postal, telegraph, radio or other means of communication, as well as the severance of diplomatic relations.’

In the theory of international law, economic sanctions are seen as a measure of lawful coercion⁴ or through the prism of legalized countermeasures⁵. However, such coercion, according to the standards of international law, is a consequence of an illegal act, the nature of which should be determined solely on the basis of international law, and not the national law of the state; the application of these measures should not create conditions for violation of the basic principles of international law or violation of human rights and freedoms; the sole purpose of the sanctions is to restore the legitimate rights and interests of the victim and return to the previous state, including compensation for material damage⁶. Thus, the vector of their action is always directed outwards and must compensate for the limited influence of the state on the violator, which is not under its internal sovereign jurisdiction.

A systematic study of the provisions of Law № 1644-VII allows us to state that by their characteristics, special economic and other restrictive measures (sanctions) in Ukraine are law enforcement in nature, have a coercive restrictive effect on the violator. However, in

4 C Tomuschat, ‘Are Counter-measures Subject to Prior Recourse to Dispute Settlement Procedures?’ (1994) 5.1 *European Journal of International Law* 77–87.

5 AL Cherniavskiy, ‘Principles and Conditions of Application of Countermeasures in the Contemporary International Law’ (2017) 139 *Problem of legality* 278–285 doi: 10.21564/2414-990x.139.114563 (in Ukrainian).

6 J Crawford, ‘Revising the Draft Articles on State Responsibility’ (1999) 10.2 *European Journal of International Law* 436–439.

contrast to the measures of ordinary legal responsibility, which has as its primary purpose the punishment for the committed act, are given in art. 4 of the Law № 1644-VII special economic and other restrictive measures (sanctions) are measures to prevent and stop threats, in response to the existence of which they are applied. The personal and sectoral sanctions listed in the Law № 1644-VII, as a result of their action, are temporary measures of operational influence on the behavior of participants by establishing special restrictions in the implementation of state policy in certain areas (economic, financial, infrastructure, diplomatic, environmental, trade, cultural, etc.), aimed at pointing out the violation, eliminating opportunities to continue illegal activities and cause significant damage to protected legal relations to remedy the situation, avoid potential use of resources and opportunities through the functioning of the state mechanism to harm its protected fundamental values.

At the same time, their addressees may be citizens of Ukraine and legal entities resident in Ukraine, but only if they are entities engaged in terrorist activities⁷.

Under the conditions of application of special economic and other restrictive measures (sanctions) to persons under private law, the question arises of assessing the legality of the intervention in each case. The introduction of the mechanism of personal (targeted) sanctions in international practice has led to the issue of ensuring compliance with the rights of sanctioned persons. As a general rule, there is a consensus that sanctions-restricted rights are not absolute and that public policy interests justify such interferences (as discussed in previous sections of the article). Therefore, a more important task for the sanctioning entity is to ensure that the sanctions procedure is followed. Such a procedure shall include: proper notification stating the reasons for the application of sanctions; sufficient evidence to justify sanctions; hearing; the possibility of reviewing the decision on the application of sanctions by an independent court⁸.

Terrorism and terrorist activity as grounds for sanctions are legal categories, not political ones. Accordingly, their assessment should be made solely on the basis of this feature, outside of political activity, based on factual data or intelligence on terrorist activities, and meet the standard of 'true suspicion on reasonable grounds'⁹.

Provided that the National Security and Defense Council of Ukraine, by its decision on the application of special economic and other restrictive measures (sanctions), actually pre-qualifies the actions of a person as being involved in terrorist activities, the National Security and Defense Council of Ukraine together with the President of Ukraine have the function of the "court" for the purposes of assessing the provision of guarantees of individual rights.

Instead, the activities of the National Security and Defense Council of Ukraine clearly do not correspond to the properties of a "fair and impartial court" in the sense of para. 1 art. 6 European Convention on Human Rights (hereinafter, ECHR), as the latter is a body under the President of Ukraine that coordinates and controls the activities of executive bodies in the field of national security and defense; its personal composition is formed by the President of Ukraine from among persons by political office, as well as by his own discretion (art. 107 of the Constitution of Ukraine). Thus, the National Security and Defense Council of Ukraine has neither functional nor institutional independence and impartiality to address the issue of targeted sanctions, is directly interested in taking measures to increase the

7 O Ilnytskyi, 'Citizens of Ukraine as subjects of special economic and other restrictive measures (sanctions) imposed by the Ukrainian state' (2021) 11 *Entrepreneurship, Economy and Law* 56–57, 62, doi: <https://doi.org/10.32849/2663-5313/2021.11.07>.

8 E Chachko 'Due Process Is in the Details: U.S. Targeted Economic Sanctions and International Human Rights Law' (2019) 113.25 *The American Society of International Law* 157 doi: 10.1017/aju.2019.25.

9 O'Hara v. The United Kingdom App no 37555/97 (ECtHR, 16 October 2001) < <https://hudoc.echr.coe.int/fre?i=002-6312> > accessed 18 June 2022.

level of prevention and combating threats to national interests and national security in its competence and functions in the state.

In matters affecting fundamental rights, the expression of discretion given to the executive in the field of national security, in terms of unlimited power, would run counter to the rule of law, one of the fundamental principles of a democratic society enshrined in the Convention. Therefore, the law should indicate the scope of any such discretion given to the competent authorities and the manner in which it is exercised with sufficient clarity, taking into account the legitimate purpose of the precautionary measure concerned, to provide the person with adequate protection against arbitrary interference¹⁰.

Preliminary existence of a court decision to establish the fact of a person's involvement in terrorism (as a result of criminal proceedings) or the grounds for inclusion in the relevant sanctions list (based on special administrative proceedings under Article 284 of the Code of Administrative Procedure of Ukraine, hereinafter CAP)) (so-called "judicial authorization") could be a sufficient level of guarantee of the national system of protection of individual rights in case of further restrictions when applying special restrictive measures on the basis of these decisions.

Unfortunately, Ukraine has chosen an administrative model for the application of sanctions. And the lack of prior judicial authorization to interfere in the rights, freedoms and interests of individuals in connection with the application of extraordinary measures to combat global threats is a special problem¹¹. Other forms of overwatch by bodies and officials, which are elements of the law enforcement system with broad prerogatives to apply countermeasures in the fight against terrorism, are highly political and completely incapable of providing the necessary assessment of the need for the objectives and means. Although the ECtHR agrees in its practice with functional reservations, arguing that such individuals and bodies are better than a judge adapted to authorization and control, it is not yet convinced of this when it comes to analyzing objectives and means in terms of strict necessity.

With regard to a body authorized to permit restrictive measures by a non-judicial body, it may comply with the Convention if that body is sufficiently independent of the executive. However, the political nature of authorization and overwatch increases the risk of abuse. The Court reminds that the rule of law implies, inter alia, that the interference of the executive with human rights must be subject to effective scrutiny, which must normally be enshrined in a judicial manner, at least as a last resort, judicial scrutiny provides the best guarantees of independence, impartiality and procedures. The ex ante authorization of such a measure is not an absolute requirement in itself, as where there is thorough post factum judicial overwatch, this can offset the shortcomings of authorization.

However, post factum judicial control, by granting the right to appeal to a court against decisions, actions or omissions of public authorities, officials in the field of national security and defense is not an effective alternative, given that even the recognition of the relevant decision of the National Security and Defense Council the application of special restrictive measures unlawful and its abolition does not entail the restoration of rights, freedoms or interests restricted during the period of validity of the relevant restrictions. In addition, such control is currently exercised only as a result of consideration of a person's appeal to the court when appealing the relevant decisions and, in fact, presupposes the transfer of responsibility for proving the legality/illegality of coercive measures from the subject of power to that person.

10 Szabó and Vicky v. Hungary App no 37138/14 (ECtHR, 12 January 2016) < <https://hudoc.echr.coe.int/fre?i=001-160020> > accessed 18 June 2022.

11 *ibid.*

2.2 Reforming the system of sanctions related to the assets of individuals in the legal regime of martial law

With the beginning of military actions of the Russian Federation against Ukraine, the protection of national interests, national security, sovereignty and territorial integrity of Ukraine, counteraction to terrorist activities, as well as prevention of violation, restoration of violated rights, freedoms and legitimate interests of citizens of Ukraine, society and state, which is proclaimed as a goal of the sanction mechanism in art. 1 of the Law № 1644-VII, received an additional pragmatic aspect - the search for sources of compensation for damage caused by armed aggression.

As of 8 June, the total amount of direct losses of the Ukrainian economy from damage and destruction of residential and non-residential buildings and infrastructure is \$ 103.9 billion or 3.0 trillion. At the same time, the total losses of Ukraine's economy due to the war, according to joint estimates of the Ministry of Economy of Ukraine and Kyiv School of Economics, taking into account both direct and indirect losses (GDP decline, investment cessation, labor outflow, additional defense and social spending, etc.), range from \$ 564 billion to \$ 600 billion.¹²

In these circumstances, as well as given the huge amount of assets of pro-Russian agents and residents in Ukraine, it is short-sighted to force foreign states to block Russian assets and “not notice” them within their own jurisdiction.

In fact, the beginning of the trend of attack on Russian assets was laid by the Law of Ukraine “On Basic Principles of Compulsory Seizure of Property in the Russian Federation and Its Residents” of 3 March, 2022, which was only of framework nature.

At the same time, amendments to the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine to Increase the Effectiveness of Sanctions Related to the Assets of Individuals” of 12 May 2022 № 2257-IX, legislation of Ukraine on special economic and other restrictive measures (sanctions) was supplemented by the possibility of collecting in the income of the state assets belonging to a natural or legal person, as well as assets in respect of which such person may directly or indirectly (through other natural or legal persons) perform actions identical in content to exercise the right to manage them.

This sanction is of an exceptional nature and may be applied only to individuals and legal entities whose actions have created a significant threat to the national security, sovereignty or territorial integrity of Ukraine (including through armed aggression or terrorist activities) or have significantly contributed (including through financing) the commission of such actions by other persons, including residents within the meaning of the Law of Ukraine “On Basic Principles of Compulsory Seizure in Ukraine of Objects of Ownership of the Russian Federation and Its Residents”.

This sanction may be applied only during the period of martial law and provided that the relevant natural or legal person in the manner prescribed by this Law has already been sanctioned in the form of blocking assets.

At the same time, the legislator took into account the previous problems of the general sanction mechanism described in paragraph 2.1 of this article, providing for the decision to recover the state's assets by the court in a special manner. It is clear that such a step is

12 Kyiv School of Economics <<https://kse.ua/ua/about-the-school/news/za-ostannimi-obrahunkami-zagalna-suma-pryamih-zbitkiv-infrastrukturi- stanovit-103-9-mlrd/?fbclid=IwAR2AOzoM8GavWJWQ3WLSjBu6tou6zEhJYB4vm6Gd-WKXbG-E-8VniI14Ao>> accessed 19 June 2022.

quite justified, if we pay attention to the fact that the recovery of assets actually leads to the deprivation of property rights, as the grossest form of interference with the right of a person protected by Art. 41 of the Constitution of Ukraine and Art. 1 of the First Protocol to the ECHR. Both of these Acts contain a categorical imperative on the judicial procedure for restricting the right.

The authority to file a lawsuit is vested in the central executive body, which ensures the implementation of state policy in the field of recovery of state assets of persons subject to sanctions. This is how the State Financial Monitoring Service is defined today.

Based on the constitutive features of this case, which is characterized by a public law nature, it was logical, at the suggestion of the President of Ukraine, to refer this category of cases to the jurisdiction of administrative courts. This confirmed the previous conclusion that sanctions are not measures of responsibility, and therefore their application takes place outside of judicial proceedings. This led to the inclusion of CAP Art. 283-1 “Peculiarities of proceedings in cases of application of sanctions” as a part of normative group of urgent administrative cases.

The most significant novelty of the normative order was the expansion of the subject jurisdiction of administrative courts due to the fact that the relevant category of cases under the rules of administrative proceedings is considered in the first and appellate instance by the Supreme Anti-Corruption Court of Ukraine and its Appeals Chamber, respectively. Para. 6 of Art. 283-1 of CAP establishes the principles of absolute adversarial proceedings, which is not typical of administrative proceedings:

‘The court shall rule in favor of the party whose evidence is more convincing than that of the other party.’

Apart from the reputational advantages of such a decision (given the authority of the Supreme Anti-Corruption Court of Ukraine), it is difficult to find a doctrinal justification for such an approach. Moreover, in these cases, administrative and criminal trials converge both institutionally (the High Anti-Corruption Court of Ukraine is part of the criminal justice system) and at the level of principles (excluding the principle of formal clarification in favor of adversarial proceedings).

3 PROHIBITION OF POLITICAL PARTIES IN THE PROCEDURE OF ADMINISTRATIVE JUDICIARY IN CONDITIONS OF MARTIAL LAW

Since the proclamation of Ukraine’s independence, the political system of our state has been characterized by pluralism and openness. Minimum constitutional restrictions on the activities of political parties - a ban on those whose program goals or actions are aimed at eliminating Ukraine’s independence, forcibly changing the constitutional order, violating the sovereignty and territorial integrity of the state, undermining its security, illegally seizing state power, propagating war, violence, incitement of interethnic, racial, religious hatred, encroachment on human rights and freedoms, public health (para. 1 art. 37 of the Constitution of Ukraine) - led to the emergence of more than 370 parties of various orientations as of 1 January, 2022¹³. On the other hand, the openness of the political system allowed pro-Russian agents to be inspired through democratic procedures, who openly supported and disseminated Russia’s anti-Ukrainian position in the activities of the state and used their mandate to the detriment of Ukraine.

13 Register of political parties of the Ministry of Justice of Ukraine <https://minjust.gov.ua/m/str_31094> accessed 19 June 2022.

Under martial law, the Law of Ukraine of 3 May 2022 № 2243-IX substantially updated the system of banning the activities of political parties in Ukraine. In particular, the list of established prohibitions in the activities of political parties of Ukraine was supplemented by justification, recognition as lawful, denial of armed aggression against Ukraine, including by presenting the armed aggression of the Russian Federation and/or the Republic of Belarus against Ukraine as an internal conflict, civil conflict, civil war, denial of temporary occupation of part of the territory of Ukraine; glorification, justification of actions and/or inaction of persons who committed or are carrying out armed aggression against Ukraine, representatives of armed formations of the Russian Federation, illegal armed formations, gangs, mercenaries created and/or subordinated, and/or managed and/or financed by the Russian Federation, as well as representatives of the occupation administration of the Russian Federation, which consists of its state bodies and other structures functionally responsible for the management of the temporarily occupied territories of Ukraine, and representatives of self-proclaimed bodies controlled by the Russian Federation, which usurped power in the temporarily occupied territories of Ukraine, including by defining them as “insurgents”, “militias”, “polite people”, etc. (para. 10, 11 art. 5 of the Law of Ukraine “On Political Parties” of 5 April, 2001 № 2563-III).

It is obvious that these prohibitions are within the framework of general constitutional restrictions, specifying them in accordance with current circumstances, emphasize the military aggression of the Russian Federation and the Republic of Belarus against Ukraine as a major threat to the sovereignty and security of the state.

In case the court bans a political party, the property, funds and other assets of the political party, its regional, city, district organizations, primary units and other structural entities become the property of the state, as stated in the court decision.

The plaintiff in this category of cases is the central executive body, which implements the state policy in the field of state registration (legalization) of associations of citizens, other public formations, which immediately goes to court with an administrative lawsuit to ban a political party. Today such a body is the Ministry of Justice of Ukraine.

Cases banning political parties are considered by administrative courts in an exclusive subject-matter jurisdiction - the Administrative Court of Appeal in the appellate district, which includes the city of Kyiv - in a special procedural order defined by art. 289-3 of CAP. Just like proceedings on the application of sanctions, cases on bans of political parties were qualified by the legislator as urgent administrative cases, which determines the efficiency of the procedural deadlines for their resolution.

The appellate court in these cases is the Supreme Court, which is a panel of the Administrative Court of Cassation. The judgment of the Supreme Court in such cases is final and not subject to cassation.

Under martial law, administrative cases prohibiting a political party in accordance with Art. 289-3 of CAP as a court of first instance, are under the jurisdiction of the Administrative Court of Appeal in the appellate district, which includes the city of Lviv, which led to the consideration of all cases by the Eighth Administrative Court of Appeal.

Accordingly, the powers of administrative courts are now expanded due to the possibility of banning a political party and transferring property, funds and other assets of a political party, its regional, city, district organizations, primary units and other structural entities to state ownership. The decision of the administrative court, which came into force, is the only legal way to ban the activities of a political party in Ukraine on the grounds specified by law. At the same time, such a ban can be applied to a political party, regardless of its status - in case of violation of the established prohibitions, the court is authorized to ban the party

represented by the parliamentary faction in parliament.

The practice of active application of this procedure has shown its viability in the early stages in compliance with the basic regulatory requirements and guarantees of the defendants.

4 CONCLUSIONS

The war of the Russian Federation with the support of the Republic of Belarus against Ukraine and the ensuing martial law regime is an extraordinary legal regime that contains significant deviations from the guarantees and obligations of the state to repel threats to state sovereignty, security and territorial integrity. As a result, the public interest becomes predominant for the purposes of legal regulation.

At the same time, the goal of the struggle does not allow complete disregard for the principles of democracy and the rule of law, even in conditions of war. Taking care of its own protection, the state is obliged to implement safeguards for unjustified violations of human rights, freedoms and interests in the legal system. The universal standard of such a mechanism is judicial control over the activities of public administration bodies and judicial authorization of the application of coercion and restrictions.

The nature and principles of the judiciary have demonstrated the ability to establish the existence of grounds and conditions for interfering with a person's private interest and to resolve the issue of his or her fair restriction to ensure balance.

In these circumstances, the proposed regulatory changes, which determine the dominant role of administrative courts in the application of sanctions related to the assets of individuals or the prohibition of political parties, should be supported. At the same time, in these cases, administrative courts clearly perform the necessary functions of protecting national interests, national security, sovereignty and territorial integrity of Ukraine, countering terrorist activities, as well as preventing violations, restoring violated rights, freedoms and legitimate interests of Ukrainian citizens, society and state.

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