

CURRENT PROBLEMS OF THE APPLICATION OF TERMS OF APPEALING TO THE ADMINISTRATIVE COURT IN DISPUTES RELATING TO PENSION LEGAL RELATIONS

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In the article the question of application of terms of appeal to the administrative court for disputes arising out of pension relations, the correctness of their definition. Clarified that the right to access to justice is not absolute and is limited to the fixed term of court. The provisions of the code of Ukraine does not contain the limiting boundaries within which the administrative courts can decide to renew the term of court, and does not contain specific grounds and criteria on which a court should evaluate the respectfulness of the reasons for missing the appropriate deadline. The definition of the criteria which can be considered as reasons for missed period to be valid, and the reasons for its restoration justified rests with the court, which according to its own subjective beliefs needs to make a decision. The essence of the right to pension provision as a component of the constitutional right to social protection cannot be initiated, and the legislative regulation in this area must comply with the principles of the welfare state. Analyzed and evaluated the criteria for updating the administrative court missed for legitimate reasons the period for appeal to the court, the right to access to justice taking into account the principle of legal certainty in the process of adopting the court decision of reinstatement for good reasons of term for the appeal to the court. Lit one of the defining criteria for adoption by the administrative court of the decision to renew or not to renew the term – achieve a fair balance between the General interest and the requirements of the protection of fundamental rights of the individual. It is theoretically proved that the proposed approaches for determining the criteria for reinstatement for good reasons of term for appeal to court are not exhaustive, because justice is a “living mechanism”, which is in constant development, enrichment, content new content and the essential characteristics.

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