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ON THE ISSUE OF STAFFING OF COURTS OF GENERAL JURISDICTION IN UKRAINE

The article defines the concept “staffing of the judiciary to ensure the operation of courts of general jurisdiction”, analyzes the rules of national law, identifies deficiencies of legal regulation in staffing of courts of general jurisdiction, develops evidence-based recommendations for improving the current legislation of Ukraine.

The author specifies that the staffing of courts of general jurisdiction is legally regulated activity of all branches of government regarding staffing of the necessary number of courts with professional personnel that meet all the requirements; implementation of effective selection, appointment, training, education, and release of personnel and resolution of other issues of civil service.

It is noted that representatives of all branches of power participate in the process of staffing of courts of general jurisdiction. Difficulty or multiplicity of steps of this approach during the recruitment is entirely justified, because proper and fair implementation of justice requires highly

trained and professional staff.

The author argues that for optimization of probation for judges it is appropriate to make amendments to the Basic Law. In particular, it is proposed to rewrite p. 1, Art. 128 of the Constitution of Ukraine as follows: “The first appointment of a professional judge to office for a three-year term is made by the President of Ukraine. All other judges, except judges of the Constitutional Court of Ukraine, are elected by the Verkhovna Rada of Ukraine for permanent terms by the procedure established by law”.

Demands on the probation are developed according to the standards of the most developed countries (Italy, Spain, USA, France, Germany) and the recommendations of the European Commission for Democracy through Law (Venice Commission) enshrined in point 130 of opinion CDL-AD (2010) 026 of October 16, 2010, which states: “If probationary periods are considered indispensable, they should not exceed a relatively short period, e.g. of two years”.