DOI https://doi.org/10.30525/2592-8813-2022-4-3

PROSPECTS OF STRENGTHENING THE PUBLIC ROLE IN JUDGES SELECTION PROCEDURES IN UKRAINE (institutional aspects)

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Abstract. The article explores certain issues of strengthening public control over the activities of the judiciary as a prerequisite for restoring public trust in judicial institutions. The possibility of wider involvement of public representatives in the formation of selection commissions of judges, in particular in the formation of the composition of the High Qualification Commission of Judges of Ukraine, is being considered as an effective tool for fulfilling this task. Options for changing qualitative approaches to the formation of the composition of the High Qualification Commission of Judges of Ukraine are being considered, including those involving the inclusion of non-judge representatives in its composition. The solutions proposed in the article are based on the practice of two European countries (the Netherlands and Lithuania) and the United States of America. These countries pay great attention to the involvement of the public in the process of selecting judges, as a necessary prerequisite for the legitimization of the judiciary and the formation of public trust.

The article analyzes the changes that Ukrainian legislation went through in the part of forming the architecture of bodies that carry out the selection of judges. Separately, positive trends were noted in the effort to strengthen public control over the activities of the judiciary by starting the work of a new representative body of the Public Integrity Council, the purpose of which is to assist the High Qualification Commission of Judges of Ukraine in the selection of professional and honest candidates for the position of judges.

The article also examines issues related to the professional affiliation of members of the selection commissions of judges and the search for a reasonable balance between the judicial part of said commissions, the professional legal community and representatives of the public who are not related to the legal sphere. This approach is considered as an important prerequisite for further democratization of judicial power.

Key words: selection of judges, judicial selection commissions, Higher qualification commission of judges, reform of judicial power, public integrity council

Introduction. As long-term statistical studies show, a persistently high level of public distrust of the judiciary has formed in Ukraine. For example, in 2016, the level of trust of Ukrainian society in Ukrainian courts was the lowest among all European countries and amounted to only 11 % (Citizen confidence with the judicial system and the courts, 2007 and 2016, 2017; 2017). Over the next four years, this indicator did not significantly improve. In particular, according to the results of an internet survey conducted using the CAWI[1]1 method in 2020, the level of trust of Ukrainian society in Ukrainian courts was 15.4 % (Barometr doviry do sudu: (zvit za rezultatamy 1i fazy onlain-opytuvannia za metodom CAWI), 2020). This is too weak dynamics in four years. If this pace is maintained, Ukraine will need almost fifty years to reach the level of public trust in the judicial system, which was in the same year 2016 in Great Britain and consisted 63 % (Citizen confidence with the judicial system and the courts, 2007 and 2016, 2017; 2017). Due to this problem, solving the issue of improving the quality of Ukrainian justice is an urgent task. However, it is necessary to understand where to start?

Analyzing the possible reasons that determine the low level of public trust in the activities of

[1] CAWI (Computer Assisted WebInterviewing) is a form of internet interviewing where the respondent fills out a web-based questionnaire on their own device (computer, phone, etc.)

judicial institutions, as well as affect the unsatisfactory state of Ukrainian justice, among a number of other reasons, it is worth identifying the following two. The first reason is related to the fact that, despite the numerous attempts to reform the judicial system, most of which related to the implementation of institutional changes (creation and abolition of higher courts, changing the procedure for electing (appointing) judges, liquidating the activities of territorial (regional) qualification commissions of judges etc), for many years no real steps were taken related to personnel renewal of the judiciary. In this regard, significant positive changes in the quality of Ukrainian justice have not been achieved.

The second reason concerns such an important issue as ensuring public control over the activities of judges. The detachment of the judiciary from society, its closed nature, has constantly provoked the preservation of negative phenomena that existed within the judicial system. The isolation of the judicial system is a problem that is not unique to Ukraine. The state and consequences of the deliberate distancing of the judiciary from society in other countries is quite accurately described in the report of the European Network of Judicial Councils: "that a judiciary that claims independence, but refuses to be accountable to society, will not gain its trust ." (European network of judicial councils, 2014).

Under this conditions, the article will analyze the approaches that were used before and continue to be used in Ukraine and the world, to ensure a higher level of accountability of the judiciary to society through the possibility of forming the composition of judicial selection commissions – bodies that carry out the selection of judges.

Materials, methods, analysis

1. Judicial selection commissions in Ukraine

Let's start by noting that the unsatisfactory state of the Ukrainian judiciary is not a legacy of recent years. It was the reason that forced the authorities to permanently resort to reforming the judicial branch from the first days of the creation of the newly independent state of Ukraine (Moskvych, 2011:293,294). Among the issues touched upon by the judicial reforms, there were always issues related to measures to improve procedures for the selection of judges. Thus, in 1992, a new system was introduced to replace the procedure of popular election of judges, which existed in Ukraine until that time, which launched the usage of the institute of "judicial selection commissions". Special collegial bodies were created to select and evaluate the activities of judges, in particular: 1) qualification commissions of judges, 2) attestation and disciplinary commissions of judges, and 3) the Higher Qualification Commission of Judges of Ukraine (hereinafter – HQCJU). Qualification commissions of judges conducted the selection of candidates for the position of judges of courts of first and appellate instance (Zakon Ukrainy “Pro status suddiv”, 1992, art.16). Attestation and disciplinary commissions of judges checked the qualification level of acting judges and conducted disciplinary proceedings (Zakon Ukrainy “Pro status suddiv”, 1992, art. 25). HQCJU dealt with issues of selection, attestation (qualification assessment) and disciplinary proceedings of judges who held positions of the higher judiciary (Zakon Ukrainy “Pro kvalifikatsiini komisii, kvalifikatsiinu atestatsiiu i dystsyplinarnu vidpovidalnist suddiv sudiv Ukrainy”, 1994, art. 6). As already noted, an important amendment to the legislation was that the right to elect judges was transferred from the people to their representative electoral bodies – territorial (regional, inter-district, Kyiv and Sevastopol city) councils of people's deputies and the Verkhovna Rada of Ukraine[2]2. As a result of this step, the role of judicial selection commissions has grown significantly. After all, these particular commissions were entrusted with the task of forming a pool of candidates for the position of judges, for whom the relevant representative electoral bodies had to vote in the future.

In 2010, during the second stage of judicial reforms[3]3, new steps were taken to improve the system of judicial selection bodies. They related to strengthening the centralization of the selection process

[2] Since 1996, the right to appoint judges for the first time for 5 years was transferred to the President of Ukraine, then judges were elected indefinitely by the Parliament of Ukraine (Article 128 of the Constitution of Ukraine as amended in 1996). Since 2016, judges have been appointed by the President of Ukraine indefinitely (Article 128 of the Constitution of Ukraine in the 2016 version).

[3] 2010 is classified by the author of the article as the second stage of judicial reforms regarding institutions that carry out the selection and certification of judges.

of judges. Thus, the territorial (regional) qualification commissions of judges, which selected judges for courts of first and appellate instance, were liquidated. The powers of the liquidated commissions were transferred to the HQCJU. In this regard, its role as a selection body of judges has significantly strengthened. In particular, after 2010, the HQCJU became the only body that carried out the selection and attestation (qualification assessment) of judges of all levels in Ukraine (Zakon Ukrainy "Pro sudoustrii i statu suddiv", 2010, art. 91). In fact, 13 members of the HQCJU formed the entire body of judges (Zakon Ukrainy "Pro sudoustrii Ukrainy", 1981, art. 75). Because of this, the question of the composition of the HQCJU has gained new relevance. The question of the introduction of public representatives into the commission composition with the aim of democratizing the judiciary has become especially relevant.

2. Democratization of judges selection procedures

2.1. Re-certification procedure

In 2015–2016, during the third stage of reform[4]4 of the judicial system, including of the system of selection of judges, a new procedure was introduced – the primary qualification attestation of judges, and a new consultative body was created in the system of judicial selection bodies – the Public Council of Integrity (hereinafter – the PIC). These two legislative amendments became the most visible and progressive changes that were introduced into the legislation of Ukraine along with the third stage of reforms. Both the procedure of re-certification of judges and the new public body became extremely important tools for Ukrainian society, which played a significant role in the development of the judicial system and in the process of renewing the judicial corps.

Thus, the procedure of total re-certification of all judges (according to the official terminology "primary qualification attestation" (Zakon Ukrainy "Pro zabezpechennia prava na spravedlyvyi sud", 2015, art. 6 of Final and Transitional Provisions)), which affected courts of all levels and all specializations, was a completely new approach to the assessment of professional, and moral, and ethical level of judges (Zakon Ukrainy "Pro zabezpechennia prava na spravedlyvyi sud", 2015, art. 69,72), which has not been used in Ukraine until now.

The purpose of the re-certification of judges was to create an updated professional corps of judges by conducting a continuous verification of the level of competence, professional ethics and moral traits of acting judges. Re-certification was planned in several stages and was to be completed over several years. For judges of the Supreme Court of Ukraine and higher specialized courts, the term was set at six months from the date of entry into force of the law. For judges of appeal courts, the term was two years. For judges of local courts, the terms were determined by the HQCJU (Zakon Ukrainy "Pro zabezpechennia prava na spravedlyvyi sud", 2015, art. 6 of Final and Transitional Provisions).

The perceived length of the process was associated with many organizational issues, which also required adequate time for their preparation and resolution. In particular, just to organize the re-certification process of 7,000 judges who worked in Ukrainian courts at the beginning of 2016 [Informatsiia pro diialnist DSA Ukrainy, yii terytorialnykh upravlin shchodo finansovoho ta materialno-tekhnichnoho zabezpechennia sudiv u I pivrichchi 2016 roku, 2016], it was necessary to determine the schedule of commission meetings and the re-certification schedule, prepare test tasks, solve the issue of room allocation, develop appropriate procedures for notifying re-certification participants about the terms of its conduct, approving instructions for determining re-certification results, and taking other measures. But the ultimate goal of recertification was too important to be intimidated by organizational difficulties.

The pace of re-certification of judges since 2016 has been different. In 2016, 84 meetings of the HQCJU were held (Zvit Vyshchoi kvalifikatsiinoi komisii suddiv Ukrainy za 2016 rik, 2016). In 2017, there were 26 meetings [Zvit Vyshchoi kvalifikatsiinoi komisii suddiv Ukrainy za 2017 rik,

[4] 2015–2016 years are classified by the author of the article as the third stage of judicial reforms regarding institutions that carry out the selection and certification of judges

2017). In 2018, there were 332 meetings (Zvit Vyshchoi kvalifikatsiinoi komisii suddiv Ukrainy za 2018 rik, 2018). At the same time, from the end of 2019, the powers of the HQCJU were terminated. Meetings of the HQCJU at which current judges were checked, along with the entire process of re-certification of judges in Ukraine, stopped.

Along with this, even during this short period of time and irregular meetings of the HQCJU, re-certification turned out to be quite an effective tool that allowed to improve the quality (professionally and morally and ethically) of the composition of the judicial corps. As a result of the three-year re-certification of judges, as of December 26, 2018, 419 judges out of 2,043 judges were dismissed or were subject to dismissal (Infohrafika. Rezultaty otsiniuvannia stanom na 26 hrudnia 2018 roku, 2019).

In this case, it is worth noting the aspect that re-certification, as a mechanism for cleaning the judiciary, had a significant positive indirect effect. It turned out that some of the judges, who were not confident in their level of knowledge of the law or in their ability to prove the legality of the acquisition of their assets and who did not want to be dismissed based on the results of a negative re-attestation, voluntarily resigned their powers and resigned from their positions (Infohrafika. Rezultaty otsiniuvannia stanom na 26 hrudnia 2018 roku, 2019). For example, in 2016, 50 judges out of 281 judges of appeal courts of the Kyiv region resigned from their positions (Zvit Vyshchoi kvalifikatsiinoi komisii suddiv Ukrainy za 2016 rik, 2016). That is, every sixth judge of the appellate courts of the Kyiv region had certain reasons for not passing the qualification assessment. And if you compare statistical data for 2016-2018 regarding the number of judges dismissed in Ukraine due to unwillingness to undergo re-certification (419) with the number of judges who were dismissed as a result of negative re-certification (179), the first figures will be many times higher than the second (Infohrafika. Rezultaty otsiniuvannia stanom na 26 hrudnia 2018 roku, 2019). Thus, the risk of being recognized as an incompetent or unscrupulous judge turned out to be the argument that made it possible to significantly update the composition of the judicial corps in a positive direction. Under the mentioned circumstances, the decision on the re-certification of the current judges should definitely be considered the first really effective step aimed at solving the issue of renewing the corps of judges.

2.2. Public integrity council

The second important step of the legislative changes of 2015–2016, as already mentioned earlier, provided that civil society institutions also began to be involved in the competitive selection procedures of candidates for the post of judge. In order to implement this legislative idea, the PIC was formed, which was an auxiliary body and consisted of twenty members (Zakon Ukrainy "Pro sudoustrii i status suddiv", 2016, art. 87). Representatives of human rights public associations, legal scholars, lawyers, and journalists could be members of the PIC. The specified public institution acted as an auxiliary body at the HQCJU (Zakon Ukrainy "Pro sudoustrii i status suddiv", 2016, art. 87). The PIC was expected to play a prominent role of effective public control over the processes of selection and certification of judges, which would add objectivity to them. In particular, the PIC was supposed to assist the HQCJU during the examination of questions about the compliance of judges (or candidates for the position of judges) with two main criteria: 1) the criterion of professional ethics and 2) the criterion of integrity (Zakon Ukrainy "Pro sudoustrii i status suddiv", 2016, art. 87).

On the other hand, the expectations regarding the tangible influence of the PIC on the selection procedure of judges turned out to be too optimistic. However, this was not the fault of the PIC. In the analytical report published by some members of the PIC in 2019, it was noted not only about the difficulties in the interaction between the HQCJU and the PIC during 2016-2018, but also about the problems in the work of the HQCJU (Butko et al., 2019:37). Over the years, the complexity of the situation was confirmed by the conclusions of other public organizations. In particular, the Center for Democracy and the Rule of Law noted that due to the unsatisfactory composition of the HQCJU, "for three years of the judicial reform, the judiciary has not been cleansed of unscrupulous judges" (Sudovu systemu ne zminyty: potribna uchast hromadskosti, 2019).

In addition to the problems with the interaction of the PIC and the HQCJU, it is worth saying that the functional capabilities of the PIC were insufficient from the very beginning. This was due to shortcomings in the legislation. Thus, the legislative procedure for the selection of judges allowed the HQCJU to ignore the position of the public, represented by the recommendations of the PIC. In particular, the HQCJU was given the right to "block" and ignore the conclusions of the PIC, which contained information about certain controversial issues in the dossiers or biographies of candidates for the position of judge. As a result, this led to the appointment of judges with a dubious professional level or dubious integrity (Sudovu systemu ne zminyty: potribna uchast hromadskosti, 2019). The corresponding legal deficiency was corrected only in 2019, and the conclusion of the PIC could be disregarded only if eleven of the sixteen members of the Commission voted against it. That is, a qualified majority of the members of the HQCJU had to vote against the conclusion of the General Assembly, which was unlikely (Zakon Ukrainy "Pro sudoustrii i status suddiv", 2016, art. 88).

In any case, it is necessary to remember that the PIC was only an auxiliary body, and not a full-fledged part of the composition of the HQCJU. This circumstance was weakening the possibility of public influence on the judicial system compared to the case if the public representatives were directly part of the relevant selection body of judges. Therefore, the formation of the HQCJU from representatives of the judiciary and representatives of the public environment in a broad sense would be the best solution for achieving the goal of increasing public control over the activities of judges. In the current conditions, another possible option for strengthening the representative influence on the decisions regarding the selection of judges may be the creation of joint commissions, which will be attended in appropriate proportions by the representatives of the HQCJU and members of the PIC. In such a case, this dual commission should be given the right to decide whether or not to recommend a suitable candidate for the post of judge. Otherwise, the positive influence of the public will be neutralized by the coherence of the actions of unreformed judicial bodies.

Therefore, as the above information shows, even after the judicial reform in 2015-2016, which markedly improved the system of selection of judges, in particular due to the introduction of the procedure of continuous re-certification of judges and the involvement of representatives of civil society in the competitive procedures for the selection of judges, the judicial system changed very reluctantly and tried to protect itself with the help of shortcomings in the legislation.

Undoubtedly, similar circumstances force us to continue the search for those solutions that would help to introduce such processes in Ukraine and choose such organizational models for the selection of judges, which would, on the one hand, allow selecting the best specialists from among the best, maintain a reasonably high level of judicial autonomy from the political authorities, and on the other hand, they still allowed the implementation of the constitutional principle of power belonging to the people and left judges accountable and under the control of citizens. Western scholar constitutionalist Paul Bovend'Eert conveys this opinion as follows: "there must be some construction of democratic control or supervision in Parliament regarding judicial appointments. A judiciary without any democratic control, as a state within the state, is not acceptable." (Bovend'Eert, 2018). For Ukraine, which declares itself a democratic state, the movement along the path of spreading democratic principles in the judicial system should also be a priority and should be maintained.

3. Composition of judicial selection commissions

3.1. Ways to improve the composition of the HQCJU based on international practice

Therefore, the first thing that needs to be done for the further democratization of the judicial power is to optimize the format of the activity of the HQCJU. It is worth starting with reducing the influence of representatives of the judiciary on the selection of candidates for judicial positions. The next step should be the separation of responsibility for the formation of the judicial corps with other subjects of the selection process. Among such subjects, it is expedient to include representatives from the nonjudicial system – specialists of both legal and non-legal specialties, who would be consid-

ered representatives of society in a broad sense (Butko et al., 2019:8), following the European and American models. In this format, the HQCJU will have a more democratic appearance. In addition, this approach corresponds to the recommendations of the public, international experts, and international practice (Corruption prevention members of parliament, judges and prosecutors: conclusions and trends, 2019:18).

Thus, as part of a study of the activities of the bodies that select judges in Ukraine, which was conducted in 2019 by the public organization Center for Democracy and the Rule of Law, appropriate recommendations were made, which proposed to introduce changes to the legislation of Ukraine in terms of the formation of the composition of the HQCJU and to provide for "significant (at least half of the composition of the Commission) representation of the public (journalists, representatives of public organizations, psychologists, representatives of HR agencies, etc.) in the composition of the Commission" (Butko et al., 2019:8).

In turn, the reports of the international organization Group of States against Corruption (GRECO)[5]5, which examined the issues of organizing the activities of bodies for the selection of judges in European countries, also noted that judicial councils and commissions for the appointment of judges in European countries are beginning to include non-professionals members and explore other steps they can take to better reflect the society they serve. In addition, GRECO positively evaluates efforts aimed at ensuring that the judicial system is not isolated and reflects the interests of society (Corruption prevention members of parliament, judges and prosecutors: conclusions and trends, 2019:18).

This shows that the democratization of judicial power is a modern trend in European countries.

If we talk about European trends and international approaches, it is worth citing the example of some European countries and the USA.

In particular, the experience of Europe shows that in the Netherlands and Lithuania, a significant part of the judicial selection commissions, in addition to the judges themselves and professional lawyers, are representatives from the nonjudicial system. In particular, the composition of the National Commission for the Selection of Judges (Landelijke selectionscommissie rechters) of the Netherlands is a unique example of representative diversity. Thus, in 2018, in addition to judges, the National Commission included representatives of the professional legal community (lawyers and prosecutors): 1) pastor-theologian of the Protestant church, 2) film consultant, 3) freelance director, 4) teacher and others (Butko et al., 2019:6). In Lithuania, in 2018, the members of the Selection Committee for judicial candidates as representatives of the public included: 1) a psychologist/consultant on personnel management issues, 2) a teacher at Mykolas Romeris University (specialty – political science), 3) the head of the online media association (journalist) (Butko et al., 2019:4).

As can be seen from the example of these countries, the composition of the selection commissions of judges was not formed according to the principle of dominance of judges or professional legal representation, but consisted of a wider list of professions. At the same time, the explanation of this approach to the formation of the selection commissions of judges in the Netherlands, Lithuania, and other countries remains the same – the level of public control over the activities of judges should be higher.

3.2. Juridical and Non-juridical members in the selection commissions of judges

At the same time, while noting the importance of non-juridical members in the selection commissions of judges, the role of lawyers, lawyers and lawyers should not be underestimated. For example, the experience of the USA shows that in 22 states there are nomination commissions for judges, which are similar to selection commissions for judges like the HQCJU (The O'Connor judicial selection plan, 2014:9). The composition of such nomination commissions is usually represented by judges, lawyers and representatives from the nonjudicial system, so-called lay-persons. Along with this, assessing the quantitative balance between representatives of the judiciary, representatives of the legal community

[5] GRECO (The Group of States against Corruption) – The Group of States against Corruption sets anti-corruption standards for state activity and monitors the compliance of practices with these standards.

and representatives of the public, we note that there are states in which the public part in its quantitative composition prevails in the number of representatives of the judiciary and representatives of the professional legal environment. Thus, in the states of Arizona and Colorado, most members of the nomination commission are representatives from the non-juridical sphere (The O'Connor judicial selection plan, 2014:10).

At the same time, the experience of the USA eloquently shows another important circumstance – the fact that representatives of legal specialties must be present in the composition of the nomination commissions of judges. For these reasons, it is worth investigating in more detail the issue of professional legal representation in the configuration of judicial selection commissions.

Analyzing the level of professional (non-judge) legal representation in the judicial selection commissions and determining exactly which specialists in legal specialties should be involved in such a composition (so that they reflect the position of the public as fully as possible), it would seem most appropriate to include judges in the selection commissions precisely representatives of human rights organizations. And here it is worth noting that this concept has been successfully implemented in the configuration of the PIC, which, in accordance with the legislation of Ukraine, helps the HQCJU to select judges.

However, it is worth explaining why the representatives of human rights organizations are the most "valuable" part of the selection commissions. Giving preference to this category of lawyers and choosing them from among other representatives of legal professions, for example practicing lawyers advising businesses, or scientists or teachers of legal research and educational institutions, can be explained by the following reasoning. The specificity of the activities of human rights organizations is based on the genetic or innate need to protect human dignity and the vocation of their members in the need to protect basic human rights and freedoms. As a result, representatives of such organizations are less vulnerable to negative factors that distort the transparency of selection – such as self-interest, materialism, and mercantilism. In addition, such specialists have a comprehensive vision of most of the problems that exist in state authorities, and in particular in law enforcement and judicial bodies, and because of this, they more consciously assess the role and importance of a virtuous and professional candidate for a judicial position and the importance of electing exactly such a person for this position. In this component, lawyers representing the business sector are inferior to human rights defenders, because a good corporate lawyer is the person who will be able to better protect the interests of the company regardless of whose side the truth is on. In other words, if a weakness in the law would allow a step to be taken that would not be in accordance with the principles of justice, but it would be in the interests of the company, then the corporate lawyer will almost always take this step.

Secondly, comparing the future suitability for the role of a member of the selection commission of judges between human rights defenders and representatives of the educational and academic environment, it should be said that, as a rule, the first have an advantage in terms of having more practical experience of working with the judicial system and a deeper awareness of its shortcomings. As a whole, the ethical and professional component of the representatives of human rights organizations gives them, as possible members of the selection commissions, a finer vision and the ability to distinguish the features that should make up the professional and moral portrait of a candidate for the position of a judge, a vision of what qualities should dominate in applicants for the position of judge mantle Such traits and abilities are extremely important for members of selection commissions, if the main emphasis in matters of formation of the corps of judges is to set the requirements of professionalism, morality and integrity.

Continuing the theme of the representative composition of selection commissions, lay-persons, who should also add objectivity to the decisions made by the relevant body, can be a likely addition to the participation of professional lawyers and human rights defenders in their composition. Similar analogies to the participation in legal proceedings of persons unrelated to the legal profession can be seen in the example of the work of jurors, who perform the role of public arbitrators in a court session.

In this case, the point of view, which foresees the possibility of forming the composition of the HQCJU in addition to judges, representatives of legal specialties, as well as jurors, may be potentially suitable. After all, the institution of jurors stands at the origins of the formation of the institution of judging and is an extremely interesting example of its evolution. Thus, in Ancient Greece, the so-called "dikasteries", i.e., quasi-judicial bodies, consisting of elected persons, who were given the right to administer justice throughout the year, operated to resolve legal disputes. The dicastery did not recruit professional lawyers, as there was no such specialization at that time. Instead, they chose among experienced people no younger than 30 years old with a good reputation, who took an oath to judge according to honor and conscience, and these people were allowed to administer justice (Latyshev, 1888:322). An interesting feature of the dicastery was the number of so-called judges – in some places their number amounted to more than several thousand people (Latyshev, 1888:322).

It is obvious that historical development has produced more effective models of justice, which are represented, in particular, by the current judicial bodies, but public participation, one way or another, remains a necessary tool for monitoring justice, which allows preventing destructive phenomena in the judicial system [Khotynska-Nor, 2016). That is why the historical experience of the Greek dicasteries also provokes the idea of the possibility of involving in the procedure of selection of judges ordinary citizens who had experience of being jurors in court sessions. In this case, the assumption is used that the mentioned persons served as jurors for a certain time, and therefore they can have a more accurate idea of what traits a judge should possess and what points in the biography or personal qualities of a candidate for the position of judge should be paid more attention to. At the same time, this approach requires an additional review of the requirements that should be applied to persons participating in the trial as jurors. If this concept before the formation of the composition of the HQCJU is implemented, then the representatives of the commission can also be replenished in this way with experienced specialists from the public environment. In the end, representatives of churches, mass media and educational institutions or the cultural community, who are members of the judicial selection commissions in European countries, play the role of jurors in the process of selection and attestation of judges.

Each of these circumstances, as well as many others, should be carefully considered and taken into account when choosing the best institutional model for the selection of judges, or when looking for possible ways to improve it.

Along with this, it should be understood that the continuation of the reforms is the biggest threat to the existing judicial system, which is expected to fear losing control over the procedure of independent formation of the judicial corps. However, it is obvious that the priority of society should dominate here over the interests of one professional community and the reform movement must be continued in order to restore legitimacy to the judiciary. "The judiciary achieves the legitimacy and respect of its citizens thanks to its excellent work, the result of which are impartial, well-founded decisions" (Kharpenko, 2017:253).

Conclusions. In recent decades, the legislation of Ukraine, which determined the institutional system of the judges selection, has undergone changes and improvements. As a result of the carried out reforms, it was possible to form a model of the mechanism for the judges selection, which was significantly better than the previous versions, but it still needs to be brought closer to its perfect appearance. In order to improve the situation with the formation of a professional judicial corps in Ukraine, it is currently necessary to focus on one extremely important task – the task of improving public control over the formation of the judicial corps within the existing institutional models of the relationship between the judiciary and the public.

An effective way of empowering the public to influence the judiciary is the opportunity for public representatives to participate in the judges selection. To do this, it is necessary to make appropriate legislative changes in the approaches to the staffing of the HQCJU. The essence of such changes will be the introduction of judges from the public into the composition of the HQCJU. At the same time,

two principles should be implemented. The first is that members of the public are included in the commission on a permanent basis and have equal voting rights with other members of the commission regarding issues discussed at the meetings of this body. This will allow solving the existing problem, when the activity of the Public Integrity Council, as a representative of Ukrainian society, is not as effective as expected. The second principle provides that representatives of the public should be persons who, by virtue of their professional activity and experience, can act as objective and impartial arbitrators. Such persons may include representatives of human rights organizations, jurors, as well as, what is especially important, specialists from the non-juridical sphere, including professional psychologists, teachers, journalists, etc. A wide range of representatives from the public should provide an opportunity to broaden the angle of view of candidates for the position of judges and acting judges during the assessment of their professional, business and moral qualities. As a result of the implementation of such changes, it should be expected that the quality of the judiciary, the quality of justice will change, and the level of trust in the judiciary will be much higher than it is today.

Therefore, judicial reform remains one of the most awaited in society, and its implementation and change of judicial power for the better are impossible without the participation of society. It is also impossible without external pressure and external expert and financial support, which Ukraine constantly receives. Because of this, it is worth for Ukraine to heed the advice on organizing the process of selecting judges given to the Ukrainian government and parliament by international organizations, including European Council, GRECO, the European Network of Judicial Councils and other partners of Ukraine in its efforts to develop effective state institutions, including the judiciary power.

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