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Transitional Justice and the Peculiarities of the Exercise of Public Power in the Deoccupied Territories

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ABSTRACT

The paper analyzes the specific features of the exercise of public authority in the de-occupied territories of Ukraine under conditions of transitional justice. The main focus is placed on the transformation of administrative procedure, administrative process, administrative adjudication, and territorial jurisdiction as key elements of the functioning of administrative jurisdiction. It is substantiated that de-occupation does not amount to a mere formal restoration of institutions, but is accompanied by the formation of adaptive mechanisms for the exercise of public powers. The purpose of the study is to determine the specific features of the exercise of public authority in de-occupied territories and to assess the effectiveness of administrative-legal mechanisms within the system of transitional justice. The methodological framework is based on systemic and comparative legal approaches, as well as elements of case analysis of the functioning of administrative adjudication under martial law. It has been established that the exercise of public authority is adaptive in nature and is accompanied by the transformation of administrative jurisdiction. Administrative procedure undergoes simplification and modification, which ensures the efficiency of decision-making but simultaneously creates risks for legal certainty. The administrative process performs a stabilizing function, ensuring a basic level of predictability in law enforcement. It is demonstrated that administrative adjudication retains its functionality through changes in jurisdiction and the implementation of digital tools. At the same time, these processes are accompanied by delays in case consideration, court overload, and restrictions on access to justice. It is shown that the protection of human rights is a determining factor in the effectiveness of administrative jurisdiction. The obtained results indicate that the integration of transitional justice mechanisms contributes to restoring trust in state institutions and stabilizing legal relations. At the same time, the functioning of the system is constrained by fragmented regulation and the influence of security factors. Public authority in de-occupied territories is formed as a dynamic system that combines administrative and judicial mechanisms and ensures the adaptability of the legal system under conditions of post-conflict recovery.

KEYWORDS

administrative procedure, administrative process, administrative adjudication, administrative jurisdiction, jurisdiction (venue).

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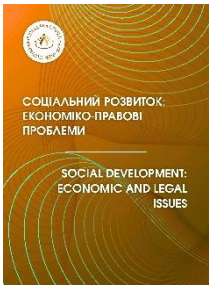

Перехідне правосуддя та особливості здійснення публічної влади на деокупованих територіях

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СТАТТЯ

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АНОТАЦІЯ

У роботі проаналізовано особливості здійснення публічної влади на деокупованих територіях України в умовах перехідного правосуддя. Основна увага зосереджена на трансформації адміністративної процедури, адміністративного процесу, адміністративного судочинства та територіальної підсудності як ключових елементів функціонування адміністративної юрисдикції. Обґрунтовано, що деокупація не зводиться до формального відновлення інституцій, а супроводжується формуванням адаптивних механізмів реалізації владних повноважень. Метою дослідження є визначення специфіки здійснення публічної влади на деокупованих територіях та оцінка ефективності адміністративно-правових механізмів у системі перехідного правосуддя. Методологічну основу становлять системний і порівняльно-правовий підходи, а також елементи кейс-аналізу функціонування адміністративного судочинства в умовах воєнного стану. Публічна влада змінюється. Вона пристосовується. Разом із цим змінюється і адміністративна юрисдикція. Процедури стають простішими, їх скорочують і підлаштовують під ситуацію. Рішення ухвалюють швидше. Але тут виникає проблема. Правова визначеність уже не така чітка. Адміністративний процес тримає систему. Він дає мінімальну передбачуваність. Не ідеальну, але достатню, щоб усе не розпалося. Адміністративне судочинство працює далі. Його дещо змінили, додали цифрові інструменти. І цього, як виявилося, вистачило, щоб зберегти функціональність. Водночас ці процеси супроводжуються затримками розгляду справ, перевантаженням судів і обмеженням доступу до правосуддя. Показано, що дотримання прав людини є визначальним чинником ефективності адміністративної юрисдикції. Отримані результати свідчать, що інтеграція механізмів перехідного правосуддя сприяє відновленню довіри до державних інституцій та стабілізації правових відносин. Водночас функціонування системи обмежується фрагментарністю регулювання та впливом безпекових факторів. Публічна влада на деокупованих територіях формується як динамічна система, що поєднує адміністративні та правосудні механізми і забезпечує адаптивність правової системи в умовах постконфліктного відновлення.

КЛЮЧОВІ СЛОВА

адміністративна процедура, адміністративний процес, адміністративне судочинство, адміністративна юрисдикція, підсудність.

1. Introduction

The exercise of public power in the de-occupied territories of Ukraine takes place in conditions where the legal system functions not in the usual but in a transformational mode. The full-scale war has disrupted the stability of institutions. Both administrative and judicial. The system has lost its usual balance. You have to act quickly. Territorial jurisdiction was changed almost manually. The procedures were simplified. They tried not to stop justice, even during hostilities.

However, another problem arose. The regulatory framework did not keep up with the decisions. Often – and this is clearly visible in practice – first the action, then its legal formalization. Hence the collisions. And no single, but systemic.

De-occupation does not bring everything back. A transitional state occurs. Quite unstable. Classic administrative procedures do not fully work here. They are too rigid. The logic of the process also changes. Not only the organization of courts, but the very thinking of procedural law. Martial law forces us to react faster. Otherwise, the system cannot stand. But tension appears. Between speed and certainty. Between reaction and legal clarity. This contradiction becomes central.

The issue of access to justice arises separately. Some courts do not work. Others work differently than before. Citizens face restrictions. And this is not a theoretical problem - this is a daily practice.

A new model of jurisdiction is being formed. Uneven, fragmented. It has not yet stabilized. And, frankly speaking, it does not fully fit into the classical framework of administrative law.

Despite active scientific developments in the field of administrative justice and transitional justice, their integration remains insufficiently studied. Most approaches consider these phenomena separately, while in the de-occupied territories, they actually interact. It is this discrepancy that determines the scientific problem.

The purpose of the study is to analyze the peculiarities of the exercise of public power in the de-occupied territories of Ukraine in the context of transitional justice, with an emphasis on the administrative procedure, administrative process, administrative proceedings and the issue of jurisdiction.

As a result, the study focuses on finding a balance between the stability of legal procedures and the need for their transformation in the context of post-conflict reconstruction. And, in fact, it is here that a new model of public power is being formed – not yet completed, but already noticeably different from the classical one.

2. Literature Review

The problems of exercising public power in the de-occupied territories in the context of transitional justice are formed at the intersection of several scientific approaches – the theory of transitional justice, administrative law and studies of the functioning of the judicial system under martial law. At the same time, the available literature looks quite voluminous. But, if you look closely, it remains fragmented and not always coherent, which is also noted in the works of A. Mihr [12].

The fundamental principles of transitional justice are revealed in the works of A. Chvalyuk and B. Babin [4], who define it as a complex of interrelated mechanisms for restoring justice after a conflict, combining legal, institutional and political instruments. In developing this approach, D. Ivzhenko [5] emphasizes the key role of the rule of law as a basic guideline for stabilizing the legal system in the post-conflict period. However, both approaches are mostly based on the model of the completed conflict, which only partially corresponds to Ukrainian realities.

In this context, J. Leib [10] analyzes the conditions for including transitional justice mechanisms in peace agreements, emphasizing the dependence of their effectiveness on political agreements and legal guarantees. However, the proposed model is focused on classical post-conflict scenarios. For Ukraine, where the conflict is protracted and dynamic, such prerequisites are not always met. This makes the direct application of these findings problematic. Instead, C. Sherpa and R. van der Lugt [20] propose a more adapted approach, emphasizing that the Ukrainian model of transitional justice is being formed in parallel with the ongoing hostilities. This, in turn, complicates the institutionalization of the relevant mechanisms and creates additional risks to their effectiveness.

Another group of studies looks the other way. The focus shifts to administrative justice. And to its changes in the context of European integration. In particular, A. Babych et al. [1] analyze how the Ukrainian administrative justice system adapts to EU standards. There are three things in the spotlight. Transparency. Availability. Efficiency.

Sounds convincing. But in practice, everything is more complicated. The formal implementation of standards does not mean their real effect. Often – and this is noticeable in judicial practice – norms exist, but they work selectively. This is especially noticeable in conditions of institutional instability. The system seems to have adopted the rules. But I have not yet learned to act on them to the fullest.

A similar approach is demonstrated by N. Koshel [7], who examines the EU's policy in the field of transitional justice and identifies tools potentially relevant for Ukraine. However, most of them were developed for relatively stable legal systems. And this is where the difficulty arises: their implementation in the de-occupied territories, where there is no full-fledged institutional infrastructure, can be limited or fragmented.

A separate area is the study of the functioning of administrative justice under martial law. In particular, O. Bratasyuk [2] considers administrative proceedings as a basic mechanism for protecting rights. Even under restrictions. The key idea is simple. Access to justice must be maintained. A similar line is continued by Y. Prytyka and B. Zagrebelna [18]. They analyze in detail the change of territorial jurisdiction. At first glance, this is a technical solution. But the consequences are wider. As it turned out, the effect is twofold. On the one hand, the judicial system does not stop. Justice continues. On the other hand, new collisions appear. And, importantly, not always predictable. And it's not always easy to solve.

The study of O. Predmistnikov and V. Hapotiy [17] complements this direction, focusing on the need to reform administrative justice, taking into account the European experience. However, the authors only partially take into account the specifics of the territories returned to the control of the state, where the restoration of jurisdiction takes place in the conditions of an actual institutional vacuum. And this, in fact, changes the very logic of the application of administrative procedures.

There is also an empirical section. And it is, frankly, indicative. In particular, the results of a large-scale sociological study on justice and responsibility in Ukraine [3] give a fairly clear picture. A significant part of the population directly links trust in the state with access to judicial protection. The connection is almost direct. Less access means less trust. Interestingly, even the war did not change this. The request did not disappear. He stayed. And it seems to have even intensified. In parallel, another dimension is formed. More human rights. Here, it is worth mentioning S. Polyarush [16]. The author analyzes the problems of combating discrimination. At first glance, this is a separate topic. During the transition period, these issues are intertwined. The functioning of public power and guarantees of equality can no longer be considered separately. And this, in fact, complicates the big picture. In such conditions, administrative procedures perform not only a regulative, but also a restorative function. And this significantly changes their content.

Despite a significant number of scientific papers covering certain aspects of transitional justice and administrative justice, their integration remains limited. Most studies focus either on institutional mechanisms for restoring justice or on the procedural features of administrative proceedings. At the same time, it is in the de-occupied territories that these two areas actually merge. And this creates a new, more complex reality.

This is where the problem arises. It is difficult to ignore. There is no holistic model that explains how public authorities work when transitional justice and administrative jurisdiction are combined. This determines the further logic of the study.

3. Problem Statement

The purpose of this study is to analyze the peculiarities of the exercise of public power in the de-occupied territories of Ukraine in the conditions of transitional justice, with an emphasis on the transformation of administrative procedure, administrative process, administrative proceedings and territorial jurisdiction. And, importantly, it is not only about the formal change of institutions, but about their functioning in real, unstable conditions.

4. Methods and Materials

The methodology for studying the peculiarities of the exercise of public power in the de-occupied territories is based on a combination of qualitative legal analysis and elements of a comparative approach. The basis is the analysis of scientific papers, regulations, international documents and analytical reports in the field of transitional justice and administrative justice.

The study used system analysis. He made it possible to generalize theoretical approaches. The comparative legal method helped to compare Ukrainian and European practice. Elements of case analysis were also used to assess the work of administrative justice under martial law. This made it possible to see how administrative procedures and jurisdiction are changing in the conditions of de-occupation and to form reasonable conclusions on how to improve them.

5. Results and Discussion

5.1. Institutional Transformation of Public Power in the De-Occupied Territories in the Context of Transitional Justice

The restoration of public power in the de-occupied territories of Ukraine is taking place in conditions that are difficult to describe within the framework of classical administrative and legal models. It is not just about the return of the authorities. And not only about the restoration of their formal competence. The situation is more complicated. In fact, a new institutional configuration is being formed. Partially stable. But at the same time, flexible is forced to flex. And here an interesting point arises. Flexibility often appears earlier than its regulatory formalization. Practice first. Then there is the law. This is noted by O. Kliuzhev and D. Deputat [6]. They are analyzing the restoration of public administration in the de-occupied territories. As their approach shows, the process is not linear. At the same time, new tools are being introduced. Some of them are related to European integration. Some of them are related to the protection of the rights of internally displaced persons. And these areas are developing simultaneously, sometimes even without full coordination. And these areas are developing simultaneously, sometimes even without full coordination.

This means that institutional transformation does not take place in isolation, but in a broader field of legal and political changes. In a sense, the administrative system is forced to "learn anew", adapting to conditions that do not yet have established procedural decisions, which is also reflected in the state's strategic documents on recovery [13].

At the same time, transitional justice mechanisms begin to perform the function of not only restoring justice, but also stabilizing public administration. W. Kowalski and A. Misiuk [8] emphasize a rather direct thing. Such mechanisms affect the internal security of the state. And this influence is not indirect. It is about combining two processes. On the one hand, there is institutional restoration. On the other hand, prosecution for offenses. In theory, it looks consistent. But in practice, as individual cases show, the balance is not always obvious. However, the connection itself is clear. Without the restoration of institutions, there is no sustainability. Without responsibility, there is no trust. And it is at this intersection that the security effect is formed.

And here, an interesting, not entirely obvious dependence arises: the effectiveness of public power in the transition period is largely determined by how coherently the mechanisms of justice and administrative management work.

The problem, however, is that the implementation of transitional justice does not have a clear time or procedural limit. As noted by the Laboratory of Legislative Initiatives [9], the moment of the beginning of such processes is more of a political and legal decision than a purely legally determined event. In practical terms, this means that public authorities function in a state of "transition", where rules are still being formed and decisions already need to be made.

Theoretical approaches also confirm this instability. A. Mihr [12] draws attention to the fact that the Ukrainian model of transitional justice is developing in parallel with the ongoing conflict, which distinguishes it from classical post-conflict scenarios. A similar position is supported by C. Sherpa and R. van der Lugt [20], who emphasize that the lack of a completed phase of the conflict complicates the institutionalization of relevant mechanisms and forces the state to act in conditions of constant uncertainty.

In this context, administrative jurisdiction is also transformed. It is no longer limited to clearly defined territorial boundaries and a stable system of organs. On the contrary, a more "mobile" model is being formed, where jurisdiction depends on the security situation, the availability of institutions and the possibilities of their functioning. Sometimes it looks like a temporary solution, but, as practice shows, it is such decisions that become the basis of a new legal reality, which is confirmed by the research of Y. Prytyka and B. Zahrebelna [18].

At the same time, changes are taking place in the field of administrative process. Its classic features - formalization, sequence of procedures, predictability - are gradually supplemented by elements of adaptability. In particular, some of the procedures are simplified, while others change their implementation logic depending on specific conditions. This, of course, creates risks for legal certainty, but at the same time allows for ensuring the minimum necessary level of functioning of public authorities, which is also emphasized by O. Uhrynovska and A. Vitskar [24].

What became obvious in the course of the analysis is that institutional transformation in the de-occupied territories is not a linear process. It combines elements of restoration, reform and, at the same time, experimentation. And it is at this point of intersection that a new model of administrative jurisdiction and administrative process is formed, which has not yet received the final normative consolidation, but already determines the practice of exercising public power.

5.2. Transformation of the administrative procedure and administrative process in the conditions of de-occupation

The conditions of de-occupation change the very logic of the administrative procedure. Not partially – essentially. What used to look like a clear sequence of actions no longer works in the same way. The system becomes more flexible. And at the same time, less formalized. There is a feeling of mobility - not always controlled. And here is an important clarification. This is not exactly the result of a well-thought-out reform. Faster reaction. Forced, sometimes in a hurry. The procedure changes, because it cannot function otherwise.

The classic model, based on predictability and detailed rules, begins to slow down the process. She just doesn't have time. Especially in the de-occupied territories, where solutions are needed immediately. And this, in fact, creates tension between the norm and practice. V. Tymoshchuk draws attention to this [23]. Even before the war, the implementation of European approaches provided for increasing the transparency and accessibility of the administrative procedure. This was the basic logic of change.

However, during the transition period, these principles change their meaning. Accessibility is no longer reduced to openness. We are talking about a real opportunity to undergo the procedure. Even with limited infrastructure. Even with a shortage of personnel. And, importantly, under constant safety pressure.

As a result, the procedure is transformed. Sometimes it is simplified. Sometimes they adapt informally. Not always within the limits of clearly defined norms. And that, frankly, makes the system less predictable but more viable.

This transformation directly affects the administrative process. It gradually moves away from rigid formalization and acquires a more flexible character. O. Uhrynovska and A. Vitskar [24] record an important change. The administrative process no longer operates according to the old logic. The priority shifts. The center is not a formal procedure as such. And access to justice. Basic, but real. And this changes the balance. What used to be mandatory now sometimes recedes. A difficult situation arises. Formal legality is no longer absolute. In some cases, it is inferior to functional expediency. Not perfect, but otherwise the system doesn't work.

A separate direction of this transformation is digitalization. In this case, the changes are noticeable almost immediately. As noted by D. Luchenko and K. Piatyhora [11], the development of e-justice in Ukraine has become especially important during the war. This is no longer an additional option. It is a system survival tool. Digital solutions partially compensate for the limitations. Access to the courts is physically difficult – online submission of documents removes this. Communication between the participants in the process is preserved. Although in a different format. And, as practice shows, this is often enough for the process not to stop. And, interestingly, many of these decisions, which were previously implemented gradually, have actually become mandatory elements of administrative proceedings.

However, digitalization is not a universal solution to problems. In practice, there are restrictions related to technical infrastructure, unequal access to digital services, and insufficient digital literacy of certain categories of citizens. In other words, e-justice works, but not equally effectively for everyone. This forms a new type of inequality. Not only territorial. And not even so much legal. A digital dimension appears. It is studied by D. Luchenko and K. Piatyhora [11]. And the conclusion is quite direct. Access to justice now depends not only on where you live. But also on digital capability. It depends on whether a person can really use electronic tools. And this is, in fact, a new barrier. Less obvious, but very tangible. Practical problems of administrative procedures are manifested separately. Here, theory quickly collides with reality.

In many cases, the difficulty does not arise from the lack of norms. The problem is how they work in non-standard conditions. And it changes everything. Delays in the consideration of cases. Problems with the identification of participants. Loss or unavailability of documents. The situations are different, but the effect is similar. The process slows down and becomes less predictable. O. Bratasyuk draws attention to this [2]. And, to summarize, the problem here is not only technical. It is organizational. And partly institutional.

Thus, the transformation of the administrative procedure and the administrative process in the conditions of de-occupation is of a dual nature. On the one hand, it contributes to increasing the flexibility of the system and its ability to respond to crisis challenges. On the other hand, it creates risks for legal certainty and equality of access to administrative proceedings, which is consistent with the conclusions of V. Tymoshchuk [23]. And it is the balance between these two trends that seems to determine the further development of administrative and legal mechanisms in the post-conflict period.

5.3. Features of administrative proceedings and transformation of jurisdiction

The functioning of administrative proceedings under martial law has changed significantly. And these changes are not limited to organizational steps. It's about something else. On rethinking the role of the court. The court is no longer just an arbiter of procedures. Its task is broader. Provide at least basic access to justice. Even when the system is unstable. And this is where tension arises. Quite tangible. On the one hand, there is a classic model. Clear, formalized, consistent. On the other hand, there is a reality in which the main thing is not the perfect procedure, but the continuity of work. And the balance between these approaches is not always obvious. Y. Prytyka et al. draw attention to this [19]. Martial law has directly affected the exercise of the right to a fair trial. The reasons are different. Limited access to courts. Difficulties with the implementation of decisions. The constant need to react quickly. As a result, the system switched to a different mode. Constant adaptation. Some of the procedures have not formally changed. But their implementation is no longer so predictable. And this is clearly visible when compared with the pre-war period. One of the key decisions was the change of territorial jurisdiction. It was, in fact, an anti-crisis tool. According to the Supreme Court [22], a significant number of cases were transferred to courts in safer regions. The solution is not perfect. But it is necessary. This made it possible to avoid a complete shutdown of the system in certain areas. At the same time, a new model of jurisdiction has emerged. Dynamic. Variable. Dependent on the security situation. And, importantly, it is less stable from the point of view of classical administrative law. And, importantly, this model was not provided for in advance by the administrative procedural legislation.

As a result, there was a transformation of administrative jurisdiction. It ceased to be rigidly tied to the territorial principle and acquired a more flexible character. In a sense, we can talk about the formation of a "displaced jurisdiction" when cases are considered outside the territory with which they are primarily connected. This approach, on the one hand, ensures the functioning of the system, but on the other hand, it creates several procedural and organizational difficulties.

These difficulties are described in detail by O. Uhrynovska and A. Vitskar [24]. They offer a rather apt metaphor. Administrative justice in wartime functions as a "judicial front". It's not just an image. There is a concrete reality behind it. The judicial system operates with limited resources. The load is increasing. Circumstances change all the time – sometimes every day. As a result, failures occur. Delays in the consideration of cases are becoming commonplace. Access to materials becomes more difficult. And sometimes even the identification of the parties becomes a problem. Not systemic, but frequent enough to affect the process. The problem of access to justice in these conditions is exacerbated. Formally, the right is preserved. The norms have not been canceled. But the implementation of this right looks different. The court may be physically absent from the territory. Logistics are complicated.

Information barriers also play a role. As a result, a gap occurs. Between the formal presence of the right and the real opportunity to use it. And it is this gap, as practice shows, that becomes one of the key challenges.

This, in turn, affects the efficiency of administrative proceedings and calls into question the equality of the participants in the process, which is confirmed in the reports of the Office of the United Nations High Commissioner for Human Rights [14].

Thus, the transformation of jurisdiction and administrative jurisdiction under martial law is complex. It ensures the functioning of the system in critical conditions, but at the same time creates new challenges for the administrative process. And it is these contradictions – between flexibility and legal certainty, between accessibility and efficiency – that determine the current state of administrative proceedings in the de-occupied territories.

5.4. Access to Justice and Human Rights as an Element of Administrative Jurisdiction

The issue of access to justice in the conditions of de-occupation goes beyond a purely procedural problem and acquires systemic importance for the entire model of administrative jurisdiction. Formally, the right to apply to the court is preserved. However, if you look more closely, its implementation often depends on circumstances that are not controlled by the applicant himself: the state of the infrastructure, the presence of a court, the possibility of identifying a person, access to documents. And this is where the gap between norm and practice begins.

Reports by the Office of the United Nations High Commissioner for Human Rights [14; 15] demonstrate that numerous human rights violations were recorded during the occupation and in the aftermath of it, including restrictions on access to justice, unlawful detentions, and loss of documents. This directly affects the work of administrative proceedings. The reason is quite simple. A significant part of the cases concerns the restoration of violated rights. And also – confirmation of legal facts and appeals against decisions of authorities.

In such conditions, the court works with "deformed" legal relations. And this is not a metaphor. The evidence base is often incomplete. Sometimes it is lost. Sometimes access to it is simply impossible. All this changes the very process of proof. The result is not always predictable. The court is forced to act in conditions of information shortage. And, frankly, this complicates the application of classical procedural standards. At the same time, another dimension of the problem arises. Less obvious, but important. We are talking about discriminatory practices. In conditions of social tension, they appear more often. And this additionally affects the functioning of administrative jurisdiction.

As noted by S. Poliarush [16], during the period of crisis transformations, the risk of unequal access to rights and opportunities for certain groups of the population increases. In the context of the de-occupied territories, this applies, in particular, to internally displaced persons, persons who remained under occupation, as well as those who return after its completion. As a result, administrative proceedings face the need to take into account not only legal, but also social factors that affect access to justice.

International standards play an important role in this process. They set the frame. And at the same time, they increase the requirements for practice. The concept of transitional justice is elaborated in detail by A. Chvaliuk and B. Babin [4]. Later, it was developed by D. Ivzhenko [5]. The logic is pretty clear. Without guarantees of human rights, the restoration of law and order does not work. Formally, yes. In fact, no. The same idea is considered from a different angle by J. Leib [10]. He emphasizes the role of justice in conflict resolution processes. Not as an additional element. As a basic one. Without it, sustainable peace, in fact, is not formed. This leads to an important conclusion. Administrative procedures cannot remain neutral. At least during the transition period. They have to adapt. And this adaptation is aimed not only at efficiency, but also at protecting human rights.

Modern research confirms this. Quite consistently. The effectiveness of administrative jurisdiction directly depends on the extent to which human rights are actually observed. Not declaratively. In practice. And it is here, as the analysis shows, that the most challenges arise. As noted by K. Sikkink and H. J. Kim [21], the mechanisms of responsibility for human rights violations form the so-called "cascade of justice", which gradually increases the level of legal culture and trust in institutions. A similar opinion is expressed by C. Sherpa and R. van der Lugt [20], who emphasize that without proper protection of human rights, transitional justice cannot fulfill its stabilizing function.

5.5. Assessment of the Effectiveness of Administrative and Legal Mechanisms in the System of Transitional Justice

It is more difficult to evaluate performance during the transition period. The formal approach does not work here. The procedure may work. But the system is not. The criterion changes. It is important not to follow the rules perfectly. The ability to give at least minimal legal certainty is important. And this is not always achieved with standard tools. The administrative procedure is also changing. In its classic form, it is clear and predictable. But these traits are weakening. As noted by W. Kowalski and A. Misiuk [8], transitional justice mechanisms are aimed not only at restoring rights. They should stabilize the social order. Hence the change in logic. The procedure sometimes deviates from strict rules. To act faster. And a paradox arises. It works better when it is less formalized.

The administrative process plays a different role. It structures chaotic legal relations. Gives a frame. But this framework is unstable. As A. Mihr [12] emphasizes, the development of transitional justice in Ukraine takes place during the ongoing conflict. This complicates everything. The rules are still being formed. The practice has not been established. Therefore, legal certainty becomes relative. Not complete. The impact of transitional justice is broader. On the one hand, as noted by C. Sherpa and R. van der Lugt [20], it restores trust in institutions. And this is critical. On the other hand, the system becomes overloaded. The number of cases is growing. They are related to the restoration of rights and the revision of decisions. As a result, administrative jurisdiction expands. New categories of disputes are emerging.

There are also risks. As noted by K. Sikkink and H. J. Kim [21], the effectiveness of responsibility mechanisms depends on the sequence. And from institutional support. If this is not the case, the model becomes fragmentary. And it does not give a long-term effect. In the context of administrative jurisdiction, this manifests itself in the form of uneven practice, delays in the consideration of cases and a different approach to similar situations. There is one more aspect. It is not always noticeable. During the transition period, the system constantly balances between the speed and quality of decisions. And this balance is often disturbed. Quick solutions help you respond to challenges. But they may be less reasonable. Slow decisions, on the other hand, are more accurate. However, they do not always keep up with the situation.

Thus, the effectiveness of administrative and legal mechanisms in the transitional justice system is relative and multidimensional. It is determined not only by the compliance of procedures with formal requirements, but also by the ability of the system to adapt to unstable conditions, provide legal certainty and maintain trust in public authorities. And it is this adaptability, even despite the existing risks, that is a key indicator of the functionality of the administrative procedure, administrative process and administrative jurisdiction in the conditions of de-occupation, which is consistent with the conclusions of A. Mihr [12].

5.6. Model of exercising public power in the de-occupied territories

The analysis allows us to summarize the results obtained and move on to the formation of a holistic model of the exercise of public power in the de-occupied territories in the context of transitional justice. And here it is worth noting one important thing: we are not talking about a classical administrative model, but about a hybrid design that combines elements of a stable legal order and adaptive response mechanisms, which is also emphasized in the studies of C. Sherpa and R. van der Lugt [20].

In order to systematize these transformations, it is advisable to present an integrated model of the interaction of key elements of the administrative and legal system.

As you can see from Table 1, the changes cover the entire system. No element remains the same. And these changes are not isolated. They are related. And quite directly. Simplification of the administrative procedure immediately affects the administrative process. Change of jurisdiction – on the efficiency of judicial proceedings. The chain is short. And almost without delay. In fact, we have a systemic restructuring. One element changes, while others adapt. Sometimes even faster than expected. At the same time, the results allow us to outline the problems. And they are already clearly visible at the level of practice.

For a clearer understanding of these aspects, it is advisable to summarize them in the form of a structured Table 2.

Table 1. Integrated model of public power in the de-occupied territories

System element	Characteristics of transformation	Practical manifestations	Result
Public power	Institutional restructuring	restoration of organs, personnel shortage, new functions	partial stabilization of control
Administrative procedure	Simplification and adaptation	Shortening stages, informal solutions	Increased efficiency
Administrative process	Flexibility and variability	Change in the logic of the consideration of cases	ensuring basic legal certainty
Administrative Proceedings	Functioning under restrictions	Remote meetings, transfer of cases	Maintaining the continuity of justice
Jurisdiction	Dynamic character	Change of territorial jurisdiction	access to the court in conditions of risk
Human rights	Priority factor	restoration of rights, compensation mechanisms	increasing trust in the state

Source: Systematized by the authors based on [8], [12], [20], [21].

Table 2. Main Problems and Directions of Improvement of Administrative and Legal Mechanisms

Scope	Problem	Manifestation	Consequence	Direction of solution
Administrative procedure	Over-formalization or chaotic simplification	Uneven practice	Reduced legal certainty	Unification of procedures
Administrative process	Instability of procedural rules	Different practice of considering cases	Legal uncertainty	Adaptive adjustment
Administrative Proceedings	Congestion of ships	Delays in consideration	Decreased efficiency	Redistribution of cases
Jurisdiction	Frequent change of jurisdiction	Difficulty in accessing the court	Restriction of citizens' rights	Stabilization of jurisdiction rules
Human rights	Violations and unequal access	Discriminatory practices	Loss of trust	Strengthening guarantees

Source: Summarized by the authors based on [14], [15], [16], [25].

The table presented shows a simple thing. The problems are not only procedural. They are systemic. It's about balance. Between efficiency and fairness. Under normal conditions, this is difficult. In de-occupation, it is even more difficult. The system is forced to act quickly. But at the same time, not to lose legitimacy. And this creates constant tension. Areas of improvement are also changing. The goal is no longer to restore the pre-war model. This is, in fact, impossible. It's about something else. On the formation of a new system. More flexible. And, as practice shows, less strictly regulated.

Another important aspect worth emphasizing is the role of adaptability. In modern conditions, it is the ability of the system to change quickly that becomes a key factor in its effectiveness. And although such adaptability is sometimes accompanied by a decrease in the level of formalization, it allows for ensuring the functioning of public authorities even in critical situations, which is also noted in the studies of A. Mihr [12].

Summing up, it can be argued that the model of exercising public power in the de-occupied territories is formed as a dynamic system that combines elements of the administrative procedure, administrative process, administrative proceedings and transitional justice mechanisms. And it is this integration that determines its effectiveness, despite the existing limitations and risks, which is consistent with the approaches of W. Kowalski and A. Misiuk [8].

6. Conclusions

Thus, the exercise of public power in the de-occupied territories of Ukraine is formed as a complex, multi-level process, within which elements of restoration, adaptation and transformation of administrative and legal mechanisms are combined. In the course of the study, it was found that the traditional model of public administration turns out to be insufficiently effective in the conditions of transitional justice, which necessitates its flexible rethinking. Of particular importance is administrative jurisdiction, which loses its rigid territorial attachment and operates in conditions of variable jurisdiction and limited institutional resources.

The main changes concern three things. The administrative procedure is being adapted. The administrative process is changing. Transitional justice mechanisms are being integrated into the public

administration system. Procedures become more flexible. This allows you to respond faster to calls. But at the same time, risks to legal certainty are growing. In such conditions, the administrative process stabilizes the system. Gives basic predictability. Even when institutions are unstable. Administrative proceedings play an important role. Despite the restrictions, it does not stop. Access to justice is preserved. The key tool is the change of territorial jurisdiction. It allows the system to work further. But difficulties arise. The terms of consideration are increasing. The load is unevenly distributed. Some courts are overloaded, others are underloaded. And this affects the result.

As a result, the effectiveness of administrative jurisdiction is determined simply. Through access to justice. And because of respect for human rights. In fact, there are no other universal criteria here.

An important result of the study is the establishment of a direct connection. Between the effectiveness of mechanisms and the level of integration of the principles of transitional justice. The connection is quite clear. It is these mechanisms that restore trust. Form legal certainty. Stabilize social relationships. Especially in the post-conflict period. However, there are limitations. And they should not be ignored. Regulatory regulation is fragmentary. The practice of application is uneven. And much depends on the security situation. This, in fact, sets the limits of efficiency.

At the same time, it should be noted that the results of the study have certain limitations. In particular, they are based mainly on the analysis of open regulatory, analytical and scientific sources and do not fully cover the empirical practice of the functioning of administrative jurisdiction in all de-occupied territories, which necessitates further applied research in this direction.

The practical conclusions of the study are the need to further improve the administrative procedure by developing unified temporary procedures for the de-occupied territories adapted to the conditions of instability, the development of digital tools of administrative justice, and ensuring greater stability of the rules of jurisdiction. Equally important is the strengthening of human rights guarantees. And taking into account social factors. Without this, administrative jurisdiction does not work completely.

In fact, we have a dynamic system. Public authorities in the de-occupied territories no longer look the same as before. It combines several elements. Administrative procedure. Administrative process. Judicial proceedings. And transitional justice mechanisms. It's not just the sum of the parts. The system works as a whole. And it changes together. Its effectiveness is determined not only by compliance with regulations. Formal legality is important, but it is not enough. The key is the ability to adapt. We are talking about working in conditions of uncertainty. When norms do not always keep up with practice. In this case, balance becomes decisive. Between speed of decisions and compliance with the principles of the rule of law. Not a perfect balance. But it is necessary.

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