

Regarding equal protection of the law and court for all the participants in a trial as a philosophical legal category, referring to the philosophical perception and educational influence

of the principle, its most important functions should be distinguished as follows: world outlook, reflective-informational, axiological and educational.

*Lemak O.,
Doctoral Candidate in the Department of Constitutional
and Comparative Law,
Uzhhorod National University*

THE RIGHT TO A COMPETENT COURT AND SUPREMACY OF THE CONSTITUTION

Continuation of judicial reform is essential for the development of the national legal system of Ukraine. An integral part of this reform is the proper support of the judiciary. In this context, the government aims to fulfill positive obligations to ensure activity of legal and independent courts.

The purpose of this article is a comprehensive study of the content of the right to a competent court based on the doctrine of constitutionalism, in particular, the supremacy of the constitution.

Legal competent court is a necessary basis for a trial by a competent court, which on the basis of the rule of law and according to the defined procedure resolves disputes concerning the law. Right to trial means the right of a person to apply to court, the right to try his case and to court judgment. Besides that, a person must be entitled to implement this right without any obstacles or complications. The ability of individuals to freely obtain judicial protection is the essence of the concept of access to justice.

The term “competent court” means a composition of the court staff, who must comply with the rule of law. This requirement is determined to ensure that the proceedings are carried by impartial court staff and to provide institute of judge disqualification in case of existence of reasonable doubts about the independence and impartiality thereof. Composition of the court may be single-man or collective, which may depend on the type of dispute and its complexity. An important issue is the determination of the court composition, because the judge can not hear the case considering his family and friends. Inadmissibility of manipulating the composition of the court and putting pressure on the court in other ways is crucially important. The right of the party to claim objection of a judge, who may be partial, serves this purpose. Ability to propose an objection is important in the formation of the panel of judges, which includes jurors.