Abstract. Reconciliation of parties in administrative litigation is an important tool that allows disputes to be resolved by reaching mutually acceptable conditions between the parties without the need for full court proceedings. This mechanism not only helps reduce the court workload and save time and resources for the parties, but also opens the way to more flexible solutions that can be more effective and satisfactory for both sides than those that could be achieved through court proceedings. International experience shows that reconciliation of parties in administrative litigation can take various forms, depending on the legal system of the country and the specifics of the particular administrative dispute. For example, in some jurisdictions, mediation is actively used as a means of reconciliation, where a specially trained neutral mediator helps the parties reach an agreement. In other countries, direct negotiations between the parties may be used to resolve the dispute. The key aspect of reconciliation is that it allows the parties to reach a compromise based on mutual concessions, which may include issues that go beyond the initial subject of the dispute, but do not violate the law and do not affect the interests of third parties. This approach can lead to more stable and long-term decisions,
simultaneously restoring and supporting trustful relations between the parties. Different countries have established procedural frameworks that regulate the reconciliation process, including the possibility of suspending court proceedings for reconciliation procedures, the need to formally formalize the terms of reconciliation and their approval by the court, as well as rules on the distribution of court costs between the parties in the event of reconciliation. These rules provide legal certainty and protect the interests of both parties. An important advantage of reconciliation is its ability to provide greater satisfaction for the parties with the results of the dispute, as decisions reached through direct dialogue and mutual concessions are often perceived as more fair and acceptable. Furthermore, reconciliation can help preserve and restore business or other professional relations between the parties, which is especially important in situations where the parties continue to interact after resolving the dispute. Overall, reconciliation of parties in administrative litigation is an effective dispute resolution tool that meets modern requirements for speed, efficiency, and flexibility of justice, while ensuring a high level of protection for the rights and interests of the participants in the process.

Keywords: reconciliation of parties, administrative litigation, international experience, mediation, alternative dispute resolution, legal practice, court procedures, comparative analysis, legal systems, resolution efficiency, legislative foundations, judicial reform, access to justice, conflict situations, legal culture.

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ПРИМИРЕННЯ СТОРІН В АДМІНІСТРАТИВНОМУ СУДОЧИНСТВІ: МІЖНАРОДНИЙ ДОСВІД ТА ПРАКТИКА ЗАСТОСУВАННЯ

Анотація. Примирення сторін в адміністративному судочинстві є важливим інструментом, який дозволяє вирішувати спори шляхом досягнення
взаємоприйнятних умов між сторонами без необхідності повного судового розгляду. Цей механізм не тільки сприяє зменшенню судового навантаження та економії часу та ресурсів сторін, але й відкриває шлях до більш гнучких рішень, які можуть бути більш ефективними та задовільними для обох сторін, ніж ті, які могли б бути досягнуті через судовий розгляд.

Міжнародний досвід показує, що примирення сторін в адміністративному судочинстві може приймати різні форми, залежно від правової системи країни та специфіки конкретного адміністративного спору. Наприклад, у деяких юрисдикціях активно використовується медіація як засіб примирення, де спеціально навчений нейтральний посередник допомагає сторонам дійти згоди. В інших країнах може бути застосовано прямі переговори між сторонами з метою врегулювання спору.

Ключовим аспектом примирення є те, що воно дозволяє сторонам досягти компромісу на основі взаємних поступок, що може включати питання, які виходять за рамки первісного предмета спору, але не порушують закон та не зачіпають інтереси третіх сторін. Такий підхід може сприяти більш стійким та тривалим рішенням, забезпечуючи одночасно відновлення та підтримку довірливих відносин між сторонами.

У різних країнах встановлені процедурні рамки, які регулюють процес примирення, включаючи можливість зупинення судового провадження для проведення примирних процедур, необхідність формального оформлення умов примирення та їх затвердження судом, а також правила щодо розподілу судових витрат між сторонами у разі досягнення примирення. Ці правила забезпечують правову визначеність та захист інтересів обох сторін.

Важливою перевагою примирення є його здатність забезпечити більшу задоволеність сторін результатами спору, оскільки рішення, досягнуті шляхом прямого діалогу та взаємних поступок, часто сприймаються як більш справедливі та прийнятні. Крім того, примирення може сприяти збереженню та відновленню ділових або інших професійних відносин між сторонами, що є особливо важливим у ситуаціях, де сторони продовжують взаємодіяти після вирішення спору.

Загалом, примирення сторін в адміністративному судочинстві є ефективним інструментом врегулювання спорів, який відповідає сучасним вимогам до швидкості, ефективності та гнучкості правосуддя, водночас забезпечуючи високий рівень захисту прав та інтересів учасників процесу.

Ключові слова: примирення сторін, адміністративне судочинство, міжнародний досвід, медіація, альтернативне вирішення спорів, юридична практика, судові процедури, компаративний аналіз, правові системи, ефективність вирішення, законодавчі основи, судова реформа, доступ до правосуддя, конфліктні ситуації, правова культура.
Problem Statement: Despite the high efficiency and potential of reconciliation between parties in administrative disputes, this mechanism is applied differently across various jurisdictions [1, c. 36]. The diversity of legal systems and cultural approaches to conflict resolution requires a deeper analysis of international experience to identify the most effective practices. The lack of a unified approach and standards in the application of mediation creates barriers to its broader implementation and recognition at the international level.

Analysis of Recent Research and Publications: The essence and issues of reconciliation between parties in administrative litigation have been the subject of scholarly works, including those by T.O. Antsupova, V.M. Bevzenko, I.L. Zheltobryukh, M.M. Žaika, O.M. Zdrok, O.M. Mykhailova, V.V. Slyvka, O.D. Synelnikova, O.V. Shemeneva, and others.

The aim of the article is to analyze international experience and national practice in the application of reconciliation mechanisms in administrative litigation, to identify the main advantages and potential problems associated with its implementation. Through a comparative analysis of different jurisdictions, the article attempts to identify effective strategies that can be adapted and applied in the Ukrainian legal field to enhance the efficiency of administrative litigation. Furthermore, the article aims to promote the development of a legal culture based on the principles of dialogue and understanding as an alternative to traditional court dispute resolution.

Presentation of the Main Research Material: Reconciliation between parties within the context of administrative litigation in Ukraine is currently considered a legitimate, voluntary, and expedient method of peacefully resolving public-law conflicts, based on mutually acceptable terms for both parties [2, p. 36]. This process takes place within the judicial order and adheres to the fundamental principles of law, legality, and human interest orientation, receiving confirmation in administrative court. The main characteristics of such reconciliation include:

Firstly, the foundation of reconciliation between parties in administrative litigation lies in the existence of a system of principles that serve as the basis for the implementation of this institution. Legal principles regulating the institution of reconciliation between parties include universal, specialized, and exclusive principles established by current legislation. Universal principles, such as fairness, equality before the law, transparency, and openness of the judicial process, are common to the entire legal system of the country. Specialized principles specific to administrative litigation, for example, the principle of speed and efficiency of judicial review, ensuring access to judicial protection, etc. Unique principles characterizing the mechanism of reconciliation include the voluntariness of the agreement between parties, the possibility of going beyond the formal subject of the dispute to achieve a mutually beneficial decision without violating the lawful...
interests of third parties, and the principle of human-centrism, emphasizing the importance of considering the interests and rights of the individual in the judicial review process. These principles together form a solid foundation for the reconciliation process, ensuring its legal certainty, fairness, and efficiency. They allow the judicial system to adapt to the specific circumstances of each case, thereby facilitating the peaceful resolution of disputes based on mutual understanding and acceptable terms. This approach not only facilitates the efficient and swift resolution of public-law conflicts but also meets the general objectives of strengthening the rule of law, where every conflict can be resolved through dialogue and consent based on law [3; 2].

Secondly, the state guarantees the provision of the reconciliation mechanism in administrative litigation through the creation of an appropriate institutional and legal base, enabling the effective application of this method in resolving public-law disputes. The system includes both qualified judges and mediators, as well as defined legislative norms that regulate the procedure and conditions for conducting reconciliation procedures. This ensures clarity and predictability of the process, allowing parties to resolve conflicts based on mutual consent without unnecessary delays and formalities. Legal grounds and conditions for initiating the reconciliation process are established in such a way as to ensure its availability only in the presence of lawful reasons, while preventing its use for circumventing legislative requirements or harming the rights of third parties. The principle of voluntary participation of parties in the procedure[5], emphasizing free choice and mutual consent as the basis for reaching a compromise. The protection of the rights and interests of all process participants, including third parties, becomes an integral part of the reconciliation procedure, ensuring that any decision complies with legislative norms and considers the interests of all parties.

Such a structured and well-regulated system not only facilitates effective dispute resolution but also reflects the general principles of a legal state, where each conflict can be resolved based on dialogue, mutual understanding, and respect for the law; thirdly, reconciliation between parties in the administrative process acts as a form of legal consent, demonstrating the variety of methods for resolving public-law disputes, supported by legislative frameworks and judicial practice. This not only reflects pluralism in approaches to legal relations between the state and citizens but also underscores the growing recognition of the importance of peaceful conflict resolution as a crucial element of a democratic society. The use of specialized judicial mechanisms to legalize the results of reconciliation ensures their legal validity and enforceability, contributing to stability and predictability in public-law relations. Involving qualified professionals, such as mediators with special training and experience in conflict resolution, allows parties to find an optimal solution that takes into account the interests of both sides. This approach not only facilitates the
restoration of violated rights but also opens up opportunities for achieving long-term mutual understanding and cooperation between parties. Importantly, the reconciliation process, being officially recognized and supported by the state, retains flexibility, allowing it to adapt to the specific circumstances of each case. This feature of reconciliation also reflects a broader understanding of justice, moving from a strictly punitive approach to a more restorative and consensus-based one, where the key is achieving fairness and restoring social harmony. In this context, administrative reconciliation is an essential tool for supporting dialogue between the state and citizens, as well as for strengthening trust in the country's legal system; fourthly, the reconciliation process between parties in administrative litigation is manifested through an established procedure that includes the preparation and signing of a conflict settlement agreement. This agreement is a legal document that records the arrangements between the parties and the terms of dispute resolution, thus becoming a legal fact confirming their use of the right to independently resolve the conflict. The importance of this stage lies in that it not only secures the agreements reached by the parties in a legally binding form but also demonstrates the ability of subjects to resolve differences through dialogue and consensus. This approach fosters the restoration of mutual trust and respect, creates a foundation for future cooperation between parties, and serves as an indicator of the maturity of the legal system, capable of not only regulating conflicts but also effectively resolving them with minimal losses for both sides. Furthermore, the legal recording of reconciliation results through a settlement agreement provides additional guarantees for its execution, as it acquires the status of an official document enforceable through judicial instances in case of a breach of the agreement by one of the parties. The reconciliation procedure and the conclusion of a settlement agreement also play a crucial role in reducing the burden on the judicial system, as it allows resolving the dispute without a full court hearing. This not only saves court resources but also provides a faster and less stressful resolution of the conflict for the parties. In this way, the reconciliation procedure becomes a tool for legal optimization, achieving a balance between the needs of legal regulation subjects and the state's ability to ensure fair and effective conflict resolution; fifthly, the uniqueness of the reconciliation process between parties in administrative litigation is also manifested through the particular composition of participants involved in this process. The involved parties are not limited to the direct participants of the conflict but also include lawyers, mediators, representatives of state bodies, and, if necessary, experts in various fields. This allows for a comprehensive approach to dispute resolution, considering different aspects of the situation and ensuring a more objective and comprehensive approach to determining the terms of reconciliation. The unique composition of participants ensures that the reconciliation process takes on a multifaceted character, where each participant can contribute to achieving the common goal - finding a
mutually acceptable solution. Lawyers and party representatives provide the legal basis for the agreement, mediators facilitate dialogue and compromise search, and experts can offer specialized knowledge necessary for understanding the specifics of the dispute. This approach takes into account the interests of all parties, ensures a high level of trust in the reconciliation process, and increases the likelihood of achieving a sustainable and effective solution. It also strengthens faith in the fairness and efficiency of the legal system, showing that the state and its institutions are ready to provide the necessary support and resources for resolving conflicts through dialogue and mutual understanding; sixthly, the reconciliation mechanism in administrative litigation offers the possibility to expand the boundaries of discussion regarding the dispute, while ensuring full compliance with legal norms, rights, and interests of third parties. This feature allows parties to consider a wider range of issues related to the conflict and seek flexible, creative solutions that go beyond standard legal procedures and frameworks. This approach facilitates a deeper mutual understanding between parties, helps identify the true causes of the conflict, and finds effective ways to eliminate them. It also allows preserving and protecting the interests not only of the direct participants of the case but also of third parties who may be indirectly involved or interested in its outcome. This process demonstrates the flexibility and adaptability of the legal system, which can take into account the diversity of social relations and the needs of citizens. It provides a balance between the need to protect the legal order and the possibility of finding individualized, mutually beneficial solutions for complex and often sensitive issues arising in the public-law sphere. The application of the reconciliation mechanism with such a possibility of expanding the discussion framework is evidence of the evolution of modern legal culture, which seeks to resolve disputes through dialogue and cooperation, while protecting the fundamental principles of legality and fairness.

It should be noted that the implementation of party reconciliation in the administrative process directly depends on the conformity of this process with the goals, tasks, and functions of peaceful settlement.

Reconciliation of parties is implemented through a complex procedure. In the first stage, informal and formal initiation of the reconciliation procedure occurs, which can begin no earlier than after the submission of a claim to the court. This step allows the parties to determine the possibility and willingness for reconciliation before or during the preparatory meeting, creating a basis for further constructive dialogue. In the second stage, negotiations between the parties regarding the terms of reconciliation take place, discussing specific actions to exhaust the dispute, time frames for submitting a reconciliation statement, and deadlines for fulfilling the terms of the agreement. This process facilitates reaching an agreement between the parties and formulating terms that will satisfy both sides of the dispute. The third stage involves submitting a reconciliation statement for court approval, where the
court analyzes the reconciliation terms, ensures their compliance with the law, and makes the final approval or refusal. The court also clarifies the consequences of approving the terms to the parties and checks that the agreement does not infringe upon the rights of third parties, thereby ensuring the legitimacy and fairness of the dispute settlement.

Reconciliation of parties in administrative litigation in the European Union (EU) is implemented through various practices and approaches that differ depending on the legal system and culture of each member country.

In Germany, reconciliation of parties and mediation in administrative litigation are important tools for dispute resolution. The country's legislation opens up the possibility of applying these methods before the case goes to court. Initially, until the late 1990s, mediation was used limitedly, mostly in divorce cases and environmental conflicts. Since 2000, with the introduction of a new section 15a into the Introductory Act to the German Civil Court Procedure, states were given the right to establish mediation for cases with monetary claims up to 750 euros and for some minor disputes, for example, between neighbors. Changes were also made to the Civil Procedure Code, allowing courts to direct parties to ADR by their agreement. A pilot mediation program launched in Lower Saxony in 2003 showed high efficiency, with a success rate of 79%. This contributed to the development of mediation in Germany. In 2007, the Federal Constitutional Court of Germany confirmed that mandatory reconciliation does not violate the right to judicial protection, indicating the importance of peaceful dispute resolution before court proceedings. This decision solidified the place of mediation and other forms of reconciliation in Germany's legal system, highlighting their role in effective conflict resolution. Thus, over time, mediation and reconciliation have become integrated parts of the German dispute resolution system, allowing for reduced court workload and finding more flexible and acceptable solutions for both parties [6].

In the administrative litigation of France, significant attention is paid to alternative dispute resolution methods, including reconciliation. French administrative courts actively use mediation procedures, where specially trained mediators help parties find a mutually acceptable solution. This reduces judicial costs and the time to resolve cases [7].

In the Kingdom of Belgium, according to the provisions of Article 1724 of the Judicial Code, there is a possibility of conducting mediation during the judicial process, where it is stipulated that "a dispute may be resolved through mediation." This article also specifies that the participation of public law legal entities in mediation is permitted only under certain circumstances, highlighting that settlement is permissible only in those cases where the law grants parties the right to dispose of their rights and obligations. Regarding administrative law, parties are usually not given the opportunity to resolve the dispute through a compromise, as the primary
aim of administrative bodies' actions is to implement certain public interests or benefits. This approach has been highlighted in the works of many researchers analyzing the specifics of their national legal systems [7].

These examples demonstrate that, despite the diversity of legal systems in EU countries, there is a common vision regarding the significance and effectiveness of reconciliation and mediation in administrative litigation.

At the same time, it should be noted that although the current legislation in Ukraine and many EU member states does not define a detailed procedure for conducting the reconciliation process, Ukrainian practice shows increasing recognition and implementation of such procedures in the context of administrative litigation. Reviewing specific norms of national legislation regulating individual aspects of reconciliation in public-law disputes, along with the general principles of legislation on administrative litigation, allows forming a comprehensive understanding of the mechanisms and conditions for carrying out reconciliation between parties.

The practice of Ukrainian courts in administrative cases plays a key role in forming and developing the reconciliation procedure, indicating the need for greater legal certainty and unambiguity in its application. The heterogeneity in the interpretation and application of the relevant norms of the Code of Administrative Court Procedure of Ukraine (CACPU) by the courts points to the need for unification of approaches and, possibly, the development and enactment of a special article in the legislation that would outline the general procedure for party reconciliation in public-law disputes. Such a step would facilitate ensuring greater predictability and effectiveness in dispute resolution, increasing the parties' trust in the judicial system, and positively affecting the legal culture and society overall.

Therefore, in our opinion, it is necessary to introduce a chapter into the Code of Administrative Court Procedure of Ukraine titled "Mechanism of Reconciliation in Administrative Disputes," which would regulate the following aspects: general provisions of reconciliation, defining reconciliation as a strategic approach to resolving administrative disputes, its key goals, principles, and stages; initiation of the reconciliation process, describing the procedure for initiation and the right and obligation of parties to inform the court about the desire for reconciliation; the role and duties of the judicial conciliator, establishing the status, rights, and duties of the conciliator; participation of third parties and defining their rights and obligations in the reconciliation process; conditions and criteria for successful reconciliation, detailing the requirements for the reconciliation agreement; procedural aspects of reconciliation, including submission of documents and terms for case review; formalization of reconciliation results, describing the procedure for approving the agreement and the obligations of the parties regarding its execution; reporting and control over the fulfillment of reconciliation conditions, establishing the obligation
of the parties to submit a report and the right of the court to monitor the execution of the agreement. The implementation of this chapter would promote creating a clear, systematized, and efficient reconciliation procedure in administrative litigation, making the process more predictable for the parties and increasing the overall level of trust in the judical system.

**Conclusion.** Considering the European experience, where reconciliation and mediation are successfully applied for conflict resolution, Ukraine has a unique opportunity to significantly improve its own reconciliation system in administrative litigation. Realizing this opportunity will require a comprehensive approach that encompasses not only amendments to national legislation to create a clear and effective procedural basis but also the development and implementation of training programs for judges and mediators. This will ensure a high level of professionalism and readiness to apply the latest dispute resolution practices. Furthermore, an important aspect is conducting informational campaigns among the public, judges, and lawyers to raise awareness of the benefits and possibilities of reconciliation as an alternative dispute resolution method. This will promote forming a positive attitude towards reconciliation and mediation as effective tools for peaceful conflict resolution, thereby strengthening trust in the legal system and reducing the burden on courts. To achieve this goal, it is also necessary to ensure the availability of appropriate infrastructure and resources, including educational materials, methodological guides, and access to databases of best practices in mediation and reconciliation from European and international sources. Implementing quality standards for conducting reconciliation and mediation procedures, as well as monitoring their effectiveness, will be additional steps towards improving the system.

Thus, a comprehensive approach to improving the reconciliation mechanism in Ukraine, based on European experience and including active measures for education, informational support, and professional skills development, will allow creating an effective and fair system for resolving administrative disputes, reducing the time and costs of judicial processes, and enhancing the overall level of legal culture in society.

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