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Examination of evidence in administrative proceedings

Paida Yurii, Yaroslav Popenko, Savchuk Denys

Key words:

process of proofing, sources of evidence, testimony of witnesses, expert's opinion, consultations and explanation of specialist.

Introduction. In order to ensure the rule of law, judicial protection of the constitutional rights and freedoms of citizens, the court must assist the person in protecting one's rights and freedoms and establishing the objective truth in the case. To achieve this goal, it is necessary to continue the study of the evidence process and to discover new techniques and tools to improve and facilitate the evidence process.

The examination of evidence is the process of obtaining information about it and understanding it in relation to a particular case in order to establish a connection with the event. The study involves: analysis and verification of the content of evidence; verifying the existence of facts by finding new evidence that denies or confirms what already exists; establishing links and comparing evidence with others in this case (Треушников, 1982: 56).

Written documents are the subject of research in two cases: at the request of a participant in the administrative process and at the initiative of the court. In the first case, the person applying to the court to demand written evidence from other persons must indicate what written evidence is required, the body or person where it is located, and the circumstances that may support this evidence. In the second case, the demanded written evidence is sent directly to the administrative court. The court may encourage the authorized party or another person involved in the case to obtain written evidence for submission to the court.

In deciding on the presentation of written evidence in the case, the court must clearly comply with the requirements of Art. 74 of the Code of Administrative Procedure of Ukraine (hereinafter – CAP of Ukraine) on the admissibility of evidence, as some of them may contain information that is a state secret, confidential or official and may contain commercial, banking and other information, the use of each of them must be carried out in compliance with the rules governing the regime of a particular information (Кодекс, 2005).

The court should pay special attention to the information that falls under the Law of Ukraine «On State Secrets» and the Code of Information, approved by the order of the Security Service of Ukraine dated 12.08.2005 № 440.

There is a number of requirements for written evidence, whether original or derived, to comply with the procedure for certifying copies of documents. The originals of the written evidence in the case shall be returned by the court after their examination, if this does not prejudice the consideration of the case, or after the entry into force of a court decision in the case at the request of the persons who provided them. A copy of the written evidence certified by a judge remains in the case (Адміністративне, 2007: 120).

In administrative proceedings, objects of the material world act as material evidence most often in the following cases: when they deviate from administrative law (standards and other regulations); if they have changes related to the established fact; when the administrative and legal norms prohibit their creation or use; while using them by persons involved in the case; when found in a certain place or at a certain time, if these circumstances are relevant to the case; if they comply with the administrative and technical norms (standards and other norms) established by law (Битяк, 2011: 7).

1. Examination of evidence

During the trial, the court must directly examine the evidence in the case: read the written and electronic evidence, expert opinions, explanations of the parties, set out in statements on the merits, testimony of witnesses, examine the evidence. Evidence that was not the subject of the investigation at the hearing may not be used by the court as the basis for the court decision. Material, written and electronic evidence are examined in court, except in cases specified by the CAP of Ukraine, and presented to the parties at their request, and if necessary – also to witnesses, experts, specialists. Audio and video recordings are played in a court hearing or in another room specially equipped for this purpose. These provisions define the circumstances to be proved in an administrative case and the evidence to be examined during the trial in order to establish these circumstances (Адміністративне, 2012: 214).

The examination of evidence is the main part of the procedural activities of the court and persons involved in the case during the trial, which aims to establish the circumstances necessary for the proper resolution of the administrative case and the adoption of a reasoned court decision. After all, the decision made by the court on the basis of fully and comprehensively clarified circumstances in the administrative case, confirmed by the evidence that was examined at the hearing, is reasonable.

The study of evidence is direct perception during the trial of the case by the court and the persons involved in the case, information about the circumstances contained in the statutory media (means of proof). The court examines the evidence relating to the subject of evidence, which is pre-determined at the stage of preparatory proceedings. The correct definition of the subject of evidence allows the court to correctly establish the disputed legal relationship between the parties and determine which evidence is appropriate (containing information about the subject of evidence).

The examination of the evidence must be consistent. The CAP of Ukraine lists the sources of evidence (means of proof) that help to correctly establish the circumstances. Such sources include: witness statements, written evidence, physical and electronic evidence, expert opinions. They are listed in the order in which the legislator recommends that they be examined, although after hearing the explanations of the persons involved in the case, the court may establish a different procedure for examining the evidence.

The parties to the case may give their explanations regarding written, physical and electronic evidence or protocols of their review, ask questions to experts. The first person to ask a question is the person at whose request the expert was summoned (Адміністративне, 2012: 222).

2. Testimony of witnesses as a source of evidence

Each witness is questioned separately. Witnesses who have not yet testified may not be in the courtroom during the trial. The court administrator takes steps to ensure that witnesses who are questioned do not communicate with those who are not questioned by the court. Before questioning the witness, the presiding judge establishes his identity, age, occupation, place of residence, attitude to the case and relations with the parties and other participants in the case, explains his or her rights and obligations under Article 65 of the Criminal Procedure Code of Ukraine, clarifies, whether he refuses to testify on the grounds established by law, and under the receipt warns him of criminal liability for knowingly false testimony and refusal to testify. If there are no obstacles to the interrogation of a witness, the presiding judge leads him to take the following oath: «I, (surname, name, patronymic), swear to tell the truth, not hiding or distorting anything» (Адміністративне, 2009).

The oath is pronounced orally by the witness, after which he signs the text of the oath. The text of the oath and the receipt signed by the witness are attached to the case. The interrogation of a witness begins with the presiding judge's suggestion to tell everything he knows in the case, after which he is first asked by the person at whose request the witness was summoned, and then by the other participants in the case. The presiding judge and other judges may ask witness questions at any time during his interrogation. The presiding judge and other judges have the right to find out the essence of the witness's answer to the questions of the participants in the case, as well as to ask the witness questions after the interrogation by the participants in the case. The presiding judge has the right, at the request of the parties to the case, to remove the questions posed to the witness, if they offend the honor or dignity of the person, are suggestive or do not relate to the subject matter of the dispute. The interrogated witness remains in the courtroom until the end of the trial. The court may allow such a witness to leave the courtroom until the end of the hearing with the consent of the parties. A witness may be re-examined at the same or subsequent court hearing at his request, at the request of the parties to the case or on the initiative of the court. During the examination of other evidence, witnesses may be asked questions by the parties, other participants in the case, as well as the court. The court may order the simultaneous examination of two or more witnesses to determine the reasons for the discrepancy in their testimony. A witness who is unable to appear in court due to illness, old age, disability or other valid reasons shall be questioned by the court at his place of residence (location).

Any person who may be aware of the circumstances to be clarified in the case may be summoned as a witness in an administrative case. The interrogation of a witness takes place in a court session at the stage of trial. In exceptional cases, a witness may not be questioned in court, but at his place of residence (location). As an exception, the interrogation of a witness may also take place in preparatory proceedings in the order of securing evidence, including by way of a court order (Бочаров, 2007: 15).

Before the interrogation, a witness should not be in the courtroom so that his or her memory, in which certain circumstances in the case are engraved, is not affected by information about the case of the presiding judge or rapporteur, explanations of persons involved in the case, testimony of other witnesses. For the same reasons, a witness should not communicate with other witnesses while waiting for an invitation to the courtroom. It is especially important that there is no communication between the witness who was not questioned by the court and the questioned witness, so that the questioned witness does not report what questions had to be answered and how. To prevent such communication, the court administrator should take care of this, in particular, offering witnesses different places to wait.

In some cases, a person who did not appear in court as a witness but was present in the courtroom during the trial may also be questioned by the court as a witness on general grounds, regardless of his presence in the examination of other evidence. But this circumstance the court must take into account when assessing the testimony of such a witness. The court interrogates each witness separately and in the absence of uninterrogated witnesses. The court on its own initiative or at the request of the persons involved in the case has the right to

remove from the courtroom an already interrogated witness who may influence the witness to be interrogated by his presence. The latter may also make such a request.

In order to be able to further assess the objectivity of the witness's testimony, before the interrogation the presiding judge must: 1) establish the identity of the witness (the court checks the passport or other identity document), age, occupation, place of residence, attitude to the case and relationship with the parties and other persons involved in the case; 2) explain his rights and responsibilities; 3) to find out whether he or she refuses to testify on the grounds established by parts two and three of Article 65 of the Criminal Procedure Code of Ukraine; 4) if there are no such grounds, then under the receipt to warn the witness about criminal liability for knowingly false testimony and refusal to give testimony; 5) bring the witness to the oath (Кодекс, 2005).

The presiding judge informs the witness that in accordance with the CAP of Ukraine he or she has the right to: 1) refuse to testify about himself or herself, family members or close relatives (husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, grandson, granddaughter, adoptive parent, guardian or trustee, person under guardianship or custody, family member or close relative of these persons); 2) give evidence in his or her native language or in a language he or she speaks; 3) use written records, if impressions are related to any calculations and other data that are difficult to store in memory; 4) reimburse the costs associated with the summons to court; is obliged to give truthful testimony about the circumstances known, if there are no circumstances that release him or her from the obligation to give evidence (Кодекс, 2005).

The presiding judge must also state that a person may not be questioned as a witness if he or she: 1) is incapacitated or registered or treated in a psychiatric institution and is unable, due to his or her physical or mental disabilities, to correctly perceive the circumstances relevant to the case, or give readings in this regard; 2) was a representative in court proceedings, a defense counsel in criminal cases, in relation to the circumstances that became known to him or her in connection with the performance of the functions of a representative or defense counsel; 3) was a priest, in relation to the information received at the confession of believers; 4) was a professional judge, lay judge and juror – on the circumstances of discussion in the deliberation room of issues that arose during the court decision; 5) if there are other circumstances, in accordance with the law or an international agreement, the binding nature of which has been approved by the Verkhovna Rada of Ukraine, exclude the interrogation of a person as a witness.

All the grounds, which exclude the interrogation of a person as a witness, do not need to be reported, if during the identification of the witness and other circumstances that characterize him or her, it becomes clear that there are no such grounds. If the grounds for excluding the interrogation of a person as a witness are clarified, the court will not interrogate such a person. The chairperson should make sure that these rights and responsibilities of the witness are clear and, if necessary, provide further clarification.

For misrepresentation, the witness bears criminal responsibility for refusing to testify in accordance with Articles 384 and 385 of the Criminal Code of Ukraine (hereinafter – the C.C of Ukraine). The presiding judge warns the witness about such responsibility and through the court administrator (and in his or her absence – the secretary of the court session) offers to sign a receipt stating that the witness has been warned.

If there are grounds established by law for which a witness has the right to refuse to testify, but does not refuse and agrees to testify, the presiding judge warns such a witness of criminal liability only for misrepresentation. Such a witness may exercise the right to refuse to testify at any time.

If there are no obstacles to the interrogation of the witness, after explaining to the witness the rights and responsibilities and warning of criminal liability, the presiding judge takes the witness to the oath, the content of which is determined by part four of the commented article. The oath is of high moral importance to the witness, as he publicly undertakes to perform his duty in good faith, truthfully informing the court of all the circumstances he witnessed. The witness takes the oath orally by heart or reads its text, after which signs the text of the oath provided by the court administrator (and in his or her absence – the secretary of the court session). The signed text of the oath is attached to the case file.

The interrogation of a witness consists of two parts: 1) a free story about everything he knows about the circumstances of the case; 2) the witness's answers to the questions of the persons involved in the case, the court, and, if necessary, other participants in the administrative process (for example, an expert) (Кодекс, 2005).

During the free narration of a witness it is not possible to interrupt, the presiding judge may stop the witness only when he or she reports information that is not related to the circumstances of the case and correct it in the right direction. A witness may use recordings when giving evidence if his or her testimony related to any calculations and other data that are difficult to remember. After interrogation, these records are shown to the court and the persons involved in the case, and may be attached to the case by court order. The presence of records in some cases may indicate that the witness was prepared by the party and he or she may be lying. Therefore, to verify this, the witness may be asked questions. Questions are also asked, if necessary, to clarify certain details or supplement information on certain circumstances.

The first witness shall be asked by the person at whose request the witness was summoned, and then by the other persons involved in the case, in accordance with the procedure established by the presiding judge. The presiding judge and other judges may ask witness questions at any time during his interrogation.

Questions to witness should be clear, concise and specific. Guided questions, i.e. questions in the form of tips, are not allowed and are removed by the chairman. The presiding judge has the right to withdraw the question to the witness, if it is formulated in such a way that degrades the honor and dignity of the latter or is not aimed at clarifying the circumstances of the case.

The court may order the simultaneous examination of two or more witnesses. The purpose of such an interrogation is to find out the reasons for the discrepancy in their testimony. Such interrogation makes it possible to verify the veracity of the testimony of two or more witnesses, if there are discrepancies between them, or to clarify information to witnesses that made it possible to assume the existence of such discrepancies.

During the simultaneous interrogation, witnesses are asked questions in the general order specified in this article. They may be asked the same questions, which they answer sequentially, or each witness may be asked separate questions (Кодекс, 2005).

The interrogated witness remains in the courtroom until the end of the trial, as it may be necessary to ask questions during the examination of other evidence. However, at the request of a witness, the court may allow him or her to leave the courtroom until the end of the proceedings (part nine of the commented article). Also, the court on its own initiative or at the request of a person involved in the case may remove the interrogated witness from the courtroom temporarily, for example, for the time of interrogation of another witness.

If necessary (to clarify earlier testimony or to clarify new circumstances that have arisen) the witness may be questioned again in the same or subsequent court hearing at his request, at the request of persons involved in the case, or on the initiative of the court .

During the examination of other evidence, witnesses may be asked questions by the parties, other persons involved in the case, and the court in order to obtain additional information or to clarify discrepancies between the testimony of the witness and the evidence under investigation.

The procedure for questioning a witness, established by this article, applies to the questioning of a witness in order to provide evidence, the questioning of a witness at his place of residence (location), as well as in the case of execution of a court order.

During the trial on the merits of the testimony of a witness, obtained as a result of these procedural actions and recorded in the protocol on the commission of a separate procedural action, are announced in court by the court hearing the case.

If such a witness was still able to appear at the court hearing, he or she must also be questioned at the hearing in the general order after the announcement of his testimony, given earlier, or before.

Violation of the requirements of this article by the court, first of all is failure to warn the witness about criminal liability, failure to take the oath, as this calls into question the veracity of the witness's testimony and their admissibility, may result in reversal of the court decision in a higher court.

At the same time, this violation can be remedied by the appellate court during the review of the court decision by warning the witness about criminal liability, bringing to the oath and confirming the veracity of testimony given by the witness to the court earlier.

If the court interrogated a person who cannot be interrogated as a witness at all in accordance with part two of Article 65 of the Criminal Procedure Code of Ukraine and used his or her testimony as evidence in the case, the higher court must exclude them from the evidence as inadmissible evidence.

Procedures such as the use of written records, the interrogation of juvenile witnesses, the announcement of witness testimony, the interrogation of parties, third parties, their representatives as witnesses, which will be the subject of separate intelligence, also have their own characteristics.

3. Other sources of evidence and the role of the specialist

Written evidence, including minutes of their examination, drawn up by court order or in order to provide evidence, at the request of the party to the case shall be presented for review, and if necessary, also to witnesses, experts, specialists or translators, or are announced in court. Participants in the case may ask questions to witnesses, experts, specialists about written evidence.

Material and electronic evidence are examined by the court, as well as submitted for review to the parties to the case, and if necessary, also to experts, specialists and witnesses. Persons whom material and electronic evidence is submitted to for review may draw the court's attention to certain circumstances related to the evidence and its review. Minutes of material and electronic evidence examination, drawn up in the order of securing evidence, execution of a court order or based on the results of examination of evidence on the spot, at the request of the party to the case are announced in court. The parties to the case may give their explanations regarding these protocols. Participants in the case may ask questions about material and electronic evidence to experts, specialists, witnesses who examined them. Electronic written documents are examined in the manner prescribed for the examination of written evidence (Кодекс, 2005).

Reproduction of sound recording and demonstration of video recording shall be carried out in the courtroom or in another specially equipped room with reflection in the court hearing minutes of the main technical characteristics of equipment and media and indication of playback time (demonstration). After that, the court hears the explanations of the participants in the case. When examining audio or video recordings of a personal nature, the rules for examining the content of personal papers, letters, recordings of telephone conversations, telegrams and other types of correspondence are applied. A statement about the falsity of audio and video recordings shall be resolved in accordance with the procedure established for statements about the falsity of written evidence. The perception of the information contained in the audio and video recording is possible only during its playback (demonstration), which may be insufficient for its perception by the court or the persons involved in the case, especially if the audio and video recording has a large timing. Therefore, if necessary, audio playback and video playback can be repeated in full or in part. In order to clarify the information contained in audio and video recordings (in case of their incomprehensibility, damage, etc.), the court may involve a specialist or appoint an expert.

The conclusion of the expert at the request of the party to the case is announced in court. The parties to the case, as well as the court, may ask the expert questions to clarify and supplement the expert's opinion. The expert is first asked by the person who summoned the expert and his representative, and then by the other participants in the case. If the examination is appointed at the request of both parties, the plaintiff and his representative shall be the first to ask questions to the expert. The presiding judge and other judges may ask the expert questions at any time during the examination of the expert's opinion. If the expert's explanations are written and signed, they join the case.

During the examination of evidence, the court may use technical assistance, oral consultations of a specialist. An important place in the examination of evidence in court belongs to a person who, in accordance with the CAP of Ukraine, is defined as other participants in the administrative process and is called a «specialist». Article 70 of the CAP of Ukraine stipulates that specialist consultations cannot be considered as sources of evidence, as they have the status of advice (Кодекс, 2005).

A specialist is a person who has special knowledge and skills in the use of technical means and can provide advice in the course of procedural actions on issues that require appropriate special knowledge and skills. The specialist may be involved in the administrative process by court order to provide direct technical assistance (photography, drawing up diagrams, plans, drawings, sampling for examination, etc.) during the proceedings. The assistance of a technical specialist during the proceedings does not replace the expert's opinion.

The specialist may be asked questions about the nature of the technical assistance provided, oral consultations. The first to ask questions is the person whose request the specialist is involved at, and his representative, and then the other participants in the case. If a specialist is involved at the request of both parties, the plaintiff and his or her representative are the first to ask questions to the specialist (Кодекс, 2005). The presiding judge and other judges may ask the expert questions at any time during the examination of the evidence. Consultations or explanations of a specialist do not contain information about the circumstances that need to be established when stating and resolving an administrative case, i.e. they are not sources of evidence. At the same time, the specialist, who will provide advice on issues that require special knowledge and skills or technical assistance, facilitates the perception of evidence by the court and the persons involved in the case.

Conclusion. In administrative proceedings, the following types of evidence are distinguished: 1) by sources of formation – personal, substantive and mixed; 2) by the nature of the connection of factual data with the facts to be established – direct and indirect (side); 3) by the method of forming data on the facts – primary and derivative; 4) on the subject of proof – accusatory and acquittal; 5) in relation to the content – positive and negative; 6) by the nature of the connection of the evidence with the subject of proof – subject and additional; 7) by the method of proving information – oral and written; 8) according to the content of factual data – confirming the claims and objecting to the claim (Адміністративне, 2007).

The properties of evidence are divided on certain grounds: a) appurtenance and acceptance; b) reliability and sufficiency (Шкарупа, 1996). Appurtenance is the relationship of evidence with the circumstances to be established and relevant to both the resolution of the case and the conduct of interim proceedings. Acceptance is a statutory requirement that restricts the use of specific means of proof or makes them mandatory when establishing the specific facts of a case. The reliability of the evidence is their truth, and the adequacy decides whether it is possible on the basis of the evidence gathered in a particular case to draw a definite conclusion about the facts relating to the subject of evidence, the rights and obligations of the parties. The court should not consider evidence that does not relate to the subject of evidence in the case, namely the circumstances: a) preliminary, b) recognized by the court as well-known, c) indisputable, d) presuming facts.

Means of proof in administrative proceedings include explanations of the parties, third parties, their representatives, testimony of witnesses, written, physical evidence, expert and specialist opinions (Кодекс, 2005).

The legislation establishes the procedure for their collection, inspection, research and evaluation. Thus, personal means of proof are examined through the interrogation of persons, and those that have a material form of expression, through their examination. According to legal interest, explanations are divided into confessions,

statements and objections. The testimony of a witness in the area in question is a report of known circumstances relevant to the case. The peculiarities of a witness's testimony are, in particular, procedural status and the procedure of interrogation, which is a guarantee of the accuracy of the information obtained, on which the court bases its conclusions. Written means of proof in administrative proceedings should be identified with documents, which means objects of the material world, created by the relevant body or person. Both material and procedural features are inherent in a document as a written proof. Documents in administrative proceedings can be classified according to such criteria as the subject of formation, their content, form, sources of formation, methods of perception and reproduction, creation, nature of the means of recording information. According to the methods of creation, a written document can be handwritten, typewritten, electronic, which in administrative proceedings can act as an independent means of proof.

Material evidence, as a means of proof in administrative proceedings, should be considered comprehensively, namely as: a) objects of the material world and material traces that reflect the information to be examined; b) things and their properties; c) the message and the source of its information.

Applying such an approach to the understanding of physical evidence should ensure a comprehensive, complete, objective consideration of the case. Material evidence can be considered displays of technical devices and means that have the functions of photo-filming, video recording. A special place among the means of proof is occupied by evidence with the use of special knowledge – the conclusions of the expert and the specialist, which are differentiated by the scope, nature, complexity of the tasks. An expert's opinion is an independent means of proof, the essence of which is to bring the results of expert examination of issues, the solution and resolution of which requires special knowledge and skills, and is important to establish the truth, to the notice of the court in the form prescribed by law. The expert's opinion is a written statement of the opinion of a person who has such knowledge on the issues raised by the court.

The quality of law enforcement directly depends on the optimization of the evidence process. Thus, the improvement of the system of principles, methods, standards, and clear definition of the specifics of the evidence requires further study of the problems of evidence in administrative proceedings.

Abstract.

In order to ensure the rule of law, judicial protection of constitutional rights and freedoms of citizens, a court must assst a person in protecting his/her rights and freedoms and in establishing objective truth in the case. The author investigates the process of proofing and discovers new methods and means to improve and facilitate the process of proofing. Particular attention is paid to such sources of evidence as the testimony of witnesses (the procedure for interrogation, the rights and duties of witnesses), as well as to the study of written, material and electronic evidence, the question of reproduction of sound recording, video demonstration and peculiarities of their investigation. Having investigated the legal approach of the current Ukrainian legislation to the understanding of material evidence, the author confirms that this mechanism should ensure a comprehensive, complete, objective examination of cases. It is supported by material evidence that can be recognized with indexes of technical devices and means having the functions of photo-filming, video recording. A special place among the means of proof takes the evidence with the use of specialized knowledge – the conclusions of the expert and specialist, which are differentiated by the scope, nature, complexity of the tasks to be solved. The quality of enforcement directly depends on the optimization of the proofing process. Therefore, the improvement of the system of principles, methods, standards, and a clear definition of the specifics of the evidence also require further investigation of the problems of proofing in administrative proceedings.

References:

1. Bocharov, D.O. (2007). Dokazuvannia u pravozastosovnii diialnosti: zahalnoteoretychni pytannia [Prooving in law enforcement activities: general theoretical issues]. *Extended abstract of Candidate's thesis.* Kharkiv : B. v., 20 p. [in Ukrainian].
2. Bytiak, Yu.P. (2011). Administratyvne sudochynstvo yak forma zabezpechennia verkhovenstva prava i zakonnosti [Administrative proceedings as a form of ensuring the rule of law and legality]. *Pravo Ukrainy [Law of Ukraine],* 4, P. 4–12 [in Ukrainian].
3. Bytiak, Yu.P., Harashchuk, V.M., & Zui, V.V. (Eds.). (2012). *Administratyvne pravo: pidruchnyk [Administrative Law: textbook].* Kharkiv : Pravo, 656 p. [in Ukrainian].
4. Kivalov, S.V. (Ed.). (2007). *Administratyvne protsesualne (sudove) pravo Ukrainy: pidruchnyk [Administrative procedural (judicial) law of Ukraine: textbook.]* Odesa : Yurydychna literatura, 312 p. [in Ukrainian].
5. Kodeks administratyvnoho sudochynstva Ukrainy [Code of Administrative Proceedings of Ukraine]. Retrieved from https://zakon.rada.gov.ua/laws/show/2747-15#Text [in Ukrainian].
6. Kolomoiets, T.O. (2009). *Administratyvne sudochynstvo: pidruchnyk [Administrative proceedings: textbook].* Kyiv : Istyna, 256 p. [in Ukrainian].

7. Shkarupa, V.K. (1996). *Dokazuvannia ta dokazy v administratyvno-prymusovii diialnosti orhaniv vnutrishnikh sprav [Evidence and proof in administrative and enforcement activities of law enforcement agencies].* Kyiv :Vyd-vo MVS Ukrainy, 426 p. [in Ukrainian].

8. Treushnikov, M.K. (1982). *Dokazatelstva y dokazнvanye v sovetskom hrazhdanskom protsesse [Evidence and Proof in the Soviet Civil Procedure].* Moscow. 160 p. [in Russian].

Paida Yurii
Doctor of Law, Professor,
Professor of the Department of Law
Bogdan Khmelnytsky Melitopol State Pedagogical University
(Melitopol, Ukraine)
ORCID ID: 0000-0002-6424-6419

Yaroslav Popenko
Candidate of Historical Sciences, Associate Professor
Associate Professor of the Department of Law
Bogdan Khmelnytsky Melitopol State Pedagogical University
(Melitopol, Ukraine)
ORCID ID: 0000-0003-0841-0875

Savchuk Denys
Director
College of economics, law and information technologies