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**PECULIARITIES OF THE ADMINISTRATIVE AND LEGAL STATUS
OF JUDICIAL BODIES AS SUBJECTS OF PROTECTION
OF THE CITIZENS RIGHT OF AN ENVIRONMENT SAFE
FOR LIFE AND HEALTH IN UKRAINE**

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The article is devoted to the problem of determining the peculiarities of the administrative and legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine.

Particular attention is devoted to defining the specifics of the target, structural-organizational and competence blocks of this status.

It was established that the specifics of the target block of the administrative-legal status of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine are determined by the specifics of the purpose, tasks, functions, and principles of judicial bodies' activity in the environmental sphere. Having identified a wide list of components of the target block of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine, their main features were determined.

The peculiarities of the structural and organizational block of the administrative and legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine have been established. It was established that they are determined by the specifics of the procedure for the formation and liquidation of judicial bodies, the organization of their activities, special forms of their work, financial, informational and logistical support of activities, etc.

It has been established that the specifics of the competence block of the studied administrative-legal status are formed in view of the specifics of the procedure for the administration of justice, the implementation of judicial control and the responsibility of judicial bodies.

Particular attention is paid to the specificity of the competence block of the studied administrative and legal status. It is characterized by a clear definition of the substantive and functional competence of the court in the current legislation, orientation towards the implementation of justice, the formation of conditions under which the environmental rights of every member of society can be protected, coordination of the powers of various judicial

bodies within the framework of the definition of their substantive competence in the legislation, etc.

Keywords: judicial bodies; administrative and legal status; competence; authority; justice; protection of rights; environment safe for life and health.

Formulation of the problem. The state, implementing the human rights function, is focused on the formation of a reliable human rights system that will guarantee the possibility of the emergence, termination, and restoration of the legal rights of members of society. State institutions that implement the human rights function, represent the state and act on its behalf, are endowed with a special legal status. The human rights function of the state is mostly implemented thanks to judicial bodies, the system of legal instruments available to them to influence various legal relations, including the protection of citizens' right to an environment safe for life and health.

Determining the peculiarities of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to a safe environment for life and health in Ukraine is a guarantee of proper protection of these rights, the effectiveness of the entire state human rights protection system in the environmental sphere.

Analysis of the study of the problem. The theoretical basis of the study of the problems of determining the peculiarities of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine was formed by the works of many domestic scientists, in particular, such as B. Budzik, M. Golovan, O. Kalashnyk, A. Panchyshyn, E. Podolyak, V. Skrypnyuk, O. Shcherbluk and others. An in-depth study of these issues makes it possible to deeply analyze the status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine for the further formation of a scientific basis for its improvement.

The aim is scientific analysis of the peculiarities of the administrative and legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine.

Presenting main material.

The administrative-legal status of judicial bodies is characterized by a number of features that make it possible to understand the place of the judicial institution in the human rights system, the specifics of their participation in legal relations regarding the protection of the right of citizens to an environment safe for life and health in Ukraine, to characterize their connections with other sub objects of public administration, which are endowed with rights protection powers in the state, the specifics of their interaction, characterize the organizational and competence potential, etc.

Most of the features of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine can be systematized into several groups in view of the structure of this status, in particular in view of the features of the target, structural-organizational and competence blocks of such status, which, at one time, were rightly defined by O. Kalashnyk and other domestic authors [1, p. 16].

The specifics of the target block of the administrative-legal status of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine are determined by the specifics of the purpose, tasks, functions, and principles of judicial bodies' activity in the environmental sphere.

Speaking about the target block of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine, it is necessary to emphasize the social nature of the activities of judicial authorities. It is revealed through the content of

legal acts of the judiciary, their mandatory nature in order to organize the life of society, bring it to the requirements of the law. Execution of decisions of judicial bodies is ensured by means of enforcement, endowed with a specific and personalized character [2, p. 116].

The purpose of the functioning of judicial bodies, first of all, is to guarantee the availability of justice, the implementation of the protection of legal opportunities of members of Ukrainian society, the effective and fair consideration and resolution of court cases; guarantee of legality, prevention of torts [3, p. 58].

As noted by domestic authors, functions are the basic element of the court's legal status. Their features are that their content is determined by the social purpose of the judiciary, its tasks, detailed through powers and procedural and procedural forms of implementation.

Among the important functions, scientists single out the functions of justice implementation, control and supervision functions; regulatory control functions; guaranteeing legality in the field of public administration; implementation of legal norms that determine the possibilities of judicial protection of citizens against possible offenses, including the activities of public administration bodies that contradict the current legislation; legal interpretation function, etc. [4, p. 88].

The most important and universal function identified by scientists is the administration of justice in matters related to the environment. Courts implement this important function as one of the most important directions of the state's activity in the environmental sphere, which consists in considering and resolving in a special procedural form various legal conflicts of an environmental nature, strengthening legality and law and order in the environmental sphere in general. The rest of the functions are no less important, but they complement this main one and have an auxiliary character [5, p. 389–392].

The principles of functioning of judicial bodies in the environmental sphere are closely related and derived from the fundamental principles of administrative law in general.

The principles of the activity of judicial bodies are extremely diverse, which led to the desire of some scientists to systematize them into certain groups, for example, organizational (related to the implementation of justice exclusively by the court, free access to justice, independence of judicial bodies, ensuring transparency, dispositiveness during the court's consideration of the case) and functional (in particular legality). Detailing the principles of the activity of judicial bodies in the field of administrative proceedings, O. Milienko identified special principles of administrative proceedings, among which, in his opinion, special attention should be devoted to the principles of promoting access to justice; assistance to citizens in the formation of claims, active involvement of the court in the formation of the evidence base, etc. [6; 7].

Current administrative legislation pays special attention to the main principles of the functioning of judicial bodies. In particular, in Art. to the CAS of Ukraine, the legislator separately focused his attention on the principle of the rule of law as a fundamental principle of judicial practice. This principle is a reflection of the priority importance of a person, his rights and freedoms as the highest values in Ukrainian society, which are a guideline for the development of the state in general. At the same time, the legislator, defining them as the highest values, directs the judicial authorities to use a wide list of means that go beyond those regulated by the current legislation of Ukraine, in particular obliges to take into account the judicial practice of the ECtHR and prohibits refusing to consider cases in conditions of insufficient legal regulation of the relevant legal relations (incompleteness, ambiguities, inconsistencies in legislation).

In addition to the presented list of principles, according to some authors, the principles of completeness and comprehensiveness of case consideration, research of available evidence, economy, non-interference of judicial bodies in the activities of public administration bodies should be singled out [3, p. 80; 8, p. 181].

Having identified a wide list of components of the target block of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine, their main features should be determined. Among these, one can name the focus on ensuring legality in the environmental sphere, protection of environmental rights and legitimate interests of

individuals and legal entities, including against illegal actions of decisions, inactivity of public-law institutions endowed with powers of an environmental-legal management nature, guaranteeing the possibility of realizing the right people to a safe environment for life and health in Ukraine; justice, objectivity, independence, impartiality, purposefulness and legality of such activity, compliance with special principles and procedures for its implementation as important guarantees of protection of procedural rights of participants in the legal process, fair and impartial consideration and resolution of cases and protection of citizens' right to safety for life and health environment in Ukraine; the systematicity of the guiding principles of the activity of judicial bodies, which determine the main rules for organizing their work; scale and universality of tasks, functions, principles of activity of judicial bodies in the environmental sphere; the priority of ensuring environmental safety in the country, living conditions that are safe for the life and health of citizens, observing and restoring violated environmental rights of citizens, guaranteeing compliance with state-defined standards, limits, norms for the use of natural resources, consistency of individual and collective economic, ecological and social interests in Ukrainian society.

Features of the structural-organizational block of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine are determined by the specifics of the procedure for the formation and liquidation of judicial bodies, the organization of their activities, including the implementation of the principles of territoriality, specialization and agency, control and accountability, selection of employees in accordance with a special procedure and qualification requirements determined by the state, ensuring their protection against interference in judicial activity, and, at the same time, their relationship with other subjects of law, the organizational structure of courts, the specifics of the organization of internal activities of judicial bodies by bodies of judicial self-government, special forms of work, financial, informational and logistical support of activities.

The specificity of the structural-organizational block of the administrative-legal status of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine allows us to talk about the organizational separation and, at the same time, the unity of judicial bodies, specialization, territoriality and agency, their independence and independence from other institutions in the state, and, at the same time, active interaction within the framework of the implementation of justice, the ability to represent the will of the state in public-legal relations, etc.

The organizational separation of judicial bodies is their defining feature. Evidence of organizational separation is the fixation by the legislator in the Constitution of Ukraine of the exclusive right of judicial bodies to implement justice in Ukraine. Such organizational separation of judicial bodies forms a guarantee of proper protection of the rights and freedoms of man and citizen in the state. Organizational separation of judicial bodies is achieved through a branched structure of judicial bodies operating on the basis of specialization, territoriality and agency.

Speaking about the unity of the judicial system, in Art. 17 of the Law of Ukraine «On the Judiciary and the Status of Judges», the legislator notes the importance of the unity of the principles of the organization and activity of the courts, the uniform order of organizational support for their activities, the financing of their work and the resolution of intra-organizational issues of the functioning of the courts by bodies of judicial self-government.

The most significant features of the structural-organizational block of the administrative-legal status of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine are the specialization, territoriality, and institutionalization of the organization of courts that hear cases in the field of the environment.

A specialized approach to determining court jurisdiction allows us to talk about constitutional, criminal, civil and administrative jurisdiction.

The need for the formation of a specialized approach to the resolution of court cases is due to the variety of such cases, which relate to ensuring the right of citizens to an environment safe for life and

health, and the complexity of legal regulation of legal relations in these areas. The implementation of the distribution of judicial jurisdiction, taking into account the sphere of local legal relations and the type of judicial proceedings, helps to ensure the quality and speed of judicial decision-making.

Territoriality is also an important characteristic of the structural-organizational block of the administrative-legal status of judicial bodies, it acts as a symbol of the approach of justice to every person. It determines the decentralization of the judicial system in view of the territorial division of the state, outlines the extension of the court's competence to legal relations formed on the specified territory of the administrative-territorial unit.

Instantiation allows to guarantee the possibility of appeal and review of court decisions in a higher court. High-quality consideration of the case by the court, the efficiency of the implementation of justice by the courts of appeal and cassation instance is achieved, taking into account the system of personnel selection in these courts, the possibility of attracting authoritative judges with adequate work experience and a high level of competence. Ensuring the quality of justice is achieved through the involvement of judges in the consideration of cases in higher instances, whose qualifications are set to higher requirements in comparison with judges of lower instances. Also, the principles of instance provide for the elimination of the possibility of one court performing the functions of more than one instance [9, p. 82–91].

Characterizing the structural-organizational block of the administrative-legal status of judicial bodies, it should be emphasized that it is characterized by both internal and external autonomy and independence. The first certifies non-involvement in the process of making judicial decisions by bodies of legislative, executive and judicial power, any officials and officials, public organizations or individual citizens. The second, on the other hand, is a guarantee of the absence of intra-institutional influence on court decisions in the process of administration of justice.

The issues of guaranteeing the independence of judicial bodies have been repeatedly raised both by international institutions in international legal documents, in particular in the Montreal Universal Declaration on the Independence of Justice of 1983 [10], Recommendations of the Committee of Ministers of the Council of Europe, and in decisions made at the national level, in particular in the decisions of the Constitutional Court of Ukraine.

The Committee of Ministers of the Council of Europe came to the conclusion that the independence of the judiciary is a guarantee of trust in the justice system, implementation of the principle of the rule of law, respect for human rights and freedoms in the state [11].

Another feature of the studied block is the ability of judicial bodies to represent the will of the state in public-legal relations. It is achieved through compliance with the principle of legality of the functioning of judicial bodies, their legally guaranteed ability to subordinate the behavior of members of society to their will, the ability to apply legal norms, special competence, the unity of the legal basis of functioning and the possibility of their decision-making on the application of legal coercive measures, the presence in the state of a mechanism of implementation in life of such decisions.

It is quite logical that the specifics of the competence block of the studied administrative-legal status are formed taking into account the specifics of the procedure for the administration of justice, the implementation of judicial control and the responsibility of judicial bodies.

Scientists interpret the very term «competence» as a certain awareness, authority of a person or institution [12, p. 874].

Competence certifies the potential ability, readiness for a certain activity, which requires a sufficient level of knowledge, qualification characteristics, experience, the ability to solve complex professional tasks, perform qualitatively certain work with a high degree of self-esteem, self-regulation, with the ability to dynamically respond to changing circumstances, adapt to them and effectively solve problems.

It seems appropriate to present the competence block of the administrative-legal status of judicial bodies as a combination of three key elements, in particular the powers of these bodies, which determine the procedures for the administration of justice, the implementation of judicial control, and, at the same time, the requirements for the behavior of natural and legal persons, which are determined by these powers, the subjects of knowledge, defined by the current legislation, the so-called competent legal acts, and the legal responsibility of such subjects.

The basis for determining the competence characteristics of the administrative-legal status of judicial bodies is the outline of the current normative-legal acts in which they are fixed.

Among such important legal sources, we should mention the Constitution of Ukraine, in Art. 124 of which it is stated that «justice in Ukraine is administered exclusively by courts, the jurisdiction of courts extends to any legal dispute and any criminal accusation.» The Constitution also determines the possibility of consideration by courts of other cases.

The competence of individual judicial bodies is fixed by the legislator in Art. 19 CAS of Ukraine, Art. 22, 27, 32, 36, 46 of the Law of Ukraine «On the Judiciary and the Status of Judges» dated June 2, 2016 No. 1402-VIII, Art. 7 of the Law of Ukraine «On the Constitutional Court» dated 07.13.2017 No. 2136-VIII and many other legal acts.

The main areas of implementation of the competence of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine are the administration of justice and judicial control over the activities of public administration bodies in the defined sphere.

The administration of justice and judicial control in the civil sphere are the exclusive powers of judicial bodies, and other state institutions are not endowed with such a right. Courts are given the right by the state to make authoritative decisions regarding criminal, administrative, civil, and economic cases. Courts can apply measures of legal coercion on behalf of the state, bring to legal responsibility. This proves the exceptional legal status of judicial bodies, the special role of court decisions in ensuring legality and the rule of law in the state.

Characterizing the competence of judicial bodies, it should be emphasized that this competence, the decisions they make, are endowed with an authoritative character. This is their mandatory feature. Court decisions are binding on all public administration bodies, organizations, individuals and legal entities, subject to enforcement throughout the entire territory of our country, their implementation is realized with the help of the activities of relevant bodies and officials who are obliged to help the state implement them.

The opinion that all the powers of judicial bodies can be divided into substantive and functional is quite worthy of support.

The content of the substantive powers consists in determining the limits of the court's competence, its jurisdiction as an entity authorized to administer justice, then the functional powers are manifested through the management of the trial process within the framework of the components of the administration of justice, consisting in the implementation of procedural actions by the court within the scope of the administration of justice [13, p. 10].

Among the important functional powers, scientists single out the powers related to the management of the trial process. Such powers may relate to the preparatory part of the trial, in particular opening the court session, announcing the subject of the hearing, checking the presence of persons summoned to the court, experts, interpreters, checking the delivery of summonses, explaining their rights and obligations to the participants in the trial, deciding on the requests of persons, who are involved in the consideration of the case, consideration of appeals, etc. [14, p. 138–139].

In view of the above, the features of the competence block of the administrative-legal status of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine are the clear definition of the subject and functional competence of the court in the current legislation, the orientation of all the competence of judicial bodies in the defined area for the implementation of justice on the basis of the rule of law, equality, regardless of social and other characteristics; formation of conditions under which the environmental rights of every member of society can be protected; the extension of court powers to all environmental legal relations existing in the state, the activities of all public administration bodies in this area, ensuring the implementation of decisions made within the framework of the exercise of court powers, state coercion and the authority of the state, the coordination of the powers of various judicial bodies within the framework of their definition in legislation subject competence, sufficiency of means and tools related to the implementation of functional competence, in order to restore violated environmental rights and protect the rights of individuals and legal entities in the environmental sphere.

Conclusions. In view of the above, in general, among the features of the administrative-legal status of judicial bodies, it is possible to note the special normative regulation of this status (there is a special legislation in the state in which this status is outlined, in particular, the order of creation, the competence of these state institutions is detailed); the originality of the organizational and functional structure and the presence of a special procedure for the creation and selection of employees; independence, independence from external or internal influence, separation of these institutions from other participants in legal relations arising in the state, in particular public administration bodies, and, at the same time, the binding nature of their decisions for other legal subjects; the orientation of this legal status to the fulfillment of the important social role of the court in society regarding the performance of special tasks, in particular the administration of justice, the implementation of judicial control in the environmental sphere; the presence of special powers for the implementation of such tasks (distinguished by the specificity of both the subjects of subordination, in particular the legal relations themselves, which are influenced by judicial bodies, as well as the rights and duties of power. It should also be noted the specificity of the organizational and legal form of the work of judicial bodies, in particular the procedures consideration of cases related to the protection of citizens' right to an environment safe for life and health in Ukraine, court hearings, procedural order of decision-making in court cases.

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ОСОБЛИВОСТІ АДМІНІСТРАТИВНО-ПРАВОВОГО СТАТУСУ СУДОВИХ ОРГАНІВ ЯК СУБ'ЄКТІВ ЗАХИСТУ ПРАВА ГРОМАДЯН НА БЕЗПЕЧНЕ ДЛЯ ЖИТТЯ ТА ЗДОРОВ'Я ДОВКІЛЛЯ В УКРАЇНІ

Стаття присвячена проблемі визначення особливостей адміністративно-правового статусу судових органів як суб'єктів захисту права громадян на безпечне для життя та здоров'я довкілля в Україні.

Особливу увагу присвячено визначенню особливостей цільового, структурно-організаційного та компетенційного блоків такого статусу.

Констатовано, що особливості цільового блоку адміністративно-правового статусу судових органів як суб'єктів захисту права громадян на безпечне для життя та здоров'я довкілля в Україні визначаються специфікою мети, завдань, функцій, принципів діяльності судових органів у довкіллєвій сфері. Ідентифікувавши широкий перелік компонентів цільового блоку адміністративно-правового статусу судових органів як суб'єктів захисту права громадян на безпечне для життя та здоров'я довкілля в Україні, визначено їхні основні особливості.

Встановлено особливості структурно-організаційного блоку адміністративно-правового статусу судових органів як суб'єктів захисту права громадян на безпечне для життя та здоров'я довкілля в Україні. Констатовано, що вони зумовлені специфікою порядку утворення та ліквідації судових органів, організації їхньої діяльності, спеціальними формами їх роботи, фінансового, інформаційного та матеріально-технічного забезпечення діяльності тощо.

Встановлено, що особливості компетенційного блоку досліджуваного адміністративно-правового статусу формуються з огляду на специфіку процедури здійснення правосуддя, реалізації судового контролю та відповідальності судових органів.

Особливу увагу присвячено специфіці компетенційного блоку досліджуваного адміністративно-правового статусу. Вона відзначається чіткою визначеністю предметної та функціональної компетенції суду в чинному законодавстві, зорієнтованістю на реалізацію правосуддя, формування умов, при яких довкіллєві права кожного члена суспільства можуть бути захищеними, скоординованістю повноважень різних судових органів у рамках визначення в законодавстві їх предметної компетенції тощо.

Ключові слова: судові органи; адміністративно-правовий статус; компетенція; повноваження; правосуддя; захист прав; безпечне для життя та здоров'я довкілля.