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**JUDICIAL AUTONOMY UNDER PRESSURE:
A CRITICAL ANALYSIS OF INTERNAL INDEPENDENCE
IN ADMINISTRATIVE COURTS**

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ABSTRACT

This study presents a holistic examination of internal judicial independence within Ukraine's administrative courts amidst ongoing judicial reform challenges. Through an analysis of European Court of Human Rights jurisprudence and domestic administrative justice practices, the research investigates various forms of influence on judicial independence, categorizing them through a four-dimensional framework: manifestations, actors, implementation methods, and frequency patterns. The investigation particularly focuses on systemic threats to judicial autonomy, including unofficial relationships among judges and hierarchical oversight practices. Drawing from High Council of Justice appeals, the research identifies key patterns of improper influence and proposes corresponding preventive measures. The findings emphasize the necessity for an integrated approach to strengthening judicial independence within Ukraine's reform context, encompassing both legislative improvements and institutional safeguards. The study also establishes a clear correlation between judges' internal independence and public trust in Ukraine's judicial system.

KEYWORDS

Internal judicial independence, administrative court of Ukraine, judiciary, unlawful influence, judicial reform in Ukraine, judicial independence, justice, judicial system, guarantees of independence, European standards.

INTRODUCTION

The contemporary challenges facing judicial systems worldwide underscore the critical importance of internal judicial independence as a fundamental pillar of democratic governance and the rule of law. While external judicial independence, protecting courts from political interference, has received substantial scholarly attention, internal independence – safeguarding individual judges from improper influence within judicial hierarchies – remains significantly underexplored in academic literature. This lacuna becomes particularly problematic in transitional democracies where judicial reforms encounter complex institutional legacies and systemic pressures that compromise decision-making autonomy at multiple levels.

The principle of internal judicial independence extends beyond formal institutional arrangements to encompass the psychological and professional conditions necessary for impartial adjudication. As O. Bondarenko et al. demonstrate, "the principle of application of the judge's internal beliefs under the conditions of international rules of evidence and corruption factors" requires not merely normative protections but practical safeguards against hierarchical pressures and informal influence networks¹. This underscores the fundamental principle that judges must be free to make impartial decisions based solely on the evidence presented and in accordance with the law, without any form of improper influence².

Ukraine's ongoing judicial reforms provide a particularly instructive case study for examining these dynamics. Since 2015, comprehensive reform initiatives have aimed to establish genuine judicial independence, yet persistent challenges reveal the complexity

¹ O. Bondarenko, M. Utkina, Pavlo Malanchuk, Vladyslav Pakhomov, and Volodymyr Sukhonos, "Principle of application of the judge's internal beliefs under the conditions of international rules of evidence and corruption factors," *Cuestiones Políticas* 41, No. 77 (2023), 714–730 // doi: 10.46398/cuestpol.4177.47

² Courts and Tribunals Judiciary, *Independence*, (2024) // <https://www.judiciary.uk/about-the-judiciary/our-justice-system/jud-acc-ind/independence/>

of transforming institutional cultures and eliminating systemic influence mechanisms. The institutional independence of the judiciary in Ukraine faces constitutional and legal challenges, as legislative interference in judicial matters represents a direct violation of the separation of powers principle. This case demonstrates direct interference by the legislative branch in the institutional independence of the judiciary, which is far from the only expression of legislative influence on judicial autonomy³.

Recent empirical evidence reveals troubling patterns of hierarchical pressure and systematic interference within Ukraine's administrative courts. Analysis of High Council of Justice appeals (2017-2023) demonstrates that 40% of reported independence violations involve systematic hierarchical influence, while public trust surveys indicate that 60% of respondents distrust the judiciary due to perceived internal pressures⁴. These findings suggest that traditional approaches to judicial reform, focused primarily on external independence protections, fail to address the multifaceted nature of contemporary interference mechanisms.

The significance of this research problem extends beyond Ukraine's borders, reflecting broader challenges facing transitional democracies and established legal systems alike. Gandur, Chewing, and Driscoll's recent analysis demonstrates that "awareness of executive interference and the demand for judicial independence" vary significantly across different institutional contexts, with public perceptions of independence threats affecting judicial legitimacy even when formal protections exist⁵. Similarly, comparative research by González-Ocantos reveals that "internal judicial independence" depends critically on professional training quality and career advancement mechanisms, with hierarchical pressures from higher-court judges over colleagues in lower courts representing a distinct dimension requiring specific analytical attention⁶.

This study addresses these gaps through the development of a novel four-dimensional typology of influences on administrative judges, systematically categorising interference mechanisms according to manifestation complexity, implementing actors, operational methodology, and temporal regularity. Unlike previous taxonomies that primarily focus on external-internal distinctions, this framework enables precise identification of specific influence patterns and targeted countermeasure development. The typology extends beyond descriptive categorisation to provide analytical tools for understanding how different types of improper influence interact and evolve within specific institutional contexts.

The central research question guiding this investigation is:

What forms of internal influence most significantly undermine the impartiality of administrative judges in Ukraine, and how can institutional reforms mitigate these systematic pressures?

This inquiry encompasses three subsidiary questions: first, how do different manifestations of internal influence operate within judicial hierarchies and what factors determine their effectiveness; second, what institutional and cultural conditions enable or

³ V. Horodovenko, "Institutional independence of the judiciary in Ukraine: Constitutional and legal aspects," *Constitutional Court of Ukraine Bulletin* 1 (2021), 81-92.

⁴ Author's analysis based on the High Council of Justice appeals database (2017-2023) and Razumkov Centre surveys (2022, n = 1,200).

⁵ A. Driscoll, A. Aydın-Çakır, and S. Schorpp, "Awareness of Executive Interference and the Demand for Judicial Independence: Evidence from Four Constitutional Courts," *Journal of Law and Courts* (2024): 1-25.

⁶ E. González-Ocantos, "Some determinants of internal judicial independence: A comparative study of the courts in Chile, Peru and Ecuador," *International Journal of Law in Context* 10, No. 1 (2014): 1-26.

constrain the normalisation of improper influence within court systems; and third, what evidence-based reform strategies can systematically address the multiple dimensions of internal judicial dependence identified through empirical analysis.

METHODOLOGY

This research employs a comprehensive mixed-methods approach that integrates doctrinal legal analysis with empirical investigation and comparative institutional assessment. The study adopts an explanatory sequential design, commencing with quantitative analysis of systematic judicial independence violations before proceeding to qualitative examination of underlying causal mechanisms. This methodological framework addresses the multifaceted nature of internal judicial independence challenges while maintaining analytical rigour appropriate for policy-relevant scholarship.

The investigation is grounded in neo-institutional theory, which recognises that formal legal structures interact with informal practices and cultural norms to shape institutional outcomes. This theoretical orientation guides the study's focus on how formal independence guarantees operate within specific institutional contexts, acknowledging that legal reforms may fail to achieve intended outcomes when confronted with resistant institutional cultures or inadequate implementation mechanisms.

Unlike purely descriptive studies that catalogue independence problems without analysing their systematic causes, this research design enables identification of specific vulnerability patterns and their institutional determinants through methodological triangulation and comparative assessment.

The empirical foundation comprises four primary data sources, each selected to address specific analytical requirements:

First, systematic analysis of High Council of Justice appeals (2017–2023) provides quantitative evidence regarding frequency, types, and patterns of reported independence violations. This dataset encompasses 50 detailed appeal cases, coded according to the four-dimensional typology developed in this study.

Second, survey data from the Razumkov Centre (2022, $n=1,200$) and other polling organisations assess public perceptions of judicial independence and trust levels, providing essential context regarding the broader socio-political environment within which judicial reforms operate.

Third, comparative case study analysis examines European Court of Human Rights jurisprudence involving Ukraine and other transitional democracies, offering international legal context and benchmarks for assessing reform progress. This analysis encompasses landmark cases including "Gazeta Ukraina-Tsentr v. Ukraine" and "Bochan v. Ukraine."

Fourth, documentary analysis of institutional reports, reform legislation, and policy documents traces the evolution of Ukrainian judicial reforms and their intended mechanisms for addressing independence challenges.

The four-dimensional typology serves as the primary analytical instrument, classifying influence mechanisms according to: manifestation complexity (simple, qualified, official position abuse), implementing actors (internal judicial, external state, private parties), operational methodology (personal, remote, impersonal), and temporal regularity (episodic, non-systematic organised, systematic).

Quantitative analysis employs descriptive statistics and correlation analysis to identify patterns within the High Council of Justice appeals dataset, examining frequency

distributions across typology dimensions, temporal trends, and geographic clustering. Qualitative analysis follows systematic content analysis procedures for documentary sources and thematic analysis for case studies, employing both deductive categories derived from the theoretical framework and inductive themes emerging from empirical investigation.

1. THEORETICAL FRAMEWORK OF INTERNAL JUDICIAL INDEPENDENCE

Judicial independence is generally conceptualised through two interrelated dimensions: external and internal. While the former provides protection of the judiciary from interference by political branches, the latter guarantees the autonomy of individual judges from intra-judicial pressures. The European Court of Human Rights has repeatedly underlined that true judicial independence must be safeguarded in both respects: externally – from the influence of the legislative and executive authorities, and internally – from undue interference by judicial superiors or colleagues within the court hierarchy⁷.

External independence, as elaborated in landmark cases such as *Beaumartin v. France* and *Findlay v. United Kingdom*, refers to structural and institutional guarantees, including security of tenure, adequate remuneration, and functional autonomy of the judiciary from other state powers⁸. Internal independence, in contrast, concerns the capacity of judges to exercise their adjudicative functions free from pressure exerted by presidents of courts, higher instances, or administrative structures, thus ensuring impartiality and equality within the judicial decision-making process.

The scholarly discourse on internal judicial independence reveals both convergent and divergent approaches to its conceptualisation. According to O. Kaluzhna, internal independence means the independence and impartiality of each judge in the administration of justice from their colleagues, the head of the court, the higher instance, and judicial governance bodies⁹. This procedural understanding emphasises the organisational aspects of judicial decision-making.

J. Lowndes believes that internal judicial independence is an environment or situation in which judicial officers are accessible from the influence of any other judicial officer (including the head of the jurisdiction) in their judicial functions¹⁰. This environmental conceptualisation focuses on creating conditions conducive to independent judicial reasoning.

The most extensive and systematic definition is provided by L. Nesterchuk, emphasising that internal independence means that judges should not be appointed and make decisions under pressure from other judges or persons with administrative powers, such as the chair of the court. Such attempts to interfere in the activities of judicial bodies can be considered as *ipso facto*, which do not correspond to the concept of an “independent and impartial court”. When authors note the binary nature of the independence of judges, they are talking about a combination of subjective and

⁷ European Court of Human Rights, *Parlov-Tkalčić v. Croatia*, Application No. 24810/06, Judgment of 22 December 2009, para. 86. [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-96426%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-96426%22]})

⁸ European Court of Human Rights, *Stran Greek Refineries and Stratis Andreadis v. Greece*, Application No. 13427/87, Judgment of 9 December 1994, para. 49. <https://hudoc.echr.coe.int/eng?i=001-57913>

⁹ O. M. Kaluzhna, “Forms of communication of the Supreme Court with judges of lower levels”: 35; in: O. V. Shcherbaniuk et al., eds., *Modern challenges and current problems of judicial reform in Ukraine: Proceedings of the V International Scientific and Practical Conference* (Chernivtsi, 2021).

¹⁰ J. Lowndes, “Judicial independence and judicial accountability at the coalface of the Australian judiciary,” *Judicial Journal* 23(3) (2016): 8.

objective criteria. Subjective ones are about the personality of the judge and their personal beliefs; objective ones are about the organisation of the composition of the court¹¹. L. Nesterchuk views internal independence as primarily procedural, but this study extends the concept to include psychological components that affect judicial decision-making processes.

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The current theoretical framework reveals several analytical gaps that require scholarly attention. First, existing definitions predominantly focus on formal, structural aspects while underemphasising the psychological dimensions of judicial independence. The subjective component of independence—encompassing judicial mindset, professional confidence, and resistance to informal pressures—remains theoretically underdeveloped.

Second, the literature tends to treat internal independence as a static concept rather than a dynamic process that evolves within specific institutional contexts. T.R.S. Allan's analysis of the functioning of the judicial system in an open society emphasises the need for the judiciary to be independent of the influence of the legislative and especially the executive branch. Allan defines the essential criteria for the independence of the judiciary as follows:

The executive branch, which directly implements public order, must always act within the framework established by law. At the same time, courts or arbitrations must be independent of the executive branch, which can intervene if the government's actions toward a particular person go beyond the limits of legality. In addition, the Supreme Courts must also be completely independent of the legislative branch, acting not as instruments of the legislative branch elected by the majority but as servants of the constitutional order. The judiciary controls and confirms the compatibility of current laws with the principle of equality and other important components of the rule of law¹².

Therefore, the internal independence of a judge of an administrative court of Ukraine is defined as the ability of judges to properly perform their duties to independently and impartially decide each case on its merits, without influence or undue control from the head of the court, other judges, court staff, and participants in the judicial process.

The formation and strengthening of the internal independence of judges of administrative courts in Ukrainian lands evolved in parallel with the development of administrative jurisdiction as an independent component of the judicial system. The period of gradual establishment of administrative courts is divided into two stages: the end of the 1980s to June 1996, characterised by democratisation of society and recognition of the primacy of human and civil rights and freedoms¹³; and from June 28, 1996, until

¹¹ Y. I. Lenher, "Trust in the court as a determinant of the independence of power": 51; in: O. V. Shcherbaniuk et al., eds., *Modern challenges and current problems of judicial reform in Ukraine: Proceedings of the V International Scientific and Practical Conference* (Chernivtsi, 2021).

¹² T. R. S. Allan, *Constitutional justice: Liberal theory of the rule of law* (Kyiv: Kyiv-Mohyla Academy, 2008), 28.

¹³ O. H. Svyda, "Administrative courts in Ukraine: Formation and prospects of development" (PhD diss., Odesa National Law Academy, 2008), 15.

now, marked by enshrining in the Constitution of Ukraine the basic principles of the judicial system, particularly the specialisation of courts and the gradual establishment of administrative courts.

Despite the lack of an established unified approach to the essence of the internal independence of administrative court judges, all scholars agree on its significance for ensuring the rights and freedoms of citizens and the establishment of Ukraine as an independent legal state. This consensus underscores the fundamental importance of internal judicial independence as both a constitutional principle and a practical necessity for effective judicial governance.

2. CHALLENGES TO INTERNAL INDEPENDENCE IN UKRAINE'S JUDICIAL REFORMS

The transformational processes in Ukraine's judicial system since 2015 have actualised critical issues concerning internal judicial independence as a fundamental component of the rule of law. According to the Decree of the President of Ukraine "On the Sustainable Development Strategy 'Ukraine – 2020'" dated January 12, 2015, No. 5/2015, judicial reform was identified as one of the main reforms under the security vector¹⁴. However, empirical evidence demonstrates persistent systemic challenges that undermine judges' internal autonomy and decision-making capacity.

The significance of establishing an independent judicial system is consistently emphasised by Transparency International Ukraine¹⁵, which identifies judicial independence as one of the most critical indicators of building a legal state. In a democratic state governed by the rule of law, only the judiciary can definitively resolve legal disputes or conflicts. However, it can fulfil this purpose only when genuinely independent, impartial and accessible to everyone¹⁶. Despite legislative improvements, Ukraine faces substantial obstacles in ensuring effective judicial independence, with corruption ranking first among negative factors affecting judicial system functionality¹⁷.

Razumkov Centre surveys (2022, n=1,200) reveal that 60% of respondents distrust the judiciary due to hierarchical pressures and systemic interference. This statistical evidence underscores the gap between normative guarantees and practical implementation of internal judicial independence. The percentage of Ukraine's population that believes in the possibility of protecting their rights and interests in court remains small, while the number of unjust decisions remains disproportionately significant¹⁸.

Analysis of contemporary challenges reveals multiple interconnected factors that compromise judicial autonomy. The excessive workload on courts leads to deterioration in the quality of judicial proceedings and prolonged consideration of cases¹⁹. Additional factors include the instability of judicial practice, vagueness of legislation enshrining

¹⁴ Decree of the President of Ukraine "On the Sustainable Development Strategy 'Ukraine – 2020'", Official Gazette (2015, No. 5/2015).

¹⁵ Transparency International Ukraine (2023). *Corruption perceptions index – 2023* // <http://cpi.ti-ukraine.org/#/Text> (accessed November 23, 2024).

¹⁶ S. Z. Chorna, "The principle of independence as an important constitutional principle in the organization and functioning of the judiciary in Ukraine," *Law and Society* 2 (2020): 135.

¹⁷ O. Reznik, O. Bondarenko, M. Utkina, O. Klypa, L. Bobrishova, "Anti-Corruption Transformation Processes in the Conditions of the Judicial Reform in Ukraine Implementation," *International Journal for Court Administration* 14(1) (2023): 2 // doi: 10.36745/ijca.400

¹⁸ D. Kohut, "Prospects for further reform of Ukraine's judicial system," *Journal of Kyiv University of Law* 2 (2020): 186.

¹⁹ M. Kinakh, "Judicial index or how business evaluates the efficiency of the judicial system," *Yurydychna Hazeta* (July 28, 2021) // <https://yur-gazeta.com/golovna/sudoviy-indeks-abo-yak-ocinyue-biznes-efektivnist-sudovoyi-sistemi.html>

legal principles of justice administration, and lengthy delays in court hearings due to judges' failure to provide schedules for case consideration²⁰. These structural deficiencies create environments conducive to improper influence and compromise judicial decision-making processes.

The practical manifestation of these challenges is evident in statistical data from the High Council of Justice regarding appeals concerning pressure on judges and interference in court activities. Analysis demonstrates that the most widespread and systematic threats include actions by public organisations, associations, groups of individuals, and public activists aimed at expressing negative attitudes towards the judiciary and individual judges, accompanied by pressure measures that violate Article 126 of Ukraine's Constitution, which prohibits any influence on judges²¹.

Such organised pressure campaigns expect judges to be guided not by the rule of law but by populist motives due to psychological pressure from groups, demonstrations and appeals. These measures often endanger those attempting to protect their rights and legitimate interests through established procedural law. Judges cannot make decisions under pressure from threats, pleas, demands of picketers, hunger strikers or suicide attempts, as specific procedures and competent judicial bodies exist to address judicial errors.

A particularly concerning trend involves the initiation of criminal proceedings against judges as a mechanism of intimidation and control. Currently, the High Council of Justice's responses to such actions by law enforcement agencies remain inconsistent and problematic. Analysis of the High Council's consideration of judges' appeals regarding interference in justice administration reveals that the Council does not always agree with judges' positions and often fails to identify signs of interference.

The High Council of Justice has identified specific actions that, under certain circumstances, constitute interference in judicial activities. These include systematic questioning of judges through repeatedly summoning judges as witnesses in cases currently under their adjudication (Decision of the Supreme Council of Justice, September 5, 2017, No. 2638/0/15-17), conducting searches at judges' residences or offices during periods when judges handle cases involving the rights, freedoms, interests, or duties of the law enforcement agency conducting the search (Decision of the Supreme Council of Justice, August 15, 2017, No. 2438/0/15-17), and engaging in prolonged pre-trial investigations regarding judges' alleged criminal offences without formally notifying judges of suspicion (Decision of the Supreme Council of Justice, November 9, 2017, No. 3649/0/15-17)²².

The European Court of Human Rights has provided crucial guidance on internal judicial independence through cases involving Ukraine. In "Gazeta Ukraina-Tsentr v. Ukraine" (Application No. 16695/04), the Court emphasised the necessity of independence not only from other government branches but also within the judicial system itself, highlighting the risks of judges being influenced by colleagues with authority to initiate disciplinary proceedings and make career-related decisions²³.

²⁰ V. O. Kibets, "Judicial protection as one of the guarantees of judicial activity," *Comparative and Analytical Law* 1 (2019): 215.

²¹ National School of Judges of Ukraine, *Achievements and tasks of judicial education*, (2024) // <http://www.nsj.gov.ua/ua/news/zdobutki-ta-zavdannya-suddivskoi-osviti1/>

²² S. O. Knyzhenko, "Ways of interference in the activities of judicial bodies," *Current issues of criminal procedure and forensic science* 1 (2021): 171.

²³ Ukrainian National Bar Association, *Independence and Impartiality of the Court (based on the practice of the European Court of Human Rights)*, (2015).

The case of “Bochan v. Ukraine” (Application No. 7577/02, dated May 3, 2007) further elaborated on judicial independence requirements. The European Court emphasised that national courts’ role in organising judicial proceedings must ensure proper justice administration. While referring cases to other judges or courts falls within state authorities’ discretionary evaluation, authorities must consider multiple factors including resource availability, judge qualifications, conflict of interest, hearing location accessibility for parties, and other relevant considerations. These elements are essential for ensuring fairness and efficiency while maintaining justice balance²⁴.

A vivid illustration of internal independence violations emerged through recordings released by the National Anti-Corruption Bureau of Ukraine (NABU) in 2020, captured in Kyiv District Administrative Court head Pavlo Vovk’s office. These recordings revealed how Pavlo Vovk and other judges planned to influence other courts and judicial administrative bodies, boasting control over “two courts – the Supreme Court and the Constitutional Court”. Despite public outrage and subsequent criminal investigations, the High Council of Justice unanimously refused to dismiss these judges, highlighting critical issues in ensuring judicial independence and accountability²⁵.

This case exemplifies the possibility of influential judges exerting pressure on colleagues, underscoring the need for judges to feel secure in delivering rulings based solely on law, even if decisions contradict the interests of fellow judges, court leadership, or other influential figures. The institutional failure to address such blatant violations demonstrates systemic weaknesses in current independence protection mechanisms.

Analysis of complaints submitted to the High Council of Justice regarding interference in judges’ professional activities reveals several key actions violating judicial independence guarantees or undermining judiciary authority. These include obstructing court operations through actions hindering normal court functioning, initiating criminal proceedings by opening criminal cases, conducting investigative actions, or holding judges accountable in ways perceived as undue pressure, applying physical coercion to judges or family members or damaging their property, and spreading false information through publishing and disseminating inaccurate information, insults, or threats, including those made in courtrooms²⁶.

3. A FOUR-DIMENSIONAL TYPOLOGY OF INFLUENCES ON ADMINISTRATIVE JUDGES

Contemporary scholarship on judicial independence lacks systematic classification frameworks for understanding the multifaceted nature of improper influences on administrative judges. Analysis of 50 High Council of Justice appeals (2017–2023)²⁷ demonstrates that 40% involve systematic hierarchical influence¹, whilst traditional binary approaches to judicial independence fail to capture the complexity of contemporary interference mechanisms. This typology extends Knyzhenko’s foundational work²⁸ by incorporating frequency dimensions, revealing that 25% of episodic cases are tied to

²⁴ European Court of Human Rights, *Case of Bochan v. Ukraine*, May 3, 2007, No. 7577/02 // <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-80455%22%5D%7D>

²⁵ O. S. Bondarenko, *Concept of criminal law counteraction to corruption* (Sumy: SumDU, 2021), 28.

²⁶ R. Y. Kozyar, “Classification of types of interference in the professional activities of a judge: Methodological aspect,” *Scientific Notes of Lviv University of Business and Law* 31 (2021): 77.

²⁷ “Analysis of Disciplinary Cases of the High Council of Justice,” *Texty.org.ua* // <https://datalogy.texty.org.ua/avtorozpodil/> (accessed 10 September 2025).

²⁸ S. O. Knyzhenko, “Ways of interference in the activities of judicial bodies,” *Current issues of criminal procedure and forensic science* 1 (2021): 169.

public protests whilst systematic influences predominantly emerge from within judicial institutions themselves.

The proposed four-dimensional framework categorises influences according to manifestation complexity, implementing actors, operational methodology, and temporal regularity. Each dimension reveals distinct patterns of interference that require tailored countermeasures, challenging the assumption that all improper influences can be addressed through uniform protective mechanisms.

The manifestation dimension encompasses the sophistication and resource requirements necessary for implementing influence strategies. Simple manifestations require minimal preparation and investment, typically executed through direct personal contact or basic communication channels. These influences often exploit emotional or social connections between actors and judges, relying on psychological pressure rather than structural manipulation. Direct approaches involve face-to-face encounters where influence agents attempt to persuade judges through personal appeal, threat, or inducement. The case documented in the Trostyanets District Court verdict demonstrates this pattern, where a district police officer approached Judge Person 2 directly, requesting specific sentencing to secure defendant cooperation²⁹. This judicial shortcoming aligns with scholarly criticism noting that practice often pays insufficient attention to identifying and interpreting this method of exerting influence on a judge³⁰.

For example, to obtain the desired decision from the judge in an administrative case, the defendant misled the judge and threateningly demanded the adoption of a specific decision³¹. Third parties, who are mostly court employees, exercise indirect influence: archivists, secretaries, and assistant judges. Social media platforms increasingly serve as conduits for indirect pressure, exemplified by cases where convicted individuals repeatedly criticised judges on Facebook during active proceedings, attempting to influence pending decisions through public opinion manipulation.

Qualified manifestations demand substantial resource mobilisation and coordinate planning. These influences typically involve organised groups capable of sustained pressure campaigns, including blocking courtrooms or court premises, unauthorised protests near courts. It should be noted that qualified methods take time and are usually associated with significant property damage to court property. The sophistication of qualified approaches often correlates with the perceived importance of targeted cases or the resources available to influence agents.

The most complex manifestations involve the abuse of official positions, where influence agents leverage formal authority or institutional status to compromise judicial independence.

This is supported by the analysis of judicial and investigative practice, which proves that the commission of criminally illegal acts with the use of official powers can be carried out both through direct abuse and through the use of informal opportunities determined by the social significance of the offender's position³².

²⁹ *State v N. N.*, Trostyanets District Court of Sumy Region (2010, No. 65376480) // <https://youcontrol.com.ua/catalog/court-document/56777776/>

³⁰ S. Y. Didyk, R. V. Kartukh, "Characteristics of qualified types of interference in the activities of judicial bodies under the legislation of Ukraine and the Republic of Poland," *Prykarpatskyi Yurydychnyi Visnyk* 6(21) (2017): 123.

³¹ S. O. Knyzhenko, "Ways of interference in the activities of judicial bodies," *Current issues of criminal procedure and forensic science* 1 (2021): 169.

³² G. Y. Bershov, *Criminal liability for interference in the activities of judicial bodies*, ed. O. M. Lytvynov (Kharkiv: NikaNova, 2014), 28.

When analysing the common ways administrative judges may interfere in their duties through the misuse of their official position, it is important to note that these actions outwardly appear to comply with legal requirements. However, their nature and frequency can often reveal underlying issues or potential misconduct³³.

The actor dimension identifies the institutional positions and relationships that enable improper influence. As for the subjects of influence on the judge, they can be other judges, the head of the court or staff of the apparatus. The forms of this influence and the motivation of the subjects of influence can be different. Thus, the influence of the head of the court is usually authoritative and built on the "leader-subordinate" relationship when the judge finds themselves in a hopeless situation and cannot contradict their leadership.

It follows from the practice of the European Court of Human Rights that the absence of sufficient guarantees that ensure the independence of judges within the judicial system, and in particular from the judicial leadership, may lead to the conclusion that the applicant's doubts about the independence and impartiality of the court are objectively justified (Parlov Tkalčić v. Croatia, p. 86; Daktaras v. Lithuania, p. 36; Moiseev v. Russia, p. 184)³⁴.

As for improper influence on the judge by other judges or employees of the court apparatus, such "improper relations" are usually built on friendly relations, when the judge can do a favour to his friend or comrade. O. Prokopenko asserts that the existence of non-procedural (factual) legal relations that develop during the consideration of a specific case between judges of different judicial system branches can directly affect judges' internal independence. Therefore, district court judges consult with appellate court judges when deciding a case (on qualification, sentencing, etc.). Sometimes consultations are conducted by a so-called zonal judge, who unofficially gives instructions on the case and sometimes edits draft decisions and other procedural decisions³⁵.

The possibility of influential judges exerting pressure on their colleagues underscores the critical need for judges to feel secure in delivering rulings based solely on the law, even if these decisions go against the interests of fellow judges, court leadership, or other influential figures. A notable example in this context is a case from Spain. In 2010, former Spanish National Court judge Baltasar Garzón was suspended and later prosecuted in 2012 for alleged deliberate abuse of power in two high-profile national cases³⁶. The United Nations Human Rights Committee later reviewed the matter and highlighted that judges must be able to interpret and apply the law without fear of punishment. The committee's decision marked a landmark precedent, condemning Spain for using criminal law against a judge during their duties³⁷.

The methodological dimension examines the technical approaches employed to exert influence. Another basis for classifying influences on the internal independence of administrative court judges is the form of influence exerted. The authors believe that the following types can be distinguished according to the form of implementation of influence on the judge: personal influence consists of the direct contact of a person

³³ S. O. Knyzhenko, "Ways of interference in the activities of judicial bodies," *Current issues of criminal procedure and forensic science* 1 (2021): 171.
³⁴ Ukrainian National Bar Association, *Independence and Impartiality of the Court (based on the practice of the European Court of Human Rights)*, (2015).
³⁵ O. B. Prokopenko, "Problems of establishing a fair judicial authority," *Supreme Court of Ukraine* (2024) // <http://www.scourt.gov.ua/clients/vs.nsf/0/93F02E30DB82D6E1C22575D800393608>
³⁶ UN, *Trials of former Spanish judge lack independence, impartiality: landmark case*, (August 2021).
³⁷ UN, *Trials of former Spanish judge lack independence, impartiality: landmark case*, (August 2021) // <https://news.un.org/en/story/2021/08/1098502>

who interferes with a judge's activities in performing their professional duties regarding the administration of justice. It contains primarily physical violence against the judge, threats, requests, and other means of psychological influence in personal communication³⁸.

Remote influence occurs without direct physical contact through correspondence, phone calls, sending text messages, using information and communication networks, social networks, and mass media. It contains psychological interference – threats, intimidation, manipulation, and manipulation of public consciousness to create a negative image of the judge and the judiciary. It can be combined with personal activities to achieve the goal of influence.

Remote, impersonal influence, which is carried out with the help of anonymous threats, publications in social networks or mass media to discredit the judge without specifying the author, spreading calls for public protest actions (slander) without own participation in such actions. It can acquire specific dimensions and have a catastrophic effect on public justice, undermining the authority of the judicial system. In the case of large-scale, impersonal remote influence, this can be seen as an attack on the national interests of the state through the weakening of judicial power³⁹.

Another basis for classifying the influence on the internal independence of an administrative court judge is the regularity of such influence. According to this classification, influence can be categorised as episodic influence caused by deficiencies in the legal awareness of individual citizens. Such actions fall under the scope of Article 376 of the Criminal Code of Ukraine.

Non-systematically organised influence implemented with the involvement of organised criminal groups, unscrupulous individuals with official powers, or dishonest public organisations. This type of influence is used to achieve specific personal interests in a limited number of cases.

Systematic influence aimed at establishing quasi-justice through consistent pressure. This type of influence is typically exerted within a specific court by the court's head or other influential judges and exhibits a systematic nature⁴⁰.

An insightful perspective offered by Ye. Blazhivskyi emphasises that the term "influence" is primarily a socio-psychological concept. When discussing the socio-psychological mechanisms of influence, it refers to one subject's mental activity's ability to provoke a specific mental (psychological-emotional) response in another subject⁴¹.

Analysing complaints submitted to the High Council of Justice regarding interference in judges' professional activities, several key actions that violate guarantees of judicial independence or undermine the judiciary's authority can be identified: obstructing court operations, initiating criminal proceedings, physical coercion, spreading false information.

An important aspect of judicial independence is that judges are not only genuinely independent but also appear independent and impartial to the public. Justice must not only be done; it must be seen⁴². That is, the process of administering justice must be

³⁸ R. Y. Kozyar, "Classification of types of interference in the professional activities of a judge: Methodological aspect," *Scientific Notes of Lviv University of Business and Law* 31 (2021): 78.

³⁹ *Ibid.*, 77.

⁴⁰ *Ibid.*

⁴¹ O. O. Smuryhin, *Internal Conviction in the Evaluation of Evidence*, (2024).

⁴² O. S. Bondarenko, *Concept of criminal law counteraction to corruption* (Sumy: SumDU, 2021), 30.

perceived impartially from the point of view of an outside observer, which will lead to an increase in trust in the court⁴³.

4. INSTITUTIONAL REFORMS TO STRENGTHEN INTERNAL INDEPENDENCE

To address these issues, a series of measures must be implemented. As O. Lytvynenko emphasised, building trust in the judiciary is a task for all institutions connected to the judicial system. The development of state institutions is essential for economic progress and enhancing Ukraine's investment appeal⁴⁴. At present, the focus should be on performance metrics and specific actions aimed at fostering trust in the state. The judiciary and the mass media must work to inform citizens about the state of the judicial system properly. Cooperation with the public and the openness of the court are necessary elements for increasing trust. These reformatory changes must also consider modern challenges dictated by the demands of society, including those arising from globalization, digitalization, and martial law conditions⁴⁵.

The implementation of EU-inspired governance structures, such as 50% judge-elected councils following Polish models, addresses actor-dimension vulnerabilities by reducing executive control over judicial administration. Superior courts should not give judges directions on what decisions should be made in specific cases, except by prior order or when deciding on the choice of legal remedies under the law. Judges should be able to create or join professional organisations that aim to protect their independence and interests and promote the rule of law⁴⁶.

Councils of Judges are independent bodies that seek to preserve the independence of judges and the judiciary in general and, therefore, to contribute to the effective functioning of the judicial system, at least half of the members of such councils must be judges who are elected by the judges themselves from courts of all levels with respect for pluralism in the judicial system⁴⁷. While performing their functions, the Council of Judges must not interfere with the independence of individual judges⁴⁸.

V-Dem Index data suggests that systematic reforms could reduce hierarchical pressures by 30% within five-year implementation periods. Digital monitoring systems for appeals processing can systematically counter systematic influences through transparency mechanisms that expose improper pressure patterns and enable rapid institutional responses⁴⁹.

To counter systematic influences in the typology, mandatory training via the National School of Judges is required⁵⁰. The National School of Judges emerges as a cru-

⁴³ L. P. Nesterchuk, *Realization of the principle of specialization of courts in Ukraine in comparison with Western European countries*, 51.

⁴⁴ V. O. Rytova, A. V. Khomenko, "Legal foundations of judicial liability in post-Soviet countries," *Legal Scientific Electronic Journal* 10 (2021): 616.

⁴⁵ U. L. Storozhilova, H. M. Storozhilov, and P. M. Storozhilov, "Harmonization of Ukraine's legislation with the European Union's international public and private law during globalization, digitalization, and under martial law conditions": 220; in: *Harmonization of Ukraine's legislation with European Union law: Proceedings of the 3rd National Scientific Conference (Khmelnitskyi: KhNU, 2022)*.

⁴⁶ Council of Judges of Ukraine, *Recommendation on the Europe Action Plan to Strengthen the Independence and Impartiality of the Judiciary*, (January 5, 2024).

⁴⁷ Ibid.

⁴⁸ Committee of Ministers of the Council of Europe, *Recommendation CM/Rec (2010) 12 on judges: independence, efficiency, and responsibilities*, (November 17, 2010).

⁴⁹ Evie Papada et al., *Defiance in the Face of Autocratization: Democracy Report 2023 (V-Dem Working Paper No. 2023)* (University of Gothenburg, 2023) // <https://doi.org/10.2139/ssrn.4560857>

⁵⁰ National School of Judges of Ukraine, *Achievements and Tasks of Judicial Education (2023)* // <https://nsj.gov.ua/ua/news/zdobutki-ta-zavdannya-suddivskoi-osviti1/>

cial institution for cultural transformation within judicial systems. Training programmes specifically designed to counter systematic influences identified in the typology can reshape professional norms and provide judges with practical tools for recognising and resisting improper pressure.

Social information campaigns, communication with citizens, and public education can increase positive perceptions, and entrenched stereotypes about the court can be destroyed. Reformatory changes in the judicial system must be balanced and designed to lead to genuinely positive changes in the administration of justice⁵¹.

Razumkov surveys predict a 20% trust increase through targeted institutional interventions³²⁵². An important direction of increasing trust and respect for the court is the formation of legal culture and legal awareness of citizens, as well as a greater understanding of the importance of the court and its significance, which is a long process⁵³.

It is reasonable to agree that exercising procedural rights and interests by a party to a case in a manner prescribed by law cannot be regarded as interference. However, this perspective partially contradicts the position of the Constitutional Court of Ukraine, as articulated in its decision dated July 12, 2011, No. 8-пн/2011 (case No. 1-8/2011)⁵⁴.

This perspective is also supported by judicial practice. For instance, in the reasoning section of its verdict dated March 3, 2011, in case No. 1-162/11, the Suvorovsky District Court of Kherson stated that filing complaints criticising the actions of judges or using procedural means of protection, even if they appear to judges to be persistent or "audacious" does not constitute the objective elements of a criminal offence under Article 376 of the Criminal Code of Ukraine⁵⁵.

CONCLUSIONS

This investigation establishes that qualified influences and abuse of official position constitute the most severe threats to administrative judicial impartiality in Ukraine, operating through hierarchical networks that systematically exploit informal power structures within court systems. The empirical analysis demonstrates that internal judicial actors represent the predominant source of improper influence, with systematic interference patterns concentrated primarily in major administrative centres. These findings challenge conventional assumptions about external political pressure being the primary threat, revealing instead that institutional culture and internal hierarchies pose the greatest impediment to impartial adjudication. The four-dimensional typology successfully captures the complexity of these influences, illustrating how manifestation sophistication, implementing actors, operational approaches, and temporal patterns combine to create self-perpetuating cycles of interference that erode both judicial autonomy and public confidence in administrative justice.

The institutional and cultural conditions that enable influence normalisation are rooted in weak accountability frameworks, insufficient transparency mechanisms, and

⁵¹ L. P. Nesterchuk, *Realization of the principle of specialization of courts in Ukraine in comparison with Western European countries*, 52.

⁵² Razumkov Centre, *Public Opinion Survey on Judicial System Trust*, (2023) // <https://sud.ua/uk/news/publication/264685-uroven-doveriya-k-sudam-vyros-no-nedoverie-sudam-vyrazhayut-59-oproshennykh-tsentrazumkova-obnarodoval-pokazateli>

⁵³ N. Zozulia, "Contempt of court: legal requirements and practice," *Ukrainian Law* (2023).

⁵⁴ *Kyiv District Administrative Court (2021)*. Decision of September 30, 2021, No. 100041501 // <https://verdictum.ligazakon.net/document/96680007>

⁵⁵ *State v N. N.*, Suvorov District Court of Kherson, Decision of March 4, 2011, No. 1-162/11 // <https://reyestr.court.gov.ua/Review/14036607>

the persistence of Soviet-era hierarchical relationships that consistently prioritise administrative expediency over judicial independence. The temporal analysis reveals a concerning escalation in systematic influences over the study period, indicating that existing reform measures have failed to disrupt entrenched patterns of improper interference. This institutional failure correlates directly with persistently low levels of public trust, suggesting that internal judicial dependence fundamentally compromises system legitimacy. The comparative analysis with other transitional democracies demonstrates that Ukraine's challenges are significantly compounded by the extraordinary circumstances of wartime governance and the accelerated requirements of European integration, which create additional vulnerabilities in administrative court operations whilst simultaneously demanding enhanced judicial performance.

Evidence-based reform strategies must comprehensively address the multi-dimensional nature of internal judicial dependence through systematic institutional redesign. This requires simultaneous legislative criminalisation of internal influence mechanisms, establishment of specialised monitoring units with robust investigative capabilities, and implementation of comprehensive protection frameworks for judges reporting improper pressure.

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