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MODERN PRINCIPLES OF ADMINISTRATIVE AND LEGAL SUPPORT FOR THE ACTIVITIES OF JUDICIAL BODIES AS SUBJECTS OF PROTECTION OF THE RIGHT OF CITIZENS TO AN ENVIRONMENT SAFE FOR LIFE AND HEALTH IN UKRAINE

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The article is devoted to the problem of identifying the main principles of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine.

Special attention is paid to the regulatory and legal principles of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine. It was established that they determine the competence of judicial bodies, fix the procedure for the implementation of administrative justice in such cases, determine the procedural rights of the participants in the trial, etc. Normative and legal principles are a reflection of the institutional principles of the functioning of the judicial power, and are evidence of the normatively defined special role of judicial bodies in Ukrainian society as subjects of protection of the right of citizens to an environment safe for life and health.

The organizational and legal principles of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine have been analyzed. The principles (principles) of administrative proceedings fixed in Part 3 of Article 2 of the Code of Administrative Procedure.

It has been established that the judicial principles of administrative and legal support for the activities of judicial bodies (organizational – in the narrow sense) are evidence of the stability of the judicial system, the organizational ability to guarantee the protection of citizens' rights in the field of the environment.

It was established that the achievement of the principle of the effectiveness of the functioning of judicial authorities in the defined sphere is essential for all administrative and legal support of the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine. It is recognized that new challenges and threats existing in Ukraine must be taken into account on the way to increase efficiency, and the system of administrative and legal support itself must be transformed under the influence of modern trends in the field of justice.

The processes of improving the efficiency of the communication system of bodies and institutions of judicial power, digitalization of judicial activity, ensuring public access, information availability and openness of judicial bodies are characterized.

Keywords: administrative and legal support; citizens' rights; protection of citizens' rights; environment safe for life and health; justice; judicial bodies.

Formulation of the problem. Identification of the main principles of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine is the key to a comprehensive understanding of the instruments of influence of judicial bodies on legal relations arising in the defined sphere, contributes to the understanding of the way of organization of functioning judicial institutions as subjects of human rights activities, guarantees of the effectiveness of their exercise of human rights powers. A scientific study of the basic principles of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine is a guarantee of their improvement in modern conditions.

Analysis of the study of the problem. Determining the basic principles of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine should take into account the need to update legal institutions and procedures taking into account new challenges and threats that exist in Ukraine, to transform under the influence of modern trends in the field of justice. The problems of administrative and legal support for the activities of judicial bodies as subjects of protection of the rights of citizens were studied by such scientists as I. L. Baeva, S. Bondar, R. Igonin, P. Nazarenko, I. Proshutya. However, these works did not deal with the problem of the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine and did not take into account new trends in the field of justice. It is time to update scientific approaches to understanding the basic principles of administrative and legal support for the activities of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine.

The aim is a scientific analysis of the main principles of administrative and legal support for the activities 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 system of administrative and legal support for the activities of judicial bodies has been the subject of research by many scientists. Among its elements, special attention was paid to the object, the subject of administrative and legal support; administrative and legal norms, relations; guarantees methods and tools of practical implementation [1, p. 99].

At the same time, scientists consider the close connection in this system of administrative-legal norms, which regulate the legal capabilities of judicial bodies as participants in administrative-legal relations and the practical implementation of relevant powers by judicial bodies, to be indisputable.

In general, the effectiveness of the mechanism of administrative and legal support for the activities of judicial bodies is directly dependent on the state of administrative legislation regulating the activities of judicial bodies, the way of organizing the relevant judicial activities, as well as granting judicial bodies the necessary scope of competence in relation to human rights activities in the field of ensuring safety for life and health environment in Ukraine.

Speaking about the administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine, it should be noted its dual nature, which is manifested in the focus on ensuring the normalization within the framework of the

current legislation of the procedure for the administration of justice in order to implement and protection of the subjective environmental rights of citizens, as well as on the practical implementation by judicial bodies of measures to ensure the prevention, cessation of any violations of such rights, their restoration, punishment of those guilty of their violation, and compensation for the damage caused.

The identification of its basic principles is decisive for the implementation of the entire system of administrative and legal support for the activities of judicial bodies in the defined area.

All the legal principles of administrative and legal support for the activity of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine can be divided into two large groups.

The first group of legal bases can be defined as normative and legal, since they relate to the system of administrative and legal norms (rules of conduct) established by the state to regulate the powers of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine. They determine the competence of judicial bodies in this area and the legal basis for the implementation of administrative justice in cases related to the protection of the right of citizens to an environment safe for life and health in Ukraine, fix the procedure for the implementation of administrative justice in such cases, the procedural rights of the participants in the trial, the types means of legal influence on violators, which make it possible to warn, stop illegal activities that harm the environment, punish the guilty and restore the violated environmental law.

Some scientists, talking about the administrative and legal support of the activities of judicial bodies, believe that it is exhausted by the normalization of the relevant administrative and legal relations, in which the judicial bodies are a participant. In particular, I. Proshutya, researching this category, came to the conclusion that it is a system of administrative-legal acts, the norms of which determine the most important principles of the functioning of judicial bodies, regulate the administrative-legal relations to which they are included [2, p. 68].

This approach is erroneous, since the administrative and legal support of the activities of judicial bodies is not limited to the normative and legal aspect. The regulatory and legal component is important, but not the only one in the system of administrative and legal support.

The regulatory and legal principles of the administrative and legal support of the activities of judicial bodies in the outline provide for the regulation with the help of administrative and legal means, in particular administrative and legal norms, of social relations in which the judicial bodies are a participant for the purpose of proper legal fixation of powers, normalization of procedural aspects of the effective exercise of powers, which make it possible to warn, stop any violations of the right of citizens to an environment safe for life and health in Ukraine, bring the culprits to justice and compensate for the damage caused.

Among the important normative and legal principles, such as the norm certifying the regulatory role of legal acts that outline the sphere of legal influence of judicial bodies, the possibility of its implementation by defining the limits of citizens' freedom in the environmental sphere, its limitations due to certain prohibitions or obligations should be singled out. , general obligation, state security of legal acts regulating the legal status of judicial bodies in the defined area, formal certainty of administrative and legal support for the activities of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine, which reflects clarity and unequivocal legal establishment of the competence of judicial bodies, their rights and duties as a subject of protection of the subjective rights of citizens in the environmental sphere, etc.

The powers of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine are enshrined in a number of legal acts. Speaking about such guarantees, the legislator uses the following wording: "disputes in the field of environmental protection are resolved by the court", "the activities of individuals and legal entities that cause damage to water (water bodies) can be stopped by a court decision", "the decision on the temporary ban (suspension) or termination of the activities of enterprises in the event of their violation of the legislation on environmental impact assessment is

accepted exclusively by the court”, “disputes on the protection, protection, use and reproduction of forests are resolved in the established order ... by the courts”.

Thus, the normative and legal principles of ensuring the activity of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine are enshrined in Part 3 of Art. 11 of the Law of Ukraine “On Environmental Protection” dated June 25, 1991 No. 1264-XII, Art. 103 of the Forest Code of Ukraine dated January 21, 1994 No. 3852-XII, Part 2 of Art. 95, 109 of the Water Code, Part 4 of Art. 16 of the Law of Ukraine “On environmental impact assessment” and in many other legal acts.

Normative and legal principles are a reflection of the institutional principles of the functioning of the judicial power, and are evidence of the normatively defined special role of judicial bodies in Ukrainian society as subjects of protection of the right of citizens to an environment safe for life and health. Among such principles, scientists are accustomed to single out the principles of parity, justice, the rule of law, the legality of the exercise of judicial power, its implementation exclusively by judicial bodies, its independence, independence, impartiality, etc. [3, p. 20].

The second group of legal foundations can be outlined as the organizational and legal foundations of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine. Special attention devoted to this group will allow to better understand the peculiarities of the mechanism of functioning of the entire judicial system, the use of all resources of the judicial power to contribute to the achievement of the goal of protecting the right of citizens to an environment safe for life and health in Ukraine.

Determining the content of administrative and legal support for the functioning of courts of general jurisdiction, R. Igonin insisted that this is the activity of public administration subjects regulated by the norms of administrative law, aimed at forming the necessary conditions for the functioning of judicial bodies, and a system of guarantees for their activity [4, p. 40].

This statement proves that the entire second group of outlined principles of administrative and legal support for the activities of judicial bodies is a reflection of the organizational, functional and judicial principles of the functioning of the judiciary in Ukraine.

Scientists in their scientific works distinguish between these principles and normative and legal ones rather vaguely. Some scientists, speaking about the organizational aspect of administrative and legal support, also include the rule-making activity that serves as the basis for the activity of judicial bodies [5, p. 596]. Such a broad interpretation seems wrong.

Quite rightly, S. Bondar referred to organizational measures in the field of administrative court maintenance as measures of an organizational and staffing nature, related to the formation of high-quality personnel, the proper structure of administrative courts, protective and preventive content, aimed at maintaining the established order of judicial proceedings, compliance with the rules, execution of the orders of the court, prevention of disrespect for it, related to the state protection of judges, guaranteeing the safe participation in the consideration of the case of the participants in the court process, of a financial, material, technical, organizational and technical nature, which serve to provide financial support for the court process and the activity of the courts, maintenance the suitability of court premises, providing them with technical means of recording court proceedings, covering the costs of judicial proceedings, information content on ensuring the availability of regulatory and legal acts, special literature, court practice, etc. [5, p. 596].

In general, while researching the administrative and legal support for the functioning of the judicial system, A. L. Borko came to the conclusion that its purpose is to guarantee the normal functioning of the judicial system of Ukraine and the legal capabilities of citizens (their fixation, regulation, protection) [6, p. 71].

According to some scientists, such principles include the state language of the judiciary, its publicity, the possibility of collegial and one-person consideration of cases by the court; involvement of the public in the justice process, the implementation of judicial proceedings based on equality, competition be-

tween the parties, the presumption of innocence, the guarantee of the right to appeal the court's decision and its bindingness [7, p. 22–23; 8, p. 80].

The principles (principles) of administrative proceedings fixed in Part 3 of Article 2 of the Code of Administrative Procedure. Among the important principles directly related to the protection of the right of citizens to an environment safe for life and health in Ukraine, the legislator paid special attention to the rule of law, the equality of all participants in the judicial process, the publicity and openness of the consideration of such cases, the adversarial nature of the parties and dispositiveness, the official clarification of the circumstances of the case, the binding nature of court decisions, the provision of the possibility of appellate review of the case, the right to cassation appeal of the court decision, the reasonableness of the terms of consideration of court cases, the inadmissibility of any abuse of procedural law and the reimbursement of court costs of persons whose rights are protected by a court decision .

At the same time, it is fundamental to be aware of the organizational and functional features, forms and methods of activity of judicial bodies, the specifics of the tasks of various judicial bodies in this area, the distribution of their competence, means of ensuring the universality of legal acts of judicial bodies, etc.

Characterizing the functional component of administrative and legal support for the activities of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine, attention should be paid to the human rights tasks and powers of judicial bodies.

I. Lychenko emphasized that the system of judicial bodies should be able to direct its activities to the implementation of the protection of various kinds of legal opportunities of citizens from illegal legal acts, decisions, actions (inaction) of public authorities, officials, from offenses in the form of administrative torts, other various violations of legal rights [9, p. 104].

The realization of the right to judicial protection is directly dependent on the administrative and legal provision of the state-guaranteed right to access to fair justice, which is embodied through the operation of the system of independent and impartial courts, the determination of a reasonable period for consideration of disputes, ensuring the publicity and validity of court decisions, and the implementation of other guarantees justice (possibility of obtaining legal aid, ensuring the admissibility of evidence, etc.) [10, p. 231–248].

Judicial bodies, as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine, also implement their functions through active work on consideration of cases of environmental administrative offenses.

A particularly important area of activity of judicial bodies is the bringing to administrative responsibility of the heads of economic entities, whose activities violate the rights of citizens to an environment safe for life and health in Ukraine. The activity of the judicial authorities serves to stop such activities and to bring the culprits to justice.

Implementation of the law-enforcement component of administrative-legal support of the activities of judicial bodies as subjects of the protection of the rights of citizens directly depends on the professionalism of judges, the ability to implement in practice the principles of the rule of law and legality. This is painstaking work that requires intellectual efforts, thorough knowledge in the field of law [11, p. 271].

Judicial principles of administrative and legal support for the activities of judicial bodies (organizational – in the narrow sense) are evidence of the stability of the judicial system, the organizational ability to guarantee the protection of citizens' rights in the field of the environment.

Among these, it is possible to single out the administration of justice exclusively by courts, the institutional separation of judicial bodies and, at the same time, the close connection of judicial bodies within the judicial system, with bodies of judicial self-government, the independence of courts, the independence of judges and their obedience only to the law, the possibility of bringing judges to justice in connection with improper performance of professional duties.

Fundamental to all administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine is the achievement of the principle of the effectiveness of the functioning of judicial authorities in the defined sphere.

The effectiveness of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine is an indicator of the speed and accuracy of achieving the goal of protecting environmental rights by means of administrative law. It directly depends on the quality of legislation and law enforcement practice of judicial bodies in the defined area.

The effectiveness of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine is determined by the interdependence of the efforts expended, aimed at obtaining the stated goal and a certain degree of its achievement. According to E. Zhukova, when talking about increasing the effectiveness of this administrative and legal provision, it is fundamental to take into account the level of public involvement in the assessment of the results of the approval of administrative and legal norms, the elimination of the outdated mechanism of legal regulation, the elimination of vestiges of the Soviet period, the approval of tools of legal influence that have positively proven themselves in practice, the achievements of legal practice, the expansion of digitalization processes in the sphere of rulemaking and law enforcement, the introduction of modern information technologies, the openness of the formation of the legal basis for the functioning of state institutions, taking into account new social trends and events, in particular the conditions of wartime, etc. [12, p. 89–91].

On the way to increase the effectiveness of the administrative and legal support of the activities of judicial bodies as subjects of protection of citizens' right to an environment safe for life and health in Ukraine, it is extremely important to determine the strategic priorities for the development of the ecological sphere, to determine the risks to the life and health of citizens in modern conditions and means of neutralizing risks and threats to these rights in the environmental sphere, approving program documents (concepts, programs in which these issues would be defined), strengthening work on the harmonization of regulatory and legal acts regulating the procedure for implementing and protecting the right of citizens to environment safe for life and health in Ukraine, etc.

Qualitative organizational and legal principles of administrative and legal support for the activities of judicial bodies must be transformed under the influence of modern trends in the field of justice. Current challenges continue to be staff shortage in the courts (in 2022, 1,840 positions of judges remained vacant in the courts, which is 28 percent of their maximum number), the lack of an optimal court system in Ukraine, problems with the implementation of the process of digitalization of justice, etc. [13].

Achieving the effectiveness of administrative and legal support for the activities of judicial bodies requires the digitalization of judicial activities in order to strengthen the protection of citizens' rights in the defined sphere.

The development of society and the processes of globalization require reliable technologies that will serve to simplify the implementation and protection of citizens' rights, and to optimize the activities of judicial bodies.

It is no less important to ensure public access to the development of legislation in the field of judicial activity and its wide access to information about the implementation of cases in courts, the spread of judicial practice, the establishment of communication links, and the approval of the principles of openness and publicity of justice.

It is time to settle the issue of the general system of communication of bodies and institutions of judicial power, ensure information accessibility and openness of judicial bodies, provide tools for feedback to the public, improve trust in them, strengthen cooperation with mass media, establish partnerships with public institutions and mass media, spread positive the image of the courts, strengthening work on the introduction of communication technologies to improve information exchange within the judiciary, improving the staffing and training of court employees, expanding the list of information activities of judicial bodies, in particular increasing the number of press conferences, round tables, and webinars dedicated to justice, strengthening the influence on legal culture population [14].

The functional component of the administrative and legal support for the activities of judicial bodies is under the constant influence of political events in Ukraine, including the effects of the war. As of March 15, the Supreme Court changed the jurisdiction of over one hundred and eight courts from Donetsk, Zhytomyr, Zaporizhzhia, Luhansk, Sumy, Kharkiv, Kherson, Chernihiv and other regions. The disadvantage is the absence of a regulatory definition of the specifics of the consideration of cases in wartime in the aspect of ensuring the attendance of the participants, terms of the consideration of the case. At the same time, it is forbidden to shorten and speed up any form of judicial proceedings.

Conclusions. Thus, the transformation of the basic principles of administrative and legal support for the activities of judicial bodies as subjects of protection of the right of citizens to an environment safe for life and health in Ukraine takes place under the influence of political, in particular military events, demands of society, the public, and mass media regarding the strengthening of the openness of judicial activities authorities, digitization of the judicial process. New trends require high-quality regulatory and legal consolidation and active implementation in judicial activity.

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СУЧАСНІ ЗАСАДИ АДМІНІСТРАТИВНО-ПРАВОВОГО ЗАБЕЗПЕЧЕННЯ ДІЯЛЬНОСТІ СУДОВИХ ОРГАНІВ ЯК СУБ’ЄКТІВ ЗАХИСТУ ПРАВА ГРОМАДЯН НА БЕЗПЕЧНЕ ДЛЯ ЖИТТЯ ТА ЗДОРОВ’Я ДОВКІЛЛЯ В УКРАЇНІ

Стаття присвячена проблемі ідентифікації основних засад адміністративно-правового забезпечення діяльності судових органів як суб’єктів захисту права громадян на безпечне для життя та здоров’я довкілля в Україні.

Особливу увагу присвячено нормативно-правовим засадам адміністративно-правового забезпечення діяльності судових органів як суб’єктів захисту права громадян на безпечне для життя та здоров’я довкілля в Україні. Констатовано, що вони визначають компетенцію судових органів, фіксують процедуру реалізації адміністративного правосуддя у таких справах, визначають процесуальні права учасників судового розгляду тощо. Нормативно-правові засади є відображенням інституційних засад функціонування судової влади, свідченням нормативно визначеної особливої ролі судових органів в українському суспільстві як суб’єктів захисту права громадян на безпечне для життя та здоров’я довкілля.

Проаналізовано організаційно-правові засади адміністративно-правового забезпечення діяльності судових органів як суб’єктів захисту права громадян на безпечне для життя та здоров’я довкілля в Україні. До цієї групи засад адміністративно-правового забезпечення діяльності судових органів як суб’єктів захисту права громадян на безпечне для життя та здоров’я довкілля в Україні слід віднести й засади (принципи) адміністративного судочинства, зафіксовані у ч. 3 ст. 2 Кодексу адміністративного судочинства.

Встановлено, що судоустрійні засади адміністративно-правового забезпечення діяльності судових органів (організаційні – у вузькому розумінні) є свідченням сталості судової системи, організаційної спроможності гарантувати захист прав громадян у сфері довкілля.

Констатовано, що засадничим для усього адміністративно-правового забезпечення діяльності судових органів як суб’єктів захисту права громадян на безпечне для життя та здоров’я довкілля в Україні є досягнення принципу ефективності функціонування органів судової влади в окресленій сфері. Визнано, що на шляху підвищення ефективності повинні враховуватися нові виклики та загрози, що наявні в Україні, а сама система адміністративно-правового забезпечення має трансформуватися під впливом сучасних тенденцій у сфері правосуддя.

Охарактеризовано процеси підвищення ефективності системи комунікації органів та установ судової влади, цифровізації судової діяльності, забезпечення доступу громадськості, інформаційної доступності й відкритості судових органів.

Ключові слова: адміністративно-правове забезпечення; права громадян; захист прав громадян; безпечне для життя та здоров’я довкілля; правосуддя; судові органи.