Law. Human. Environment

Journal homepage: https://environmentalscience.com.ua/en
Law. Human. Environment, 13(1), 81-88

UDC 347.99.075
DOI: 10.31548/law2022.01.010

Comparative Analysis of the Legal Status of the High Council of Justice in Ukraine and Foreign Countries

Olena A. Uliutina*

National University of Life and Environmental Sciences of Ukraine
03041, 15 Heroiv Oborony Str., Kyiv, Ukraine

Article's History:

Received: 14.11.2021
Revised: 16.01.2022
Accepted: 23.02.2022

Abstract

The need to study certain aspects of the judiciary is explained by the constant updating of current legislation. Given that the Ukrainian legislator has recently paid close attention to the call-up foreign experience, there is an objective need to analyse the legal status of the High Council of Justice, or bodies that perform its functions in foreign countries. The purpose of the article is to conduct a comprehensive comparative legal analysis of the status of the High Council of Justice in Ukraine and abroad. In the process of comparative legal analysis of the status of the High Council of Justice in Ukraine and foreign countries, the following methods were used: formal-legal (dogmatic), comparative-legal and the method of dogmatic (logical) analysis. According to the results of the research, it is determined that the current state of activity of the High Council of Justice is characterised by a certain representation of executive bodies, including judicial bodies. The key task is to work on the development of the judiciary, participation in the administration of judges, and the disciplinary responsibility of prosecutors and judges. It was found that the legislation of foreign states, consolidating the powers of judicial self-government bodies, gives them the right to select candidates for judges, appoint court chairmen, including bringing judges to disciplinary responsibility. Such bodies always involve government officials, including the president. However, it should be noted that the judiciary has exclusive independence from other bodies, including the executive and the legislature, which is manifested in broad powers. It is argued that the world practice identifies two main options for the appointment of judges: appointment by the President or Parliament on the proposal of the Ministry of Justice or the relevant body of judicial self-government (judicial councils); direct appointment of judges by the relevant body of judicial self-government (judicial councils). The study provides a comprehensive comparative legal analysis of the functioning of the High Council of Justice in Ukraine and foreign countries in today's conditions, and provides specific proposals to improve existing legislation in terms of the activities of the body under study. The materials of this study can be useful for teaching training courses: Judicial system of Ukraine, international law. Also, the submitted proposals to improve the functioning of the body under study can be used by the legislature in considering the possibility of updating special national legislation

Keywords: court, judicial proceedings, judicial governing bodies, judicial power

Suggested Citation:

Uliutina, O.A. (2022). Comparative analysis of the legal status of the High Council of Justice in Ukraine and foreign countries. *Law. Human. Environment*, 13(1), 81-88.

*Corresponding author

Introduction

The problem of the independence of the judiciary has always been and remains relevant for Ukraine, given the difficulty in applying the practical aspects of its implementation. The content and necessity of ensuring the independence of judges have always been clear to expert and scientific circles, from the very beginning of the development of Ukrainian statehood. At the same time, the lack of necessary experience in the activities of certain institutions is a consequence of having ineffective and declarative experience.

The judicial system in Ukraine cannot function effectively and successfully without the full staffing of the judiciary. In general, the issue of forming the judicial corps of Ukraine is extremely important for the state, because the quality of staff (judges) directly affects the administration of justice and strengthening the authority of the judicial system. Therefore, the main goal of judicial reform in Ukraine is to ensure that justice in Ukraine is comprehensive, impartial, fair and just, and as a result, we can see an increase in public confidence in the judiciary and an increase in the status of the state at the global level. This goal, of course, requires reorganisation and the search for new practices; in the case of the High Council of Justice (юстиції), it became the High Council of Justice (правосуддя), and the changes were not limited to renaming the body. All the efforts of the body under study are aimed at forming a highly qualified corps of judges, creating conditions under which independence is a priority, including a harmonious atmosphere for the interaction of courts.

It should be noted that the HCJ is endowed with significant powers (considering the provisions of the Constitution of Ukraine and specialised legislation), in particular, it concerns the impact on the mechanism of the judiciary, staffing at all levels, control over compliance with the law, responsibility (not only judges but also prosecutors). That is why it is necessary to consider the activities of the HCJ and analyse in detail every aspect of the received HCJ powers, because without a clear definition of the "path" in which the investigated body should develop, there is always a chance to level certain norms.

In addition, recently in scientific circles more and more attention is paid to the need to consider the positive foreign experience. The judiciary is no exception, as most of the reforms that have taken place in the framework of judicial reform since 2016, were based on foreign experience [1, p. 18]. Therefore, there is an objective need to analyse the foreign experience of individual states in the activities of the body under study.

Analysis of recent research and publications indicates the relevance among scholars in the analysis of positive foreign experience in the functioning of one of the important bodies in the field of justice — HCJ. In particular, it is worth noting the work of O. Prudyvus [2], who studied the independence of judges as a criterion for assessing the effectiveness of judges in reforming the judicial system of Ukraine. He determined that the principle of independence of judges from any interference in the judicial process is enshrined in international and Ukrainian regulations. The principle of independence is multifaceted and involves the adoption of various means for its implementation. In addition, he argued that the development of an appropriate level of independence of judges is important for a fair trial and the creation of conditions for restoring public confidence in the judiciary. After all, Ukrainian courts generally maintain a negative balance of trust and distrust in society: 14% of the population trust the courts, and 75 % do not trust them (the balance is 61%). Therefore, it is important that the state take measures that could simultaneously create the desire of judges to act independently, develop mechanisms and guarantees of such independence, and regulate the level of trust in the judiciary in the minds of judges and citizens. Also the work of M. Liakh [3], who defined that judicial self-government is a favourable environment in which the democratic identity of the judiciary develops. It is an autonomous self-governing social organisation capable of taking responsibility for managerial decisions, and its value lies in seeking to determine the prerogatives of the independence and autonomy of the judiciary in the administration of justice based on social expectations to strengthen public confidence in the judiciary. The work of Sh. Shetreet [4] determined that national law had a strong influence on international law (first stage). Later, in the second stage, international law gained its force through treaties, conventions, regional agreements and broad jurisprudence. Later, in the third stage, this international law began to influence national laws, for example in Great Britain, where the concept of judicial independence began. The author explored the need to ensure the complete independence of judges from state bodies, by forming a judicial body exclusively by the judiciary.

The purpose of the article is to carry out a comparative analysis of foreign experience of the bodies that form the apparatus of the judiciary and compare it with the experience of the High Council of Justice in Ukraine.

Materials and Methods

A comparative analysis of the legal status of the High Council of Justice in Ukraine and abroad was carried out using three interrelated and successive stages.

In particular, at the first stage, the specific features of transformational changes related to the liquidation of the High Council of Justice (юстиції) and the launch of a new judicial body — the High Council of Justice (правосуддя) — were identified. The key powers of the High Council of Justice and its legal status are outlined. The need to ensure a balance between the independence of judges and the protection of their legitimate rights and interests, including ensuring an

adequate level of responsibility of judges for their work and the quality of justice, was argued. The importance of the existence of e-court in the modern realities of life in Ukraine is briefly defined.

In the second stage, the foreign experience of individual countries in the justice process, namely the bodies that select judges, is analszed. It was found out that in foreign countries a special place belongs to special bodies of judicial self-government (it can be a judicial council or a judicial power). In particular, the experience of France, the Republic of Poland and Moldova is analysed. It was also found that in states with a monarchical form of government (Great Britain, Luxembourg, the Netherlands and Japan) judges are elected by the monarch. In countries with a republican form of government (Moldova, France, Poland), as in Ukraine, such powers are vested in special judicial bodies (the High Judicial Council, the High Council of Magistracy, the National Judicial Council, the High Council of Justice, etc.). It is argued that such special bodies play an important role in the mechanism of ensuring the independence of the judiciary and try to ensure complete separation from state bodies and administrative control measures.

At the third stage, conclusions and proposals to the current legislation were formulated based on the analysis of positive foreign experience. In particular, the need to reduce the number of judicial self-government bodies and increase the scope of powers of the High Council of Justice has been identified.

In the process of conducting a comparative legal analysis of the status of the High Council of Justice in Ukraine and foreign countries, a set of general scientific and special legal research methods was used. In particular, the formal-legal (dogmatic) method allowed to analyse and interpret the content of the current legal norms of the Constitution of Ukraine and legislation in the field of justice, international treaties and legal acts; the comparative legal method was used throughout the study in the form of an analysis of current Ukrainian legislation on the activities of the High Council of Justice and similar bodies in foreign countries; the method of dogmatic (logical) analysis is used in formulating the conclusions and proposals contained in the study, considering the requirements for certainty, consistency, consistency and validity of judgments and implementation within theoretical positions using the conceptual apparatus of general jurisprudence.

In the process of comparative analysis of the status of the High Council of Justice in Ukraine and foreign countries, the following legal acts were used: the Constitution of Ukraine [5], the Law of Ukraine "On the High Council of Justice" [6], the Law of Ukraine "On Judiciary and the Status of Judges" [7], the Law of Ukraine "On Amendments to the Constitution of Ukraine (on Justice)" [8], the Law of the Republic of France "On the High Council of Magistracy of France" [9], the Law of the Republic of Poland "On the National Council of Justice" [10], the Law of the Republic Moldova "On the High Council of Magistracy" [11].

Results and Discussion

The rule of law is the existence of a perfect and independent judiciary. The desire to form and improve the judicial system has led to several stages of legislative, institutional and personnel changes. In particular, changes in the structural nature provided for the transition to a three-tier system of courts: local courts, appellate courts, the Supreme Court, including the establishment of a new higher specialised courts in the judicial system: the Supreme Court. The Intellectual Property Court and the Supreme Anti-Corruption Court, which will act as courts of first instance to hear categories of cases defined by law. Organisational changes were presented, for example, conditioned upon the narrowing of the boundaries of judicial immunity from absolute to functional and raising the age and professional qualifications of candidates for judges [2].

To begin with, it should be noted that the judicial system in Ukraine has been changing its structure for a long time since Ukraine's independence. This can be explained by Ukraine's efforts to comply in some way with the modern judicial system of European states, which have characteristic advantages in their judicial systems [12].

One of the important bodies of the modern judicial system of Ukraine is the High Council of Justice. The legal status of HCJ is determined by Art. 131 of the Constitution of Ukraine [5], the Laws of Ukraine "On the High Council of Justice" [6] and "On the Judiciary and the Status of Judges" [7]. In accordance with the provisions of Part 1 of Art. 1 of the Law of Ukraine "On the High Council of Justice" states: "The High Judicial Council is a collegial, independent constitutional body of state power and judiciary, which operates in Ukraine on a permanent basis to ensure the independence of the judiciary, honest and highly professional judiciary, compliance with the Constitution and laws Ukraine, and professional ethics in the activities of judges and prosecutors" [6].

It should be noted that the High Council of Justice replaced the High Council of Justice in the judicial system of Ukraine, the legal status of which was similar to the HCJ and was also determined by Art. 131 of the Constitution of Ukraine. In 2016, the Law of Ukraine "On Amendments to the Constitution of Ukraine (on Justice)" [8] Art. 131 was adopted in a new version, instead of the High Council of Justice created the High Council of Justice, which the Constitution of Ukraine and the Law "On the High Council of Justice" gave much broader powers than the previous body [6].

In accordance with the provisions of Art. 131 of the Constitution of Ukraine, the HCJ has quite broad powers regarding the appointment (developement),

transfer, temporary removal and dismissal of judges, imposition of disciplinary sanctions on judges, ensuring the independence of judges, etc. [5].

If we compare the content of the powers of both HCJ, it is worth emphasising that the functional powers of such subjects of the judiciary have significant differences, including non-characteristic functions. Thus, when consenting to the detention of a judge in custody, the HCJ performs a procedural-permitting function. Although before, the HCJ's powers were characterised as recommendations or advisory. In addition, in the process of deciding on the dismissal of a judge, the HCJ performs a full-fledged personnel function.

In general, scientific circles (eg. Yu.O. Kostkina) and international experts positively assess the activities of HCJ, and in particular, the latest changes that have been made to specialised legislation on the order of their activities [13, p. 145].

Examining the positive changes in the legal status of HCJ, its importance in ensuring a balance between the independence of judges and the protection of their interests and rights, and the appropriate level of responsibility of judges for their work and the quality of justice, can be noted. Such increased interest can be emphasised in Art. 1 of the Law of Ukraine "On the High Council of Justice" [6], according to which the Council is responsible not only for "ensuring the independence of the judiciary", but also for its operation on the basis of accountability to society.

Suffice it to say about the digital transformation of the interaction of the parties to the lawsuit. This is a public service "Electronic Court", which has greatly simplified, during the epidemiological crisis, interaction with the court. In addition, an appeal was also sent to the Parliament of Ukraine, the Verkhovna Rada of Ukraine with a request to make the necessary changes to the procedural codes of Ukraine norms concerning ensuring the right of persons to access to justice in conditions of quarantine restrictions. Also, an appeal was sent to the State Judicial Administration of Ukraine to immediately submit to the HCJ regulations on the Unified Judicial Information and Telecommunication System for approval, which aims to ensure citizen participation in court hearings remotely, and to provide documents in electronic form [14, p. 167].

Also, if we consider the foreign experience of operation, the issue of litigation via the Internet or what is known as electronic litigation (e-litigation), today is an important issue in litigation. The judiciary in various countries has additionally used this method of communication to continue to provide effective justice. In fact, such a trial has a number of advantages for the course of the proceedings, such as reducing the burden on the parties to the claim, lawyers, judges and citizens [15].

Thus, we can conclude that the current state of HCJ is characterised by a certain representation of both the executive and the judiciary. The activity of this body is to elect judges, participate in the management of judges and bring prosecutors and judges to disciplinary responsibility. As a consequence, Art. 1 of the Law of Ukraine "On Higher Justice" defines the following tasks, namely: ensuring the independence of the judiciary, its functioning based on responsibility and accountability to society, the creation of a virtuous and highly professional body of the judiciary, observance of the Constitution and laws of Ukraine, and professional ethics in the activities of judges and prosecutors, and to recognize that the High Council of Justice occupies a special place in the system of state power" [6].

Ensuring equal access to justice, access to legal aid, raising the legal awareness of vulnerable groups and a strong strong civil society that promote access to justice are key criteria for ensuring access to justice for vulnerable people. Ensuring equal access to justice through access to legal aid is the key to ensuring access to justice in any state. Today, it is important to overcome barriers to access to justice, such as the digital barrier, barriers to financial costs, complexity, lack of information and access to services, and lack of access to legal aid or representation. States must be effective, must ensure strong commitment, maintain coordination and promote cooperation. Public justice systems must work with civil society organisations and civil society to address the root causes of disputes and prevent violence, conflict and human rights abuses [16].

Analysing the activities of HCJ (or similar bodies) in the judicial system of some foreign countries, it is appropriate to note that in foreign countries an important place is occupied by special bodies of judicial self-government, for example, it may be the judiciary or the judiciary. These bodies have a special place in the mechanism of ensuring the independence of the judiciary and seek to "remove" the judiciary from the sphere of administrative control and effective management of the executive and legislative branches [17].

The analysis conducted by the Center for Judicial Studies indicates that in countries with a monarchical form of government (Japan, Great Britain, the Netherlands, Luxembourg), the heads of higher judicial bodies are appointed by monarchs. If we consider states with a republican form of government, the chairmen can be appointed by the President, parliament or other special bodies [18]. Such special bodies include the High Council of Justice (Ukraine), the High Council of Justice (Georgia), the National Council of the Judiciary (Poland), the Supreme Judicial Council (Bulgaria), the Superior Council of Magistracy (Moldova and France), etc.

It should be noted that the process of emergence and development of relevant independent bodies in the legal systems of other countries were in the field of view of Ukrainian scholars. For example, according to the results of O. Nazarov dissertation research, it was noted that "… its oldest representative is the Supreme Council of Magistracy of France — a constitutional body

that has administrative functions in relation to the corps of magistrates. It appeared in 1883. Since then, the powers of the Supreme Council of Magistracy have changed significantly several times, and the principles and procedure for forming its composition, but the tasks remained constant: ensuring the functional independence and discipline of magistrates" [19, p. 15].

It is worth considering the place of a special controlling body in the judicial system. In France, in particular, the Supreme Council of Magistracy is endowed with the honorary status of guarantor of an independent judiciary and is in fact a symbol of the unity of the judiciary. If we consider the competence of the above body, we can highlight the following. The Supreme Council of Magistracy is empowered to study cases, conduct inspections and surveys, and may initiate and withdraw proposals. At the same time, the appointment of other powers in this area is within the competence of the Minister of Justice. In turn, the Supreme Council of Magistracy can provide its own opinion on draft proposals that are of a recommendatory nature to the Minister of Justice [19].

It is also pertinent to note that as a result of the constitutional reform in France, the legal status of the Supreme Council of Magistracy was changed. First of all, separate procedures have been established for the appointment of judges and prosecutors. In addition, the principles of forming the Council have changed. The form of the body's meetings is open plenary sessions, chaired by the First President of the Court of Cassation. The composition of the Supreme Council of Magistracy is as follows, 8 qualified members and six magistrates. In addition, the French Supreme Council of Magistracy has been given additional powers, firstly, to nominate candidates for the presidency of the courts of first instance and, secondly, to have an advisory vote on all other appointments. With regard to judges, the Supreme Council of Magistracy may adopt decisions on disciplinary liability, and in particular, the imposition of disciplinary sanctions. In this case, the decisions of the Supreme Council of Magistracy can be appealed to the State Council [9]. The powers of the French Minister of Justice include the imposition of disciplinary sanctions on prosecutors, in turn, the Minister's decisions can be appealed only in terms of abuse of power. In addition, one of the innovations of the 2008 reform is that the participants in the trial were given the opportunity to apply directly to the Supreme Council of Magistracy. There are three commissions that consider such appeals. Two commissions consider appeals against judges, the latter against prosecutors.

The experience of the neighboring state — the Republic of Poland — is also relevant. The collegial body that oversees the independence of courts and judges in Poland is the National Council of the Judiciary. The modern judicial system, the order of activity of the National Council of the Judiciary of Poland are defined by the Constitution of Poland and the Law "On the National Council of the Judiciary" [10]. According to the judge of the Supreme Court of Poland Katarzyna Honera, "the National Council of the Judiciary itself is of great importance in the process of electing judges to the Supreme Court — it is a constitutional collegial body that protects the independence of courts and judges" [21]. The main powers of the National Council of the Judiciary of Poland are:

- selection of candidates for the positions of judges of the Supreme Court and judges of courts of all levels (general jurisdiction), administrative and military courts, including for positions of judges in administrative courts;
- submission to the President of the Republic of Poland of proposals for the appointment of judges to the Supreme Court and courts of general courts, administrative and military courts, and for the appointment of assistant judges in courts;
- submission to the President of the Republic of Poland of applications for the appointment of an examination trainee judge and the training of a prosecutor for the positions of assistant judges in courts of general jurisdiction;
- adoption of a set of rules of professional ethics of judges and deputy judges and ensuring their observance;
- expressing an opinion on the state of judges and jurors;
- statement of position on issues related to the judiciary, judges and jurors submitted to the President of the Republic of Poland, other state authorities or judicial self-government bodies.

The Council consists of 25 members. Traditionally for European countries, in Poland the composition of the National Council of the Judiciary is mixed, but still, most of its members are judges.

The most important tasks of the Council include: providing opinions on issues (related to the scope of the Council's independence of courts and judges), which are considered by the Constitutional Court and on regulations (in the judiciary and judges), as well as submitting applications for candidates for judges [22, p. 67].

Also within the analysis it is necessary to pay attention to experience of the Supreme Council of Magistracy of Moldova. In Moldova — the Supreme Council of Magistracy consists of 12 members, including:

- judges (six members of the Supreme Council of Magistracy, who are elected from among the judges by secret ballot by the General Meeting of Judges, considering the views of each level of the judiciary);
- full-time law teachers (three members who are openly and transparently selected by the Parliament's Committee on law, appointments and immunity under a public procedure (competition) and elected by a majority vote of the Members of Parliament);
- Chairman of the Supreme Judicial Chamber;
- Minister of Justice;
- Attorney General [19].

The responsibilities of the Supreme Council of Magistracy of Moldova regarding the staff rotation of judges include: taking the oath of a judge; submission of candidates (to the President of the Republic of Moldova or the Parliament); determination of the procedure for selection of candidates (judges); transfer to a court of higher instance, court of the same or lower instance, appointment to the position of chairman or vice-president of the court or dismissal of judges, chairmen and vice-presidents of courts; decision-making on the temporary performance of the functions of the chairman or vice-president of the court, appellate board or the Supreme Court in case of vacancy or temporary dismissal until the vacancy is filled in the manner prescribed by law or appeal, suspension; approval of regulations on the organisation of competitions, etc. [11].

The Supreme Council of Magistracy of Moldova has the authority in the field of initial and continuous training of judges and employees of the Secretariat of Judicial Institutions, which is emphasised by O.B. Rosolak: appointment of judges to the Board of the National Institute of Justice; approval of the strategy of initial and continuous training of judges, etc.; consideration and issuance of its decision (position) on the Regulations on the competition for the exchange of teaching positions, including on the composition of the commissions of entrance and final examinations of the National Institute of Justice, etc. The latter has much less power to elect judges compared to Ukraine or other European countries [22, p. 86].

Legislation of foreign states, consolidating the powers of judicial self-government bodies, gives them the right to select candidates for judges, appoint court chairmen, and bring judges to disciplinary responsibility. Such bodies always include representatives of the authorities, in particular, the President. However, it should be noted that the judiciary has exclusive independence from other bodies, including the executive and the legislature, which is manifested in broad powers. There are two main options for the appointment of judges: appointment by the President or Parliament on the proposal of the Ministry of Justice or the relevant body of judicial self-government (judicial councils); direct appointment of judges by the relevant body of judicial self-government (judicial councils).

Conclusions

Thus, analysing the legislation in the field of HCJ, it can be unambiguously attributed to an independent constitutional body of state power and judicial self-government — that is, the HCJ is rather a body of public administration in the relevant field. Therefore, the aspect of forming such a body should be openness and publicity and direct public participation. Separately, the principle of balance should be considered, ie the composition of representatives should not be significantly formed from current or former judges (it is 10 representatives), because it is not a body of judicial self-government, so it is necessary to revise part 1 of Article 5 of the Law of Ukraine and analyse the experience of foreign countries.

Ukrainian legislation in the field of ensuring the activities of the High Council of Justice considers the best European standards and practices, in particular, independence from other branches of government, this is precisely the case with the adoption of experience in republican states, the judicial bodies of which are formed by judicial self-government bodies, where the influence of executive bodies is minimal.

A feature of the experience of the studied states is a wide range of powers of the High Council of Justice (bodies that replace it), which do not have the High Council of Justice in Ukraine, given that powers in the field of justice, in addition to the High Council of Justice — have other bodies such as: State Judicial Administration of Ukraine, Council of Judges of Ukraine, Congress of Judges of Ukraine, High Qualification Commission of Judges of Ukraine, etc. Conditioned upon the fact that foreign countries with positive experience do not have such a significant number of bodies, the Ukrainian legislator should consider reducing such bodies, with an increase in the powers of the High Council of Justice.

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Порівняльний аналіз правового статусу Вищої ради правосуддя в Україні та зарубіжних країнах

Олена Анатоліївна Улютіна

Національний університет біоресурсів і природокористування України
03041, вул. Героїв Оборони, 15, м. Київ, Україна

Анотація

Необхідність дослідження окремих аспектів, що стосується судової гілки влади пояснюється постійним оновленням чинного законодавства. Зважаючи на те, що український законодавець останнім часом приділяє вагому увагу саме позивному зарубіжному досвіду виникає об'єктивна необхідність здійсненні аналізу правового статусу Вищої ради правосуддя, чи органів, що виконують її функції в зарубіжних країнах. Метою статті є здійснення комплексного порівняльного правового аналізу статусу Вищої ради правосуддя в Україні та зарубіжних країнах. У процесі здійснення порівняльно-правового аналізу статусу Вищої ради правосуддя в Україні та зарубіжних країнах було використано такі методи: формально-юридичний (догматичний), порівняльно-правовий та метод догматичного (логічного) аналізу. За результатами дослідження визначено, що сучасний стан діяльності Вищої ради правосуддя характеризується визначеним представництвом органів виконавчої влади, а також судових органів. Ключовим завданням є діяльність у сфері формування суддівського корпусу, участі в адмініструванні суддів, а також дисциплінарної відповідальності прокурорів та суддів. З'ясовано, що законодавство іноземних держав, закріплюючи повноваження органів суддівського самоврядування, надає їм права щодо відбору кандидатів на посади суддів, призначення голів судів, а також притягнення суддів до дисциплінарної відповідальності. До складу таких органів завжди входять

представники влади, зокрема президент держави. Проте, варто відмітити, що органи суддівського врядування мають виключну незалежність від інших органів, зокрема виконавчої та законодавчої влади, що проявляється у широких повноваженнях. Аргументовано, що світовою практикою визначено два основні варіанти щодо призначення суддів: призначення Президентом або Парламентом за поданням Міністерства юстиції або відповідним органом суддівського самоврядування (судовими радами); 2) пряме призначення суддів відповідним органом суддівського самоврядування (судовими радами). У дослідженні зроблено комплексний порівняльно-правовий аналіз функціонування Вищої ради правосуддя в Україні та зарубіжних країнах в умовах сьогодення, а також надано конкретні пропозиції щодо вдосконалення діючого законодавства у розрізі діяльності досліджуваного Органу. Матеріали цього дослідження можуть бути корисними для викладання навчальних курсів: Судової системи України, міжнародного права. Також, надані пропозиції щодо удосконалення функціонування досліджуваного Органу можуть бути використані законодавчим органом при опрацюванні можливості актуалізації спеціального національного законодавства

Ключові слова: суд, судочинство, органи суддівського врядування, судова влада