

PIC AS A SUBJECT OF PUBLIC CONTROL OVER JUDGES' ACTIVITY

Dmytro Pryimachenko

Vice-Rector of University of Customs and Finance

Dnipro, Ukraine

dmytro-dnipro@ukr.net

<https://orcid.org/0000-0001-8504-2450>

Anna Maslova

Department of Public and Private Law

University of Customs and Finance

Dnipro, Ukraine

anna.amsu.phd@gmail.com

<https://orcid.org/0000-0002-4404-9792>

ABSTRACT. The article examines the legal status and activities of the Public Integrity Council in relation to public oversight of the practice of Ukrainian judges. The authors focus on how the PIC will be able to make a significant contribution to the reform of the judicial system, controversial issues concerning its powers, and suggest ways to improve its functioning. The main ideas presented in the article are as follows: The importance of the PIC is analysed: The PIC was created to ensure the assessment of the integrity of judges and judicial candidates, which helps to increase the confidence of the public in the justice system. The innovative approach allowed the citizens to participate in the selection of judges, which should prevent corruption. The article highlights the uncertainty of the status of the PIC, which is an auxiliary body without the power to take final decisions on the integrity of judges. This limits the PIC's influence, as its conclusions are not binding. A critical analysis of the problems of the legislation is made: gaps in the legislation are identified, in particular the legal status of the PIC is not clearly defined. This leads to legal disputes and litigation over PIC decisions, which affects the effectiveness of PIC activities. The article makes a number of recommendations for improvement: the authors suggest broadening the membership of the PIC to include experts from the private sector, who could contribute to the objectivity of the judges' assessment. It also suggests revising the procedures for selecting members and requiring declarations of assets and conflicts of interest. The author makes a prediction about the prospects for improving judicial reform: successful improvement of the PIC procedures will contribute to building public confidence in the judicial system and increasing its transparency. In general, this study examines the important role of the PIC in the judicial reform process, focusing on its impact on the selection of judges and shortcomings in the legal framework. The authors' proposals aim to strengthen public control over the judiciary by reforming the legal status and functioning of the PIC..

Keywords: PIC, judges of Ukraine, integrity, public control, selection, state body, power

INTRODUCTION

There is a tendency in the society to decrease the level of trust in the judicial system. Procedures for qualification evaluation of judges and competition procedures need improvement and development of clear and predictable criteria (indicators) of integrity and professional ethics. Different bodies involved in the qualification assessment of judges (judge candidates) use different approaches and different standards of proof when assessing the integrity and professional ethics of judges or relevant candidates.

There are no requirements and properly defined procedures for evaluating candidates for the position of judge (outside of the qualification evaluation procedure) for compliance with the criterion of integrity. The requirements of European partners, as outlined in the Memorandum of Understanding between Ukraine and the European Union within the framework of the new large-scale EU macro-finance assistance of January 16, 2023, identify the importance of the research that is being presented. This agreement specifically highlights the fulfillment of the following requirements in the area of the principles of law.

Improving the selection of judges:

- (a) make efforts to streamline the stages of selection and change their sequence;
- (b) review the length of the mandatory training period for judges;
- (c) approve and promulgate by the updated by the High Qualification Commission of Judges of Ukraine (hereinafter – the Commission of Ukraine), including clear evaluation criteria and evaluation methodology (2-3 quarters of 2023); and the launch of the procedure for the selection of judges on the basis of the improved base (4th quarter of 2023).

The PIC is an institution of civil society that is part of the system for ensuring the integrity of judges. Its purpose is to increase public trust in the integrity of new hires, but the regulation of its legal status contains many gaps that make its operations less effective. The Public Integrity Council (hereinafter – the PIC) faces contentious challenges when evaluating the ethical behavior and honesty of present judges and individuals for the same position; the flaws in the rules governing the PIC's status; and the absence of a scientific foundation for the creation of laws.

The problems of functioning of the judicial system as a whole and its individual elements were the subject of scientific research by V.M. Bevzenka, R.Z. Holobutovskyi, O.V. Honcharenko, R.V. Igonina, O.V. Krasnoborova, H. Ya. Nakonechna, S. Yu. Obrusna and other lawyers. It is worth paying attention to the works by S. V. Zhukov, who investigated and characterized the essence and elements of the administrative legal mechanism for ensuring the integrity of courts (Zhukov, 2019) and V.V. Kotskulych, who analyzed the ethical standards of legal behavior of judges, as well as the organizational and praxeological aspects of professional activity training and selection of judges as an important component of forming legal awareness of judges (Kotskulych, 2018). Some aspects of the activity of the subject of public control under investigation were investigated by R.S. Melnyk (2018). At the same time, it is necessary to state that the issue of normalization of the legal status of the PIC was investigated fragmentarily, and therefore requires a comprehensive study (LexInform, n.d.).

Furthermore, most of the research on this topic was done before the new forms of the Ukrainian law „On the Judiciary and the Status of Judges” came into effect (Verkhovna Rada of Ukraine, 2016). This fact presupposes necessity to study the problem of the activity of the

PIC as an institution of civil society in the modern realities of state formation.

The normative and legal basis of the legal regulation of the studied subject of public control is: the Constitution of Ukraine, the Law of Ukraine „On the Judiciary and the Status of Judges”, the Regulations of the Public Council of Integrity (Public Integrity Council, 2018), conclusions of a number of institutions of the Council of Europe, in particular the Venice Commission (n.d.), the Consultative Council of European Judges (CCEJ) (2024), the European Commission on the Efficiency of Justice (CEPEJ, 2023), the Committee of Ministers of the Council of Europe (2024).

The aim of the article is to establish the status of the subject of public control over the selection of candidates/judges, on the basis of a comprehensive analysis of the theoretical foundations of administrative and legal science, the norms of current legislation, to determine its role in the process of implementing the law and other legal acts in judicial sphere, to identify defects of legal regulation and to formulate scientifically based proposals to overcome them.

MATERIALS AND METHODS

The author establishes the methodology for researching the PIC established as a public authority which facilitates the work of the Commission of Ukraine, which, accordingly, is the main institution obligated to verifying information, providing final conclusions during the assessment of judges and candidates for the position of judge, and in particular, the author substantiates that objectification of being occurs through the methods of general theoretical, general scientific and special legal content in various combinations within the framework of the key methods for this article.

RESULTS

The level of trust in the judicial system in Ukraine was and still remains quite low. According to a sociological study conducted in 2020 by the Razumkov Center on the order of the Office of the Council of Europe in Ukraine on the attitude of Ukrainians to the courts, 1.7% of Ukrainians fully trust the courts, and another 11.3% rather trust the courts. At the same time, 40.6% do not trust the courts at all, and 37.4% rather do not trust them. According to the latest sociological survey conducted by the sociological service of the Razumkov Center from February 22 to March 1, 2023, within the framework of the MATRA Program project, financed by the Embassy of the Kingdom of the Netherlands, 59% of respondents in Ukraine do not trust the courts (the judicial system in general) (Razumkov Center, 2023).

Since 2019, a shortage of personnel in the judicial system began to accumulate in Ukraine. Slowing down reforms or sometimes imitating such implementation led to quick dismissals and the absence of the work of the body for the selection of judges, the High Qualification Commission, which resumed work in the summer of 2023.

The High Council of Justice's August 24, 2023 ruling No. 852/0/15-23 proposed to determine the number of judges of central courts – 5052 positions, commercial – 650 positions, district administrative – 663 positions, appeal courts – 1081 positions, commercial appeal courts – 247 positions, appellate administrative courts – 283 positions (High Council

of Justice, 2023), which makes a total of 7,976 people. On the other hand, as we can see from the statistical data of the Commission regarding the accounting of the positions of judges occupied as of 02.10.23, the actual number is only 4,981 persons.

The statistics clearly shows the urgent need to fill a large number of vacancies with candidates who must undergo a strict selection in accordance with the requirements and criteria of integrity, to review the existing selection procedures for vacant positions, which is one of the main tasks of judicial reform.

Part 3 of Art. 127 of the Constitution of Ukraine establishes competence and integrity as mandatory requirements for candidates for the position of judge (Verkhovna Rada of Ukraine, 2020). It is worth expanding the list of candidates for whom competence and integrity are mandatory requirements by including the positions of the High Council of Justice, the Commission and civil servants. It is interesting that the interpretation of the very concept of „honesty” in relation to the above-mentioned categories is not found in any of the normative legal acts of Ukraine, except for the Law on Public Service. This is a gap and can be a corruption factor in the selection of candidates for the relevant positions (Vavrynychuk et al., 2022).

The current stage of reforming the judicial system of Ukraine has put on the agenda the question of compliance of candidates for the position of judge, as well as the judges themselves, with the criteria of integrity.

In accordance with the conditions of Art. 127, Part 3, of the Ukrainian Constitution, „A citizen of Ukraine, not younger than thirty and not older than sixty-five years of age, who has a higher legal education and experience of professional activity in the field of law for at least five years, can be appointed to the position of judge, is competent, virtuous (emphasized by the author of the article, A. B. Maslova) and speaks the state language. The introduction of the term „virtue” gave rise to the question: what is virtuous? In the Latin language, there is a counterpart of the Ukrainian word integrity – „integritas”, which means prudence, integrity and completeness. And in a figurative sense – „purity, correctness and innocence.”

The root of this word has been preserved in the English language (integer – whole). The English word „integrity” denotes the state of wholeness, unity, as well as the quality of an honest person who has strong moral principles (Office of Integrity, NAZK, n.d.).

Judicial legislation has faced a problem due to the uncertainty of the concepts that are fundamental when selecting a candidate for the position of judge, which is further complicated by different approaches to determining the requirements for different positions.

Each assessment body creates its own methodology for compliance with the term integrity. As one of the standard requirements for judges, integrity is not sufficiently implemented in reality, as is professional ethics, and the assessment of these requirements is not always clear and transparent. The non-uniformity of terminology and criteria leads to certain manipulations of the concept of integrity in the process of choosing potential judges and in the vetting of existing judges (Vavrynychuk et al., 2022). We must state the fact that today there is no legally established concept of integrity for a judge in Ukraine.

At the same time, it should be noted that the Resolution of the Cabinet of Ministers of Ukraine dated March 4, 2023 No. 220 approved the State Anti-Corruption Program for 2023–2025 (Cabinet of Ministers of Ukraine, 2023). One of the principles behind the development

of this programme was to build public awareness of non-tolerance to corruption, promote a culture of integrity and respect for the rule of law. Regarding the solution to the legalization of the term integrity, we can note that the Procedures for qualification evaluation of judges and competitive procedures require improvement and the development of clear and predictable criteria (indicators) of integrity and professional ethics, which is clearly stated in Appendix 2 to the Resolution: 2.1.2.2.2. Development and submission to the Cabinet of Ministers of Ukraine of a law, that:

- 1) assessment of the suitability of candidates for the post of judge to the criterion of integrity in all procedures for the selection of judges is provided for;
- 2) the participation of the PIC in assisting the Commission of Ukraine to establish the compliance of candidates for the post of judge with the criterion of integrity for all procedures for the selection of judges is foreseen;
- 3) defines a new mechanism for considering the PIC's conclusions on the non-compliance of a judge (judicial candidate) with the criteria of professional conduct or confirming the capacity of such a judge (judicial candidate) to administer justice in case of such a conclusion;
- 4) the complete access to judicial files (files of candidates for the position of judge) for PIC members and authorized staff of the Public Council of Integrity secretariat;
- 5) provides for the establishment of the Secretariat of the Public Integrity Council, which assists the participants of the Council in the performance of their duties as defined by the law, and determines the source of funding for their activities;
- 6) the participation of the PIC in defining the schedules, terms and procedure for evaluation of judges and persons running for the position of judge is envisaged (Cabinet of Ministers of Ukraine, 2023).

The Law of Ukraine „On the Judiciary and the Status of Judges” (hereinafter – the Law) (Verkhovna Rada of Ukraine, 2021) detailed a number of constitutional changes, provided for the reorganization and re-certification of the entire judicial system.

It should be noted that this Law, as amended on June 2, 2016, balanced the interests of the judicial branch of government with the interests of the public through the creation of a special public body (Art. 87 of the Law of Ukraine „On the Judiciary and the Status of Judges”) – the PIC, – designed to assist the Commission in establishing the compliance of a judge (candidate for the position of judge) with the criteria of professional ethics and integrity for the purposes of qualification evaluation (Public Integrity Council, 2019). Innovations in the justice system have increased the role and participation of the public in judicial career procedures. In 2016, for the first time, the public was integrated into the procedure of information collection, information analysis, and monitoring regarding both candidates for the position of judge and acting judges. This happened for the first time at the level of law, at the level of formal law enforcement.

The PIC was created as a public body that contributes to the work of the Supreme Court of Justice, which, accordingly, is the main institution that verifies information and provides concluding remarks while judges and applicants for the role are being evaluated. As the PIC participates in the process of qualification evaluation of judges and candidates for the position of judge, its efforts should be directed at enhancing the judicial corps and guaranteeing the highest level of expertise.

During the period of its work, the PIC actively fulfilled the tasks set before it. Formed in 2016, it served two warehouses, and in 2019, the activity of the PIC was suspended in connection with the dissolution of the High Qualification Commission of Judges of Ukraine. At the first stage of work, from November 2016 to December 2017, the PIC participated in the evaluation of 381 applicants for the Supreme Court judgeship. The result of the assessment was 134 conclusions about the non-compliance of candidates with the criteria of integrity and professional ethics and 122 decisions on providing information to the Commission of Ukraine (Public Integrity Council, 2018). In its second composition, according to the report for 2019, the Commission analyzed 235 candidates for the position of judge of the Supreme Court and submitted 71 conclusions to the Supreme Court. As for the intellectual property court, the Commission was involved in data monitoring, analyzed 49 candidates for the first instance of the High Court on Intellectual Property, 17 candidates for the Appellate Chamber of the court, and 21 opinions were submitted to the Supreme Court of Appeals, of which 2 were canceled after processing the candidates' explanations. In total, during the activity of the second term of office, the Commission analyzed 1682 files of judges, prepared 612 draft decisions, provided 472 conclusions and information on 111 judges to the Supreme Court of Justice (Public Integrity Council, 2019).

The PIC is a public control body independent of the government and other authorities, which was created to ensure the effective operation of the judicial system of Ukraine and increase its integrity. The Commission is not a state body, it is characterized as a non-professional advisory non-administrative body that acts as an auxiliary body of the Commission for the purposes of gathering information and preparing conclusions on the integrity and professional ethics of judges and candidates for the post of judge, but at the same time does not make a final decision on whether to recommend a person for appointment as a judge.

The PIC is a public control body independent of the government and other authorities, which was created to ensure the effective operation of the judicial system of Ukraine and increase its integrity. The PIC is not a state body; it is characterized as a non-professional advisory non-administrative body that acts as an auxiliary body of the Commission for the purposes of gathering information and preparing conclusions on the integrity and professional ethics of judges and candidates for the post of judge, but at the same time does not make a final decision on whether to recommend a person for appointment as a judge.

The powers, composition and conclusions of the PIC are regulated by both the Law and the Regulation (Public Integrity Council, 2018), which was developed taking into account the standards of the Council of Europe regarding the independence of the judiciary. The legal basis of the status and powers of the State Government is determined by Art. 87 of the Law of Ukraine „On the Judiciary and the Status of Judges”. Having analyzed the legislation on this issue, we made the following conclusions-observations, the consideration of which will significantly improve the work of the State Security Service and increase the percentage of trust in the judiciary.

The law does not clearly define the status of the High Council of Justice. In our opinion, it is worth recognizing the superficial regulation of the activities of the PIC within the framework of a single (underlined by the author A. B. Maslova) article, which does not even contain a mention of the adoption of the regulations of the PIC. Many questions remain unaddressed,

which causes misunderstanding in practice.

The District Administrative Court of Kyiv was the first to face this issue, where in 2017 lawsuits from candidates for the post of judge of the Court of Appeals as part of the Supreme Court began to be received, requesting that the PIC's conclusions be revoked. In some of these cases, appropriate decisions have been made in favor of claims. (Public Integrity Council, 2018; Unified State Register of Court Decisions, 2017).

According to established judicial practice, the State Administrative Court is not a state body with „authoritative powers” and therefore is not empowered to make a decision on confirming or not confirming the ability of a judge (candidate for the position of judge) to administer justice in the relevant court. The PIC is an auxiliary body of the High Qualification Commission of Judges of Ukraine, and not an advisory body with its own legal status. The conclusion of the PIC does not generate independent consequences for the judge/candidate. The status of the Council is not clearly defined in the legal acts that regulate the activity of the PIC (for example, in the Regulations of the PIC, approved by its decision No. 1/2016 dated 23.11.2016, this body is called an „instrument of the public”, established by the Law of Ukraine „On the Judiciary and the status of judges”, which has a journalistic rather than a formal legal character. At the same time, taking into account that, in compliance with the guidelines in Part 3 of Art. 87 of the Ukrainian Law „On the Judiciary and the Status of Judges”, members of the PIC can be representatives of human rights public associations, legal scientists, lawyers, journalists who are recognized specialists in the field of their professional activity, have a high professional reputation and meet the criterion of political neutrality and integrity, as well as the fact that, according to Part 5 of Art. 90 of the specified Law, public associations have the right to organize an independent evaluation of the judge's work in open court sessions, the results of which are recorded in a questionnaire containing information on the duration of the case, the judge's compliance with the rules of judicial procedure and the rights of process participants, the culture of communication, the level of impartiality of the judge, the level of satisfaction with the judge's behavior by the participants in the process, comments on the conduct of the process, other information, the PIC and public associations should be attributed to the subjects of administrative and legal protection of the integrity of judges as those who are delegated the relevant powers by law (Unified State Register of Court Decision, 2017).

Also, Art. 87 of the Law „On the Judiciary and the Status of Judges” provides a detailed description of the State Government's duties and relates to the support of the Supreme Court of Ukraine in establishing the compliance of a judge (candidate for the post of judge) with the criteria of professional ethics and integrity for the purposes of qualification assessment. This is the main provision that regulates the powers of the State Government. An analysis of the provisions of the Law shows that the State Administrative Court has the right to collect, verify and analyze information about a judge (candidate for the position of a judge) (clause 1 part 6 of Art. 87 of the Law), using exclusively open state registers (part 7 of Art. 87 of the Law). The powers exercised by the State Administrative Court in relation to the judge (candidate for the post of judge) are hereby limited.

The Regulation of the PIC is a continuation of the provisions of the Law and, in accordance with Clause 1 of Art. 2 of the Regulation, the main task of the PIC is to assist the Supreme

Court of Ukraine in establishing the compliance of a judge (candidate for the position of judge) with the criteria of professional ethics and integrity for the purposes of qualification assessment by providing information about them or conclusions about the non-compliance of a judge (candidate for the position of judge) with these criteria.

Conversely, the previous composition of the PIC did not agree with such a characterization and sought to have the legal status of a state body that has authoritative powers and makes binding decisions on other state bodies, namely the High Qualification Commission of Judges, which have consequences for judges/candidates for the position of judge, regarding which the PIC gives negative conclusions (Public Integrity Council, 2021). Such a position is a violation of conceptual approaches to the legal nature and the procedure for exercising public control over the activities of subjects of authority. In essence, the PIC seeks to obtain such methods of public control, which in their content will have signs of state control. In addition, non-state entities may not exercise powers that involve the resolution of specific legal tasks. Organizational and legal means of an authoritative nature cannot be a tool for the activity of entities that do not belong to state authorities. Decisions made by such entities may also not be binding.

An analysis of the provisions of the Regulation of the PIC and Communications indicates discrepancies between the powers of the State Administration of Internal Affairs and Communications provided by the Law and those established by the Regulation. According to the Law, the PIC has the right only to analyze and confirm facts about judges' moral character and professional conduct, but it lacks the authority to evaluate the reliability of court rulings. Since no one outside of the judiciary and judicial oversight can evaluate the legitimacy of judicial activities or conclusions, this clause conforms with European norms. Judges in the appeals procedure are accountable for their rulings (Kovacheva, 2017; High Council of Justice, 2024).

Due to its power, the PIC can only provide a view regarding the judge's honesty and personal ethics—not the legitimacy of his choices or actions. The PIC's conclusion is merely one component that should pertain to matters of professional ethics and integrity of judges and candidates for the position of judge. The job of the body (High Qualification Commission of Judges of Ukraine) is to evaluate a judge (or a candidate for the position of judge), specifically evaluating his skilled expertise, ethical, moral, and psychological qualities.

The law significantly narrows the circle of persons who have the right to be elected to the composition of the PIC. According to the Law (Art. 87), representatives of human rights public associations, legal scholars, lawyers, journalists who are recognized specialists in their field of professional activity, have a high professional reputation and meet the criteria of political neutrality and integrity can be members of the PIC.

The law provides for restrictions on membership in the PIC for certain categories of persons. According to one of the provisions (subparagraph 6, clause 4, Art. 87 of the Law), judges or retired judges cannot be members of the PIC. With regard to the public nature of the PIC, this limitation can be explained by the desire to create a body that is in no way part of the judicial system. However, the PIC takes an active part in the process of evaluating judges, and European standards for evaluating judges and candidates for the post of judge have already been established.

Such standards concern mainly judicial councils, but this is due to the general perception that the evaluation of judges is a process that takes place within the judicial system and is carried out by judicial authorities. Since there are no specific standards for the composition of the public body that assesses courts and applicants for the role; generic assessment standards can serve as a guide (Kovacheva, 2017; Council of Europe, 2024).

With the view to the provisions of Art. 87 of the Law, candidates for the members of the PIC have the necessary knowledge and skills in judicial legislation and the judicial system, but only this set of knowledge and skills may not be sufficient to perform the duties of assessing judges' and candidates' honesty and ethical behavior. The risk of a conflict of interests laid down in Art. 87 of the Law, between the members of the State Integrity Council who are lawyers and candidates/judges can be eliminated by expanding the range of candidates for members of the PIC.

In our opinion, the right to be a member of the PIC should also be given to representatives of the private sector from among managers or HR managers, psychologists and HR managers, etc., as individuals with good skills in evaluating candidates/employees and generating large volumes of data under time constraints could give an additional impetus to implementation functions of the PIC. They could also broaden and deepen the definition and public understanding of who represents civil society. In addition, members of the PIC with less knowledge and less professional interest in the formation of the judicial corps could better refute accusations of a conflict of interest between their duties as members of the PIC and their professional activities. The law should be amended to expand the circle of persons who have the right to be elected members of the Public Council.

The procedure for appointing members of the Executive Committee. In the case of expanding the circle of persons who have the right to be members of the PIC. It is also necessary to update the process for selecting PIC members.

Currently, Art. 87 of the Law „On the Judiciary and the Status of Judges” stipulates that „members of the PIC are appointed by meetings of representatives of public associations” convened by the head of the Commission, which should be evaluated as a positive approach. On the contrary, the Regulation does not cover the issue of the procedure for nomination and selection of the actual representatives of public organizations in the Council, i.e. those persons who will participate in the evaluation of judges. Amendments should be made to the law to expand the range of potential candidates for the members of the PIC and public organizations that can nominate candidates for members of the PIC, as well as to establish a revised process for selecting PIC members, which would provide that members of the PIC are appointed not only by representatives of legal public organizations, as well as representatives of public organizations from other spheres. It can be suggested that the process of their nomination and selection should also take place within the framework of an open procedure through a public hearing of their motives or concept of work. A declaration on property status and a declaration on the conflict of interests of the members of the PIC must also be provided. It would be good if, in addition to the resume, evidence of their professionalism was provided (diplomas of education, certificates of work experience, specialization, etc.). Members of the Central Committee must have unquestionable competence and integrity.

CONCLUSIONS

For a long time, society has expressed its distrust of a number of bodies in the justice system. The main factors that influenced the assessment of trust in such bodies were the doubts expressed in society about the integrity of their members and their possible decision-making in conditions of conflict of interests. At the beginning of 2023, the Committee on Legal Policy of the Supreme Council of Ukraine (Verkhovna Rada) decided to form a Working Group on improving the procedures for the selection of judges. The need to improve the mentioned procedures is connected, first of all, with the personnel shortage of judges and with the need to comply with the requirements of international partners. The personnel crisis of the judicial system requires optimization of the procedure for selecting judges while maintaining high criteria for checking candidates for integrity and competence. Therefore, it is quite expected that it is planned to simplify some stages of selection for the positions of judges (for example, to shorten the training period of future judges, etc.). There is also the issue of widespread involvement of the public in the selection procedures of judges of the first instance. It can also be about a qualitative rethinking and improvement of the activities of the PIC. In the future, such a procedure for the selection of judges should solve the problem of a shortage of judges in Ukraine, and the involvement of the PIC in this process should strengthen public confidence in the integrity of new personnel. We consider it necessary to note that even the high pace of competitions for the positions of judges of the Supreme Court in 2016–2017 and 2018–2019 caused many complaints from members of the public, as they did not always have the opportunity to check a candidate quickly and thoroughly and draw a conclusion about his virtue or dishonesty.

The work of the PIC ensured a high level of public awareness of the process of selecting judges and the representation of the general public in it. Better informed society can have both positive and negative effects on public opinion of judges. On the one hand, citizens are more informed, more aware of their rights and better aware of the need to change the system. On the other hand, they may respond disproportionately to negative messages about judges and pay disproportionately less attention to positive messages. As a result, the image of the judicial corps is formed, which is more negative than the actual one. If it were not there, the PIC has done an excellent job of incorporating the principle of civil society representation into the processes of judicial governance in Ukraine and forming the criteria and processes through which they are implemented. The resolution of such issues at the legislative level as the definition of the term „integrity”, the clear status of the PIC, rethinking of the professional requirements for members of the PIC and the procedure for their appointment will give impetus to the creation of a new, reformed and effective PIC.

The perspective for further scientific research should be the elaboration of separate regulations on the definition of the concept of integrity, methods of testing candidates for integrity during selection for the position of judges, as well as other officials of legal practice.

REFERENCES

- Cabinet of Ministers of Ukraine. (2023). On approval of the State Anti-Corruption Program for 2023–2025. Retrieved from <https://zakon.rada.gov.ua/laws/show/220-2023-n#Text>
- Council of Europe. (2023). European Commission for the Efficiency of Justice (CEPEJ). Retrieved from <https://www.coe.int/en/web/cepej/home>
- Council of Europe. (2024). About the Committee of Ministers. Retrieved from <https://www.coe.int/en/web/cm/about-cm>
- High Council of Justice. (2023). HCJ Acts. Retrieved from <https://hcj.gov.ua/doc/doc/40862>
- High Council of Justice. (2024). Consultative Council of European Judges. Retrieved from <https://hcj.gov.ua/page/konsultatyvna-rada-yevropeyskyh-suddiv>
- Kotskulych, V. V. (2018). Formation of professional legal consciousness of judges and judicial discretion: Organizational and praxeological aspects (Abstract of PhD dissertation, Kyiv). 21 pages.
- Kovacheva, D. (2017). Opinion on the regulation of the Public Integrity Council. Council of Europe. Retrieved from <https://rm.coe.int/opinion-diana-public-council-of-integrity-uk-copy/1680727bdf>
- Melnik, R. S. (2018). Can the Public Integrity Council be a defendant in an administrative court? *The Journal of Eastern European Law*, 51, 8–19.
- Office of Integrity, NAZK. (n.d.). Integrity: Concept, components, and history. Retrieved from <https://nazk.gov.ua/uk/zapobigannya-ta-vyyavlennya-koruptsiyi/>
- Public Integrity Council as a defendant in an administrative court: „For” and „Against”. *LexInform: Legal and juridical news, legal practice, comments*. Retrieved from <https://lexinform.com.ua/dumka-eksperta/gromadska-rada-dobrochesnosti-yak-vidpovidach-v-administratyvnomu-sudi-za-i-proty/>
- Public Integrity Council. (2018). Public Integrity Council: The first experience of public participation in the selection and evaluation of judges 2016–2018. Kyiv. Retrieved from https://grd.gov.ua/wp-content/uploads/2020/05/zvit_2016_2018_ua.pdf
- Public Integrity Council. (2018). Regulation of the Public Integrity Council. Retrieved from https://grd.gov.ua/wp-content/uploads/2020/05/zvit_2016_2018_en.pdf
- Public Integrity Council. (2018). Regulation of the Public Integrity Council. Retrieved from https://grd.gov.ua/wp-content/uploads/data/files/docs/Reglament%20GRD_vid%2021.01.2018.pdf
- Public Integrity Council. (2019). Annual Report. Kyiv. Retrieved from https://grd.gov.ua/wp-content/uploads/2020/05/zvit_2019.pdf
- Public Integrity Council. (2019). Public Integrity Council is not a subject of authority: Supreme Court. <https://grd.gov.ua/news/hromads-ka-rada-ne-ie-sub-iekto-vladnykh-povnovazhen-verkhovnyi-sud/>
- Public Integrity Council. (2021). Improvement of regulatory regulation of the Public Integrity Council. Retrieved from <https://grd.gov.ua/wp-content/uploads/2021/02/Udoskonalennia-normatyvnoho-rehuliuвання-Hromads-koi-rady-dobrochesnosti-1.pdf>
- Razumkov Center. (2023). Assessment of citizens on the situation in the country and the actions of authorities, trust in social institutions (February–March 2023). Retrieved from <https://razumkov.org.ua/napriamky-sotsiologichni-doslidzhennia-otsinka-gromadianamy-sytuatsii-v-kraini-ta-dii-vlady-dovira-do-sotsialnykh-instytutiv-liutyi-berezen-2023r>
- Unified State Register of Court Decisions. (2017). Administrative Case No. 826/7186/17. Retrieved from <https://reyestr.court.gov.ua/Review/70793192>
- Vavrynychuk, M. P., Punda, O. O., & Kohut, O. V. (2022). Issues of integrity as a key criterion in the process of selecting judges. *Legal Scientific Electronic Journal*, (1), 304–307.
- Venice Commission. (n.d.). Retrieved from <https://www.venice.coe.int/webforms/documents/?country=47&year=all>
- Verkhovna Rada of Ukraine. (2016). Law on the judiciary and the status of judges. Retrieved from <https://zakon.rada.gov.ua/laws/show/1402-19#Text>
- Verkhovna Rada of Ukraine. (2020). Constitution of Ukraine: As of January 1, 2020. Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text>
- Verkhovna Rada of Ukraine. (2021). Law on the judiciary and the status of judges. Retrieved from [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2021\)080-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2021)080-e)
- Zhukov, S. V. (2019). Administrative and legal provision of judicial integrity: Problems of theory and practice (Doctoral dissertation, Kyiv). 485 pages.