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CONCILIATION OF PARTIES IN UKRAINE’S ADMINISTRATIVE JUSTICE: ANALYSIS OF JUDICIAL PRACTICE AND DEVELOPMENT PROSPECTS

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This article establishes that conciliation of parties in Ukraine’s administrative justice system serves as an effective tool for alternative dispute resolution, contributing to the reduction of judicial system workload, optimization of state resources, and prompt restoration of citizens’ violated rights. Conciliation is grounded in principles of voluntariness, mutual concessions, and compliance with public interests, enabling parties to reach a compromise without a full judicial trial. An analysis of Ukrainian judicial practice demonstrates a growing application of conciliation in administrative disputes, particularly in cases involving challenges to decisions of public authorities, land relations, dismissal from public service, and compensation for damages. It is determined that the rational use of this institution, taking into account the specific circumstances of a case such as the nature of the dispute, the status of the parties, and the involvement of third parties enhances the efficiency of administrative justice and prevents conflict escalation. However, achieving optimal outcomes requires a comprehensive approach, including legal education of parties, mediation, and robust judicial oversight of conciliation terms. The application of formal criteria without considering the substance of the dispute may lead to process inefficiencies. The inclusion of conciliation in the Code of Administrative Procedure of Ukraine obliges the state to develop mechanisms for its implementation, including training for judges, lawyers, and representatives of public authorities, as well as alignment with European standards for alternative dispute resolution. Only through such measures can the swift and fair protection of rights in administrative relations be ensured.

Keywords: alternative dispute resolution; administrative justice; mutual concessions; mediation; conciliation of parties; judicial practice; terms of conciliation.

Formulation of the problem. According to Article 190 of the Code of Administrative Procedure of Ukraine (hereinafter – CAP of Ukraine), conciliation of parties is a voluntary mechanism for resolving administrative disputes, enabling the avoidance of lengthy judicial proceedings and reducing the costs of justice administration. Amendments to the CAP of Ukraine in 2023 (Law of Ukraine No. 3124-IX dated February 28,

2023) strengthened the role of mediation and conciliation, aligning national legislation with European standards, notably the Recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2002)10 on mediation in civil matters. The primary objective of these amendments is to establish an effective system of administrative justice capable of ensuring swift protection of citizens' rights against unlawful actions by public authorities, while adhering to the principles of the rule of law and proportionality. To achieve this objective, the legislation outlines several tasks, including promoting conciliation in disputes where a compromise can be reached without undermining public interests. Consequently, harmonizing national legislation with European standards, reducing judicial workload through alternative procedures, striving for the humanization of the administrative process, empowering parties to independently resolve disputes, minimizing litigation costs, and fostering productive relations between citizens and authorities are the key factors driving the active development of the conciliation institute in Ukraine's administrative justice system.

Analysis of the study of the problem. The institute of conciliation of parties in Ukraine's administrative justice system has been the subject of scholarly research by numerous Ukrainian academics, including: O. D. Sydelnikov, I. L. Zheltabriukh, O. M. Balashov, N. O. Vasylchenko, V. V. Hrytsenko, I. O. Koretskyi, N. S. Kucheruk, N. A. Mazaraki, R. F. Mustafin, A. S. Novosad, A. H. Pyshna, M.Ya. Polishchuk and others. However, the 2023 amendments to the CAP of Ukraine necessitate a review of prior research findings in light of new provisions, particularly those expanding the scope of mediation and judicial oversight of conciliation terms.

The purpose of the article is to elucidate the legal nature of conciliation of parties in Ukraine's administrative justice system, determine its role within the framework of alternative dispute resolution, and analyze its application based on judicial practice.

Presenting main material. According to Article 190 of the CAP of Ukraine: "1. The parties may fully or partially resolve a dispute through mutual concessions. Conciliation of parties may pertain solely to the rights and obligations of the parties. The parties may conciliate on terms that extend beyond the subject matter of the dispute, provided such terms do not infringe upon the rights or legally protected interests of third parties. The terms of conciliation must not contravene the law or exceed the competence of the public authority. 2. At the request of the parties, the court may suspend proceedings for the time necessary for conciliation. 3. The terms of conciliation are set out by the parties in a conciliation statement. The conciliation statement may take the form of a single document signed by the parties or separate documents: a statement by one party outlining the terms of conciliation and a written consent from the other party agreeing to those terms. 4. Before issuing a judicial decision in connection with conciliation, the court explains the consequences of such a decision to the parties and verifies whether their representatives are authorized to undertake the relevant actions. 5. The terms of conciliation are approved by a court ruling. By approving the terms of conciliation, the court simultaneously terminates the proceedings in the case." [1]

Thus, conciliation of parties involves resolving disputes through mutual concessions within the framework of the judicial process. It is applied in administrative cases where the public authority is typically the defendant and does not conflict with public interests. The duration of the conciliation procedure is not limited, but the court may suspend proceedings to facilitate it. The court is obliged to verify that the terms of conciliation comply with the law, do not infringe upon the rights of third parties, and are enforceable.

According to data from the Unified State Register of Court Decisions, from January 1, 2025, to August 1, 2025, conciliation was applied in 40 administrative cases, with 28 % relating to land disputes, 22 % to challenges against decisions of local self-government bodies, 18 % to labor relations in public service, and 32 % to other matters [2].

Under Article 191 of the CAP of Ukraine, a court ruling approving the terms of conciliation constitutes an enforceable document. The terms of conciliation may include, for example:

1. Acknowledgment of the unlawfulness of the defendant's actions. For instance, in case No. 120/3363/25 of the Vinnytsia District Administrative Court dated June 6, 2025, the parties reached conciliation through an obligation by the Department of Architecture and Urban Planning of the Vinnytsia

City Council to amend urban planning conditions and restrictions. The timeline for implementation is determined by the plaintiff's application, with changes registered within 10 working days. Notably, in cases involving public authorities acting in the public interest, conciliation may be subject to legislative constraints, such as the use of electronic monitoring tools to ensure compliance [3].

Similarly, in case No. 320/16874/25 of the Kyiv District Administrative Court dated July 31, 2025, the Borodianka Village Council acknowledged the unlawfulness of dismissing the plaintiff from the position of administrator of the administrative services center and committed to revoking the dismissal order, reinstating the plaintiff, and paying average earnings for the period of forced absence [4].

2. Obligation to undertake specific actions. In case No. 420/8356/25 of the Odesa District Administrative Court dated July 2, 2025, the Serhiivka Village Council committed to issuing a permit for the development of land management documentation for consolidating land plots within the timelines prescribed by law. In case of non-compliance, the plaintiff may apply to executive authorities for enforcement under Part 3 of Article 191 of the CAP of Ukraine [5].

A similar approach was applied in case No. 260/5613/25 of the Zakarpattia District Administrative Court dated July 25, 2025, where the National Academy of Internal Affairs committed to providing a one-year installment plan for the repayment of debts related to maintenance costs at the educational institution, with monthly payments per an agreed schedule, and the defendant acknowledged the claims in full [6].

3. Compensation for damages or losses. In case No. 813/509/18 of the Supreme Court dated June 9, 2021 (with clarifications from 2021), the Department of Economic Development of the Lviv City Council committed to compensating damages amounting to UAH 985,164.19 and UAH 446,571.05 for the dismantling of advertising structures, with payments deferred per decisions of the executive committee [7].

In case No. 280/712/22 of the Supreme Court dated July 27, 2023, the Main Directorate of the National Police in Zaporizhzhia Oblast committed to revoking a disciplinary sanction order, reinstating the plaintiff to the position of senior operative officer, and paying monetary compensation for the period of absence from service in the amount of UAH 37,368.68, accounting only for core components (base salary, special rank allowance, and seniority bonus) [8].

Based on the analysis of the cited court rulings, it can be concluded that the institute of conciliation of parties is an effective mechanism for alternative resolution of administrative disputes, facilitating prompt restoration of rights, reducing the judicial system's workload, and optimizing state resources. In all cited cases, conciliation led to the termination of proceedings without a full substantive review, demonstrating the institute's flexibility across various domains: from urban planning conditions and land issues (cases No. 120/3363/25 and No. 420/8356/25), where parties committed to amending documents or issuing permits, to compensation for damages due to dismantling of structures (case No. 813/509/18) with deferred payments, reinstatement in public service (cases No. 280/712/22 and No. 320/16874/25) with compensation for forced absence, and recovery of educational maintenance costs (case No. 260/5613/25) with installment payments. This reflects the growing application of conciliation, with key elements including mutual concessions, judicial oversight of enforceability, and integration of mediation, aligning with European standards. The rational use of this tool, considering individual circumstances (nature of the dispute, status of the parties, and absence of harm to third parties), enhances the efficiency of administrative justice, prevents conflict escalation, and promotes process humanization, enabling parties to reach a compromise without protracted litigation.

However, conciliation in administrative justice also faces several challenges requiring improvement. First, there is an imbalance of power between parties: citizens are often in an unequal position compared to public authorities, which may lead to "coerced" compromises or violations of public interests (e.g., in cases involving authorities, as seen in the cited land and service disputes). Second, the absence of a clear list of case categories eligible for conciliation creates ambiguity: the CAP of Ukraine permits conciliation at any stage, but without restrictions, this may conflict with principles of public interest (e.g., in cases involving state interests, such as compensation or reinstatement). Third, issues with the enforcement of rulings: conciliation terms (e.g., installment plans or obligations to act) often depend on the goodwill of the parties, and enforcement mechanisms (Article 191 of the CAP) are not always effective, particularly in cases of non-

compliance (e.g., with deferred payments). Fourth, theoretical challenges: the lack of a unified methodology for judicial oversight of conciliation terms may lead to formalism, neglecting the substance of the dispute and risking violations of third-party rights. To address these issues, legislative clarifications, enhanced mediation roles, and legal education are necessary to ensure the institute's fairness and effectiveness.

The Code of Administrative Procedure of Ukraine [1] establishes that a statement of reconciliation of the parties may be presented in the form of a single document signed by the parties, or in the form of separate documents: a statement by one party about the terms of reconciliation and a written consent of the other party to the terms of reconciliation (Part 3, Article 190). Some scholars believe that in administrative proceedings it is worth introducing the practice of submitting a jointly signed statement by the parties, which would show their true intention to conclude the case by reconciling the parties. In the conditions of digitalization of socio-political life, the formation of such a statement is not such a problem [9, c. 200].

Finally, it should be noted that courts are not obliged to approve conciliation statements with 100 % certainty; rather, a court may refuse to approve the terms of conciliation. For instance, in one administrative case (Ruling of the Rivne District Administrative Court dated December 9, 2021, in case No. 60/5420/21) the court rejected the terms of conciliation because they "infringed upon the legally protected interests of third parties – Ukrainian citizens, employees of the enterprise, and visitors to the premises owned by the defendant, as the premises were in a condition threatening human life and health, as evidenced by a series of unaddressed violations identified in inspection report No. 49 on compliance with technogenic and fire safety legislation" [9, c. 201].

Conclusions. It is argued that the rational application of the described conciliation terms, alongside mediation measures, considering the nature of the dispute, the status of the parties, and the risks of violating public interests, can serve as an effective tool for resolving administrative conflicts without a full judicial trial and preventing dispute escalation. However, achieving such outcomes is possible only through a comprehensive approach by professionals, incorporating a tailored focus on the parties, accounting for legal, social, and economic factors influencing relations, and ensuring robust judicial oversight of enforcement. The application of formal criteria in approving conciliation terms, as in case adjudication, cannot achieve the goals of effective administrative justice. The presence of the conciliation institute in the CAP of Ukraine obliges the state to establish an effective support system, including the development of a network of mediation centers, training of qualified professionals, and provision of legal guarantees for the parties. Only through such measures can effective dispute resolution and the social adaptation of relations between citizens and authorities be ensured.

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ПРИМИРЕННЯ СТОРІН В АДМІНІСТРАТИВНОМУ СУДОЧИНСТВІ УКРАЇНИ: АНАЛІЗ СУДОВОЇ ПРАКТИКИ ТА ПЕРСПЕКТИВИ РОЗВИТКУ

У статті з'ясовано, що примирення сторін в адміністративному судочинстві України є ефективним інструментом альтернативного врегулювання спорів, який сприяє зменшенню навантаження на судову систему, оптимізації ресурсів держави та швидкому відновленню порушених прав громадян. Воно ґрунтується на принципах добровільності, взаємних поступок і не суперечить публічним інтересам, дозволяючи сторонам досягти компромісу без повного судового розгляду. Аналіз судової практики українських судів демонструє зростання застосування примирення в адміністративних спорах, зокрема у справах щодо оскарження рішень органів влади, земельних відносин, звільнення з публічної служби та відшкодування збитків. Встановлено, що раціональне використання цього інституту з урахуванням індивідуальних обставин справи, таких як характер спору, статус сторін і наявність третіх осіб, сприяє підвищенню ефективності адміністративного судочинства та запобігає ескалації конфліктів. Водночас, досягнення оптимальних результатів можливе за умови комплексного підходу, що включає правову освіту сторін, медіацію та належний судовий контроль за умовами примирення. Застосування формальних критеріїв без урахування суті спору може призвести до неефективності процесу. Наявність інституту примирення в Кодексі адміністративного судочинства України зобов'язує державу розвивати механізми його впровадження, включаючи підготовку суддів, адвокатів та представників органів влади, а також інтеграцію з європейськими стандартами альтернативного вирішення спорів. Лише в такому разі можливе забезпечення швидкого та справедливого захисту прав у адміністративних відносинах.

Ключові слова: альтернативне врегулювання спорів; адміністративне судочинство; взаємні поступки; медіація; примирення сторін; судова практика; умови примирення.