

A. Rustamzade

*Candidate of Law Sciences, Postgraduate Student,
Institute of Legislation of the Verkhovna Rada of Ukraine*

THE LAW OF UKRAINE “ON THE HIGH COUNCIL OF JUSTICE” AS THE LEGAL FRAMEWORK OF THE HIGH COUNCIL OF JUSTICE AND THE PERSPECTIVES FOR ITS IMPROVEMENT, BASED ON THE RECOMMENDATIONS OF THE COUNCIL OF EUROPE

The specific provisions of the Law of Ukraine “On the High Council of Justice” and the Law of Ukraine “On the Judicial System and Status of Judges” as the legal framework of the High Council of Justice have been analyzed in the article. Taking into account the fact that the system of temporary appointments still exists in Ukraine, it is recommended for purposes of the warranty term of office of judges to consider the appointment indefinitely as an extension of the first appointment if the judge grants an objective, transparent and pre-established criteria.

Ukrainian legislation attempts to establish criteria for the appointment of judges at the legislative level, which were welcomed by the Council of Europe. On

the other hand, it appears that the mechanism of indefinite appointments, introduced in Ukraine is extremely complex and could be simplified.

Appeals and complaints received from different sources can have a serious impact on the length of tenure of judges in the sense that they are taken into account before their appointment to the post permanently.

The perspectives for the improvement of abovementioned legislation based on the recommendations of the Council of Europe have been investigated. The appropriate recommendations for the reform, taking into account the best practices of European countries have been provided.