

*Kukoba O.O.,  
Judge of Poltava regional administrative court,  
Degree-seeking applicant,  
National University of Life and Environmental Sciences of Ukraine*

## ON THE QUESTION OF THE DEFINITION OF SUBJECT-MATTER JURISDICTION OF ELECTION DISPUTES RELATING TO THE ELECTION OF THE PRESIDENT OF UKRAINE

The article is devoted to separation and characterization of specific aspects of the definition of subject-matter jurisdiction of electoral disputes relating to presidential elections in Ukraine.

Subject under the jurisdiction of election disputes should be understood set of rules governing the distribution of powers of the courts to review certain parts of the administrative cases at the first instance, depending on the subject of a public law dispute or its subject composition.

The peculiarity of this procedural institute administrative proceeding is that all the administrative courts (local general courts as administrative, district administrative courts, administrative courts of appeal, the Supreme Administrative Court of Ukraine) depending on the type of case can serve as a court of first instance.

The competence of the Supreme Administrative Court of Ukraine referred consideration of administrative cases on the Central Election Commission of the results of elections (including the election of the President of Ukraine).

All other decisions, acts or omissions of the Central Election Commission, a member of the Commission may be appealed at the Kyiv Appeal Administra-

tive Court as the court of first instance.

Just Kyiv Appeal Administrative Court at first instance jurisdiction over the case on appeal actions of the candidates for President of Ukraine and their agents.

District administrative courts hear cases:

- against decisions, actions or inaction of the district election commission on preparation and holding of presidential elections in Ukraine, as well as members of these committees;

- against decisions, actions or inaction of the executive authorities, local self-government, their officials and employees;

- for acts or actions electoral blocs, civic associations.

The competence of local general courts as administrative courts include the consideration and resolution of administrative cases concerning:

- refine the list of voters;
- acts or omissions of the media, news agencies, enterprises, institutions, organizations, their officials and officers, artists media and news agencies that violate the law on elections.

A controversial issue is the definition of subject-matter jurisdiction of the dispute regarding the decisions, acts or

omissions of the election commission and its members.

Thus, the legislator is not determined to which it is the administrative court may be appealed these decisions, acts or omissions: local general courts as administrative or district administrative court.

Conclusions. Consideration of electoral disputes relating to presidential elections in Ukraine is characterized by a specific order administer justice, which

is reflected in the many procedural institutions, including rules on subject-matter jurisdiction.

As currently polling algorithm referring disputes relating to the election of the President of Ukraine, the subject-matter jurisdiction of an administrative court requires clarification and revision, which in turn will lead to legal certainty and facilitate more accessible understanding of the subject.