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## THE NATURE OF THE EUROPEAN COURT OF HUMAN RIGHTS PRACTICE AS THE LEGAL SOURCES OF THE ADMINISTRATIVE PROCEDURAL LAW

The paper is given by the problem of application of ECHR judgments as the legal sources in the Ukrainian law. There are various notions to indicate their role in the national legal system. Considering its affiliation with civilian law system such judgments cannot play the same role as the court decisions for instance in the USA. Nevertheless, the ECHR practice is a kind of legal recommendation which is desirable to be applied by the Ukrainian courts.

The next thing to point out is the legislative provisions stipulated the role of the ECHR practice in administrative procedural law. It needs to be revised in order to avoid the technical legal collision in the mentioned article in the Code on the administrative procedure of Ukraine.

As it was mentioned herein the ECHR judgments are to be persuasive precedents the national legal system.

But Ukrainian administrative courts have been guided by the normative provisions only since the Soviet judicial practice. The application of persuasive precedents hasn't become accustomed judiciary practice yet. Besides, there is a bundle of problems based on the provision of Ukrainian courts with the official translation of the ECHR judgments ruled in the cases against other countries-participants of Convention. The judges tend to interpret such judgments in multiplied way. Such pattern is becoming a common thing, in particular in tax disputes.

Despite the existence of contradiction in the interpretation of the ECHR practice and probable judicial difficulties its practicability is evident. It is necessary attribute in order to remove the legislative collisions and gaps and improve law enforcement practice in the Ukrainian courts.