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ARTÍCULO DE INVESTIGACIÓN

Protección y responsabilidad de los derechos humanos en la interacción con los órganos estatales del Ministerio de Justicia: el caso de Ucrania

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Resumen. El propósito de este artículo es estudiar las relaciones administrativo-legales en el ámbito de la protección de los derechos humanos mediante el análisis y desarrollo de mecanismos que garanticen la supremacía de los derechos y libertades individuales en el sistema de relaciones sociales que surgen, cambian y terminan durante el ejercicio de sus competencias por parte del Ministerio de Justicia de Ucrania. El estudio identifica los rasgos característicos de los mecanismos de gestión del poder, organizativos-legales y de supervisión que regulan la interacción entre el Ministerio, otras autoridades estatales, personas físicas y jurídicas, así como instituciones internacionales, con el fin de garantizar la correcta implementación, protección y restablecimiento de los derechos humanos en Ucrania. El estudio utiliza un conjunto de métodos: análisis y síntesis, enfoques epistemológicos y dialécticos, métodos jurídicos comparativos, estadísticos, formal-legales y generalización científica. Para lograr este objetivo, el artículo describe los vectores clave de interacción del Ministerio con otros sujetos de protección de los derechos humanos: autoridades estatales, gobiernos locales, instituciones internacionales, organizaciones de la sociedad civil y ciudadanía. Los resultados del estudio muestran que los mecanismos jurídicos que garantizan la observancia y la protección de los derechos humanos, en particular el derecho a la protección social, desempeñan un

papel importante en la formulación e implementación de la política estatal, coordinando la asistencia jurídica gratuita, facilitando el acceso a la justicia y medidas conexas. Se presta especial atención a la dimensión internacional de las relaciones administrativas y jurídicas, condicionada por las obligaciones de Ucrania en materia de derechos sociales y la cooperación con el Consejo de Europa y las agencias de la ONU.

Palabras clave: relaciones jurídico-administrativas, derechos sociales, órganos de justicia, asistencia jurídica gratuita, recursos ciudadanos, personas jurídicas, personas físicas.

Protection and safeguarding of human rights in interactions with the state bodies of the Ministry of Justice: the case of Ukraine

Abstract. The purpose of this article is to examine administrative and legal relations in the sphere of human rights protection by analysing and designing mechanisms that ensure the primacy of individual rights and freedoms within the system of social relations that arise, change, and terminate in the course of the Ministry of Justice of Ukraine exercising its powers. The study identifies characteristic features of the authoritative-managerial, organizational-legal, and oversight mechanisms governing interactions between the Ministry, other public authorities, natural and legal persons, and international institutions with a view to ensuring the proper realisation, protection, and restoration of human rights in Ukraine. The research employs a set of methods: analysis and synthesis, epistemological and dialectical approaches, comparative-legal, statistical, formal-legal methods, and scholarly generalisation. To achieve the stated aim, the article outlines the key vectors of the Ministry's interaction with other actors in human rights protection — state authorities, local self-government, international institutions, civil society organisations, and citizens. The findings show that legal mechanisms ensuring the observance and protection of human rights — particularly the right to social protection — play an essential role in shaping and implementing state policy through coordination of free legal aid, facilitation of access to justice, and related measures. Particular attention is given to the international dimensions of administrative and legal relations as shaped by Ukraine's obligations in the field of social rights and cooperation with Council of Europe and UN institutions.

Keywords: administrative and legal relations, social rights, justice authorities, free legal aid, citizens' petitions, legal entities, natural persons.

INTRODUCTION

The Constitution of Ukraine guarantees citizens the right to social protection (Art. 46) and defines the human being, his or her life, honour and dignity, inviolability and security as the highest social value (Art. 3) (Constitution of Ukraine, 1996). These provisions form the constitutional foundation for developing mechanisms to realise social rights, in which the Ministry of Justice of Ukraine (MoJ) plays a leading role.

The effective realisation of social rights is inseparable from a properly functioning system of public administration, a component of which is the set of administrative and legal relations that arise between individuals and executive authorities, including the MoJ. The Ministry acts as a key actor implementing institutional, procedural, and regulatory mechanisms for ensuring and guaranteeing social rights.

The MoJ performs an important function in the formation and implementation of state human rights policy. It coordinates the provision of free legal aid, facilitates access to justice, administers the Unified Register of Regulatory Acts, and provides legal awareness-raising for the population. Through these tools, administrative and legal influence is exerted to secure social rights.

The core legal framework for establishing instruments that ensure social rights — particularly the right to social protection and legal assistance — includes the Law of Ukraine “On Free Legal Aid” (2011), which guarantees the right of everyone, including low-income persons, persons with disabilities, veterans, children, and pensioners, to free legal aid (Arts. 3, 14) as a manifestation of social justice; the Law of Ukraine “On Citizens’ Petitions” (1996), which promotes the democratization of governance by ensuring feedback between justice authorities and citizens; the Law of Ukraine “On Social Services” (2019), which defines the organizational and legal foundations for the provision of social services aimed at preventing difficult life circumstances and overcoming or minimising their negative consequences; as well as subordinate acts of the MoJ regulating relations in the field of social protection.

When defining the nature of the administrative and legal relations in which the MoJ engages in the protection and safeguarding of human rights, including social rights, it should be emphasised that these relations underpin the Ministry’s effective functioning as an executive authority; ensure orderliness in its administrative activity; and provide for the realisation, protection, and safeguarding of human rights and freedoms together with the implementation of state social policy.

LITERATURE REVIEW

A review of scholarly and regulatory sources reveals substantial theoretical-legal and empirical groundwork on administrative and legal relations in human rights protection and social welfare involving Ukraine’s justice authorities and other actors.

Ukrainian scholars devote considerable attention to building the conceptual apparatus of administrative and legal relations within the theory of administrative law. V. Halunko and colleagues P. Dikhtievskiy, O. Kuzmenko, S. Stetsenko (2018) comprehensively delineate the subject matter of administrative law as relations between public authorities and the individual. Other foundational authors, Yu. Bytiak, V. Harashchuk, V. Bohutskiy (2010) define administrative and legal relations as a specific type of social relations. A significant contribution is the work of V. Halunko, V. Kurylo, S. Koroied, O. Drozd et al. (2015), which underpins this article’s theoretical-methodological analysis by disclosing the content and structure of administrative and legal relations and identifying their defining legal characteristics.

A body of research directly addresses the configuration of relations between the MoJ and other participants in the protection and realisation of social rights. Ye. Sobol's monograph (2014) details the administrative and legal mechanism for realising the rights of socially vulnerable groups, including persons with disabilities, highlighting the role of public authorities in this process.

The empirical base primarily comprises regulatory acts that govern the MoJ's administrative and legal relations with other subjects. The Constitution of Ukraine (1996) is the fundamental source, guaranteeing the right to social protection and the observance and safeguarding of human rights and freedoms. A key act is Cabinet of Ministers Resolution No. 228 (2014), which defines the Ministry's legal status as a body vested with public powers to secure, guarantee, and oversee the observance of human rights and freedoms, including the right to social protection. Also central is the Law of Ukraine No. 3460-VI (2011) on legal aid and legal awareness-raising. The article further analyses data published in reports on citizens' petitions processed by the Central Interregional Department of the MoJ (Kyiv) for 2023 through Q1 2025, which inform the identification of gaps in the Department's work and in handling citizens' petitions as a component of realising and observing constitutional rights and of implementing the principle of the social state.

International legal instruments incorporated into national legislation are a separate category of sources: the European Convention on Human Rights (Council of Europe, 1950), the UN Covenants (1966, 1973), and the Convention against Torture (1992). These form the normative basis for state policy in protecting fundamental and social rights and directly relate to the MoJ's function as a coordinator of human rights policy.

Accordingly, contemporary literature and documents indicate the indispensable role of the MoJ as a subject of administrative and legal relations that provides a set of institutional, procedural, and regulatory mechanisms for guaranteeing the social rights of individuals and citizens as a constitutionally enshrined system of human rights.

METHODOLOGY

The study rests on a system of general scientific and special-legal methods that enable a comprehensive analysis of the essence and content of administrative and legal relations in safeguarding social rights realised by the MoJ through institutional, procedural, and regulatory mechanisms.

The dialectical method was used to explore administrative and legal relations as the foundation of executive power and as a vehicle for implementing state policy on interactions between the state and individuals, including social protection; and to reveal their interconnection with national legislation and international human rights standards.

A system-structural method served to define the place and role of the MoJ within the governance mechanism for protecting human rights, to examine legal instruments of social protection, and to analyse the structure of administrative and legal relations among subjects, including their rights and duties.

Analysis and synthesis allowed the decomposition of the research object into constituent elements (normative base, subjects, object of legal regulation, etc.) and the subsequent synthesis of findings into an integrated scientific concept.

A comparative-legal method combined with statistical analysis enabled the examination of official data (reports of the Interregional Justice Department of the MoJ, Kyiv) to confirm the relevance of the problem and assess the effectiveness of law-enforcement practice by the justice authority. Analysis of the Department's activities in ensuring citizens' right to petition across key areas from 2023 to H1 2025 revealed certain shortcomings, particularly gaps in organizational-legal support that resulted in violations of the right to petition and limitations on access to public information as an effective tool of social protection.

The formal-legal method was applied to interpret legal acts and analyse legal terms and categories, including "administrative and legal relations," "object," "subject," and "content" of relations.

The methodological approach is grounded in the principles of objectivity, scientific rigour, and comprehensiveness, ensuring the reliability and practical significance of the results. Combining these methods made it possible to integrate theoretical analysis with empirical data and to formulate conclusions and proposals for improving the administrative and legal mechanism governing relations in the protection of social rights as an integral component of fundamental rights within the activities of the MoJ.

RESEARCH FINDINGS

One priority of a democratic state governed by the rule of law is the protection of human rights and freedoms, implemented through a system of public authorities, notably the MoJ. In this context, specific administrative and legal relations emerge as instruments for executing state policy on the protection of fundamental rights with due regard to their social dimension. Disclosing the nature of such relations is pertinent to enhancing the effectiveness of public administration, ensuring constitutional guarantees, and refining regulatory frameworks for social protection.

Halunko and colleagues (Dikhtievskiy et al., 2018) emphasise that legal relations arise exclusively between people as a special kind of the most significant social relations, and identify relations between public authorities and the individual as the subject matter of administrative law. In turn, Bytiak, Harashchuk, Bohutskiy et al. (2010) define administrative and legal relations as social relations in the sphere of public administration whose participants possess rights and duties regulated by administrative law. Other scholars (Halunko et al., 2015) conceptualise the essence of administrative and legal relations, in a narrow sense, as social relations regulated by administrative norms and primarily governing public-law relations in internal state administration. In the sphere of social welfare, relations arise under social security law between natural persons and social protection agencies concerning the provision of specific types of social support (Smoliarova, 2017).

Building on these scholarly positions, the administrative and legal relations of the MoJ in safeguarding social rights display the following traits: one party is always a public authority —

the MoJ endowed by law with a defined scope of powers; the relations are administrative-legal in nature, since they fall within the domain of public administration; the public interest — the protection and safeguarding of social rights as an integral component of fundamental rights — constitutes their substantive core.

Social welfare relations, in turn, are a special type of social relations within the field of social security; they arise under legal norms; are volitional social relations; are characterised by an individual link between subjects; and are protected by the state (Smoliarova, 2017).

Administrative and legal relations arising in the MoJ's activity to protect social rights have several specific features distinguishing them from general administrative relations in public governance. They serve as the legal form for implementing state policy on ensuring, observing, and protecting human rights and on providing guarantees of social rights in the administrative-legal plane. Drawing on administrative-law scholarship, the MoJ's relations in this field are characterised by:

- 1) **Public-authority character.** The MoJ invariably acts as a subject of public powers with organizational-legal superiority over the other party (a citizen, legal entity, etc.), establishing a subordinative model typical of administrative law.
- 2) **Rights-protective orientation.** Unlike general administrative functions, these relations are targeted at protecting social rights as fundamental rights and freedoms. They encompass: exercising the right to petition; facilitating access to justice; ensuring access to public information; coordinating legal aid; enforcing ECtHR judgments; and conducting legal awareness-raising, including on social protection mechanisms. They are, therefore, human-centred in line with Art. 3 of the Constitution of Ukraine (1996).
- 3) **Complex (inter-branch) legal nature.** The relations intersect with international law (enforcement of ECtHR judgments), civil procedure (procedural mechanisms of legal aid in conjunction with protecting social rights), and information law (access to open registers, where safeguarding social rights is a crucial aspect).
- 4) **Preventive and guarantee-based content.** Many MoJ functions not only respond to violations but also prevent them: legal expertise of draft and adopted legislation for compliance with human rights standards, the ECHR, and ECtHR practice (Cabinet Resolution No. 228, 2014); provision of legislative clarifications and legal awareness-raising, including on social protection; development of rights-protection standards for appealing acts or omissions of public administration, including in social protection. This moves the relations beyond formal administration and gives them a prophylactic-guarantee character.
- 5) **Orientation toward international standards.** The MoJ adapts national legislation to international obligations, including the European Convention on Human Rights (1950), the International Covenant on Civil and Political Rights (1966), the Convention against Torture (1992), and recommendations of the Council of Europe and the UN. Among soft-law norms one may note, inter alia, the Agreement between Ukraine and the Czech Republic on Social Security (4 July 2001), which precludes deprivation or reduction of benefits owing to residence in the other Contracting State; Council of the EU instruments on gender equality in access to goods and services (Directive 2004/113/EC); and the European Code of Social Security (1964).

- 6) **Special implementation mechanisms** coordinated or administered by the MoJ: approval of regulations on the system of free legal aid (a key instrument for implementing constitutional guarantees in protecting social rights); coordination of the enforcement of ECtHR judgments in cases against Ukraine; organisation of access to legal information through open registers (which create conditions for effective protection of legal interests, enhance legal awareness, and foster democratic governance); and registration of subjects of public oversight (political parties, CSOs, etc.).
- 7) **Public accountability.** Because the realisation and protection of social rights are fundamental rights, legislation and ongoing civic oversight oblige the MoJ to publish reports, respond to requests and petitions, and ensure transparency via open data.

Empirical analysis of the *MoJ's Central Interregional Department (Kyiv)* open-data portal on citizens' petitions (2022–Q1 2025) indicates: no work being ensured or conducted in legal outreach to the population (indicator—0%); a decline of more than 50% in the effectiveness of petitions concerning state registration of legal entities, printed media, and legalisation of public associations; but an increase of over 50% in petitions relating to state registration of proprietary rights to immovable property. The latter is plausibly explained by wartime-related factors: inconsistencies in registries and the difficulty of confirming rights after loss of documents; the need for internally displaced persons to confirm title; entries of social benefits; and mass inheritance or gift transactions under wartime risk.

In addition, in the law-enforcement domain, the number and share of complaints regarding the activities of justice bodies, notaries, and civil status registration increased (from 7,384 (2.23%) in 2023 to 8,032 (3.98%) in 2024), suggesting shortcomings by justice authorities in guaranteeing the constitutional principle of safeguarding citizens' social rights.

Insufficient legal awareness-raising by justice authorities results from structural reforms, wartime conditions, and managerial miscalculations. Restoring it requires a clear strategy, budgetary support, digital tools, and inter-agency coordination.

STRUCTURE OF ADMINISTRATIVE AND LEGAL RELATIONS

Leading administrative-law scholars identify a structure comprising interrelated elements: subjects, objects, the content of legal relations, and juridical facts (Halunko et al. 2015). In our context, the structure of the MoJ's administrative and legal relations consists of: the subjects of these relations; their objects; and the content of relations concerning the safeguarding of social rights as fundamental rights.

Subjects. In line with the MoJ Statute (Cabinet Resolution No. 228, 2014), the participants endowed with administrative legal personality include:

- 1) **Public authorities** (ministries, state services, local self-government): relations encompass a broad range of interactions grounded in subordination, coordination, legality, mutual responsibility, and the realisation of the public interest. The MoJ is entitled to receive, free of charge, information, documents, and materials necessary to fulfil its tasks from other ministries and central/local executive bodies and local self-government, including statistical data. It coordinates other executive bodies' actions on legal expertise of normative

acts; implementation of the national human rights strategy; and performance of Ukraine's international obligations in human rights and social protection, including the execution of ECtHR judgments.

- 2) **Officials** (civil servants, heads of bodies) act as subjects when participating in the development and implementation of state policy—including social protection—by drafting relevant regulations; taking part in inter-agency working groups under MoJ auspices; conducting legal awareness activities; and ensuring access to free legal aid through communication with local FLA centres. The key legislative act is the Law of Ukraine “On Free Legal Aid” (2 June 2011, No. 3460-VI), which defines legal aid as a service aimed at ensuring the realisation of rights and freedoms, protecting social rights and freedoms, and restoring them in case of violation.
- 3) **Natural persons** — citizens of Ukraine, foreigners, and stateless persons are full subjects of administrative and legal relations with the MoJ, especially regarding the realisation, safeguarding, and protection of social rights. Individuals may report violations and initiate the restoration of social guarantees by filing petitions, complaints, and requests for public information; seeking free legal aid; participating in MoJ-initiated awareness events; and appealing acts of MoJ officials administratively or judicially. Foreigners and stateless persons exercise constitutional and international guarantees (petition, protection, social guarantees, freedom of expression, etc.) under Ukrainian law and ratified treaties. Interaction may be mediated through the network of FLA centres; the Unified State Register of Court Decisions; MoJ e-services (registers, personal cabinets); and participation in public consultations.

Open-data analysis for 2022–Q1 2025 (Central Interregional MoJ, Kyiv) allows the following inferences: no ensured or conducted legal awareness work (0% indicator); a decline exceeding 50% in outcomes for petitions on state registration of legal entities, printed media, and legalisation of CSOs; but growth exceeding 50% in petitions concerning state registration of property rights to real estate for reasons connected with wartime realities. Moreover, according to the Apparatus of the Verkhovna Rada (2025), complaints about the activities of justice authorities, notaries, and civil status registration rose from 7,384 (2.23%) in 2023 to 8,032 (3.98%) in 2024, indicating gaps in safeguarding citizens' social rights.

- 4) **Legal entities** (enterprises, institutions, organisations, law firms, public associations) constitute the fourth group. Their relations with the MoJ are authoritative-subordinative: the MoJ wields public powers and legal entities are addressees of public-law requirements. In such relations, legal entities exercise their right to state registration (establishment, termination, change of legal form); must comply with administrative legislation when interacting with the MoJ; and receive administrative services in registration, licensing, etc. Legal entities may submit requests for public information. Proper organisation of information openness not only guarantees the constitutional right of access to information but also creates a preventive and legal protection tool for social rights, strengthens trust in public authorities, and fosters the rule-of-law state.

Following Halunko et al. (2015), *the object* of legal relations is that toward which the subjects' interests are directed and on which they enter administrative and legal relations. In our study, the object encompasses social processes linked to the realisation, guaranteeing, and legal safeguarding of subjective rights, freedoms, and lawful interests of natural and legal persons. Within the MoJ's remit in safeguarding social rights, the object includes: the realisation and guarantee of the right to civil status registration; the right to free legal aid (particularly for vulnerable groups); the right to a fair hearing in proceedings involving social rights; and access to information from registers, among others.

The content of administrative and legal relations is the aggregate of public subjective rights (public legal capacities) and legal duties of the subjects of administrative law, whereby each subjective right of one subject correlates with a legal duty of the other, and vice versa (Halunko et al., 2015). In the MoJ's relations with individuals in securing and safeguarding human rights, content is revealed in the combination of authoritative-managerial mechanisms with the state's rights-protective functions: the duty of the MoJ to guarantee the realisation of social rights and to create conditions for their effective protection according to the principles of the rule of law, accessibility, openness, and non-discrimination.

CONCLUSIONS

The Ministry of Justice of Ukraine performs a range of tasks of a human rights protection and regulatory-implementation nature, which are embodied in specific administrative-legal relations. Administrative-legal relations in the field of safeguarding social human rights represent authoritative and subordinative interactions that arise between the Ministry of Justice of Ukraine and natural or legal persons concerning the realization and protection of social rights as fundamental human rights. These relations are characterized by their unilateral authoritative nature, legal regulation, and procedural formalization.

To enhance the effectiveness of administrative-legal relations of the Ministry of Justice of Ukraine in the field of protection and safeguarding of social human rights, the following relevant directions for improvement are proposed:

- 1) **Improving international legal relations.** In order to increase the effectiveness of international legal relations conditioned by Ukraine's obligations in the sphere of social human rights protection and cooperation with institutions of the Council of Europe and the United Nations, it is necessary to systematically implement international standards into domestic legislation and administrative practice. This includes the revision of national legal acts with due consideration of the recommendations and decisions of international organizations, thereby ensuring the compliance of administrative procedures with international obligations.
- 2) **Restoring the role of the justice bodies in legal education.** For the resumption of justice bodies' activities in the field of legal education of the population, it is essential to:
 - Develop an updated National Strategy for Legal Education of the Population for 2025–2028, which should include: a clear distribution of powers between justice bodies, local self-government, and the education system; performance indicators (number of events, level

of public outreach, quality of legal awareness); and the inclusion of educational programs aimed at increasing citizens' awareness of the realization, protection, and safeguarding of their social rights.

— Resume regular legal education campaigns with updated content, such as “I Have the Right!”, with the further dissemination of legal information. Cooperation with the system of free legal aid should be strengthened by organizing open consultations, developing legal brochures and online courses, and conducting thematic seminars (for example, “Rights during War and Social Protection,” “Barrier-Free Legal Aid,” “Counteracting Domestic and Conflict-Related Violence”). Digital channels should be utilized for educational purposes by creating a unified information portal with legal advice, video tutorials, and a chatbot. Additionally, YouTube videos on citizens' rights in everyday situations, the spectrum of social rights, and ways to protect them should be developed and maintained. Law students, lawyers, and judges should be engaged in volunteer legal education activities.

- 3) **Improving the handling of citizens' appeals.** Regarding the improvement of the Ministry of Justice of Ukraine's work with citizens' appeals, it is necessary to digitalize the process of submitting and reviewing appeals by introducing an online service that allows for: tracking the status of an appeal; receiving automatic notifications regarding its review; and evaluating the quality of the response. It would be appropriate, and in line with the development of digital public services, to integrate online appeals to the Ministry of Justice with “Diia” and other state platforms in order to simplify access.

The implementation of these directions will contribute to the improvement of administrative-legal relations of the Ministry of Justice of Ukraine in the sphere of the protection of citizens' rights and social safeguarding, which constitute an essential element of the national mechanism for ensuring fundamental human rights and freedoms. Their effectiveness depends on the quality of legal regulation, the clarity of state social protection mechanisms, the openness of public authorities, and the ability to respond to contemporary challenges. The construction of a rule-of-law state presupposes the continuous improvement of these relations in line with international legal standards.

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