

Olga Boichuk,

Research supervisor: Vitaliy Chornenkyy

Candidate of Law Sciences, Associate Professor

Language tutor: Anetta Artsyshevskya

Candidate of Philological Sciences, Associate Professor

Ivan Franko National University of Lviv

THE RIGHT TO HOLD THE POST OF A JUDGE: NATIONAL EXPERIENCE

It is commonly known that judiciary authority depends on the carriers of this branch of power. The judiciary and its personnel are always under the constant supervision of state bodies, the public, legislators and academicians, European and international community. Without any doubt, the process of staffing should be based on constitutional principles of transparency, democracy, equal opportunities, the rule of law and legality, impartiality and objectivity. The results of the commencement of constitutional reform in our country have shown that the question of the selection and appointment of judges is one of the most resonant and sharp in the society. The previous texts of the Constitution of Ukraine established a two-stage procedure for the appointment of judges. The first stage was an appointment for a post for the first time for a term of 5 years by the President of Ukraine. The second stage was a life-long appointment by the Parliament of Ukraine. This system embodied the mechanism of checks and balances (one branch had some influence on another, thus depriving them of the possibility of usurpation of power). Therefore, we can conclude that the formation of the judicial branch of government directly involved legislative and executive power. This system faced a number of significant problems. For example, its duration, inaccuracies in the established norms of studying at the National School of Judges of Ukraine etc. In addition, our system did not conduct an interview for the candidates, which is obligatory for making the right choice and improving our judiciary system. As a result of the reform. on 2 June 2016, The Verkhovna Rada of Ukraine adopted the constitutional amendments.

Ukraine has adopted the practice of most European states. The process of selection of judges for the position is clearly defined by the Law of Ukraine "On the Judiciary and Status of Judges" of 2016. According to the above-mentioned law, the judge of the court of general jurisdiction in Ukraine may be the citizen of Ukraine not younger than 30 years old and not older than 65 years old, who has higher education and experience in the field of law and has been

working in the field of law for at least 5 years and knows the Ukrainian language. The process of appointing judges to the post consists of 15 stages. It is based on the competitive selection, which is an important improvement. What is more, new Law seeks to increase transparency by creating the Public Council of Integrity, even though the position of this body is still speculative. This shows that Ukrainian system has made a significant step forward, but along with the benefits of reform (competition system, increasing transparency of the selection procedure for a judge, etc.), there are some shortcomings (declarative position of the decisions of the Public Council of Integrity). This is only the first step to make our justice effective.

Thus, it is worth mentioning that Ukraine has rather high requirements for candidates for the position of judge which are in line with the public importance and authority of this position. What is more, with regard to the selection and training of judges and their appointment and selection, it is necessary to adhere to certain European and international standards - transparency, openness, and prevention of pressure on the formation of judicial corps by state authorities and political parties. All these aspects should be discovered in order to enhance and improve our judiciary system. All things considered, the improvement of the personnel policy will help to increase the efficiency and transparency of the judiciary, facilitate citizens' access to the system of court settlement of disputes, provide real legal and institutional guarantees for the protection of human and citizens' rights and freedoms.

Vira Bonk, Olga Petlova,

Research supervisor: Myroslava Huryk

Candidate of Historical Sciences, Associate Professor

Language tutor: Olga Hyryla

Lecturer

Ternopil National Economic University

DEMOCRACY

Democracy in modern usage, is a system of government in which the citizens exercise power directly or elect representatives from among themselves to form a governing body, such as a parliament.[1] Democracy is sometimes referred to as "rule of the majority".[2] Democracy is a system of processing conflicts in which outcomes depend on what participants do, but no single force controls what occurs and its outcomes.