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DOI: <http://doi.org/10.5281/zenodo.12591859>**I.V. BORODINA,**

Associate Professor, Department of Criminal Procedure,
Yaroslav Mudryi National Law University, Ph.D. in Law, Associate Professor,
Kharkiv, Ukraine; e-mail: vostorg191103@gmail.com;

ORCID: <https://orcid.org/0009-0008-7611-6575>

UNITY OF JUDGES' STATUS THROUGH THE PRISM OF COMPLIANCE WITH PROFESSIONAL ETHICS RULES

I.B. БОРОДИНА,

доцентка кафедри кримінального процесу Національного юридичного університету
імені Ярослава Мудрого, кандидатка юридичних наук, доцентка, м. Харків, Україна;
e-mail: vostorg191103@gmail.com;

ORCID: <https://orcid.org/0009-0008-7611-6575>

ЄДНІСТЬ СТАТУСУ СУДДІВ ЧЕРЕЗ ПРИЗМУ ДОТРИМАННЯ ПРАВИЛ ПРОФЕСІЙНОЇ ЕТИКИ

АНОТАЦІЇ (ABSTRACTS), КЛЮЧОВІ СЛОВА (KEYWORDS)

Problem statement. With the development of social relations, digitalisation and informatisation processes, wider establishment of tolerance and similar processes, issues requiring judicial protection become more complex and intricate. This means that the moral dilemmas and ethical choices faced by judges, and sometimes by the competent judicial personnel management bodies, are extremely tense and difficult. In view of these challenges, there is a need to establish unified legal approaches that would ensure uniformity, systematicity and consistency in the issues of compliance by all judges with the requirements of professional ethics and conduct, and in the issues of guaranteeing the unity of the legal status of judges, which is often, especially recently, questioned by both the academic community and legal practitioners. This may lead to negative consequences in terms of undermining the authority of the judiciary and reducing the level of public trust in the courts. The **purpose** of this work is to improve legal approaches to understanding the interconnectedness and interdependence of such categories as the unity of the status of judges and their obligation to comply with the rules of professional ethics, to clarify the legislative aspects of securing the equality of judicial candidates and the equality of judges, and to enhance the role of the unity of disciplinary practice with regard to judges and the legal certainty of certain elements of disciplinary proceedings. In this regard, the author uses such research **methods** as qualitative analysis by means of induction and deduction, analysis and synthesis to study the essence of such a phenomenon as the unity of the status of judges; the method of system analysis to identify the factors which cause violation of the unity of judicial disciplinary practice; the method of analysis to identify gaps, inconsistencies and shortcomings in the legal regulation of this issue; and formal and logical methods to substantiate the conclusions. **Results.** The author establishes that the principle of unity of the status of judges implies that all judges must comply with the requirements of professional ethics and off-duty conduct; that the unity of the status of judges should be considered alongside justice and equality. It is stated that the formation and observance of proper standards of professional judicial ethics will take place when the issue of ethical requirements, their distortions and application of foreseeable consequences is considered as a systematic, fair, permanent and equal activity of both judges and authorized judicial authorities aimed at establishing the proper principles of the status of judges. The author examines the interdependence and interdependence of the unity of the status of judges and their compliance with moral and ethical requirements at several levels. The first level is the level of admission to the profession of judge, namely, the creation of objective and transparent conditions for training and formation of judicial personnel. The second level reflects the proper unified status of judges and raising (and, most importantly, compliance with) the standards of their ethical behaviour. The third level is the level of compliance with the rules of ethical behaviour outside of professional activities. And the fourth level should be manifested in the uniform understanding of the components of the rules of professional ethics and conduct in the implementation of procedures for bringing judges to legal liability (including disciplinary liability) and dismissal from office. **Conclusions.** A comprehensive approach and systematic analysis of the categories under consideration facilitates the development and adoption of appropriate standards for both ensuring the principle of unity of the status of judges and

compliance with the requirements of professional judicial ethics. Departure from fairness, uniformity and equality in law enforcement in these matters will result in a decrease in the authority of the judiciary and a kind of encroachment on effective judicial protection, as the problem of an improper subject - the holder of judicial power - may arise. An extremely important role in guaranteeing legal certainty of these procedures and mechanisms belongs to the authorised bodies of judicial governance, in particular, the High Council of Justice, which is vested with sufficient and effective powers under the law.

Keywords: *judiciary; judge; enhancing trust in the judiciary; judicial ethics; unity of the status of judges; High Council of Justice; disciplinary liability of judges*

Постановка проблеми. З розвитком суспільних відносин, процесів діджиталізації та інформатизації, більш масштабним утвердженням толерантності та подібними процесами стають більш складними й заплутаними питання, що потребують судового захисту. Це означає надзвичайну напруженість та важкість поставлених моральних дилем та проблем етичного вибору перед суддями, а інколи і перед уповноваженими органами суддівського кадрового менеджменту. Зважаючи на ці виклики, постає необхідність у становленні єдиних правових підходів, які би забезпечили однаковість, системність та послідовність у питаннях додержання усіма суддями вимог професійної етики та поведінки, та питаннях гарантування єдності правового статусу суддів, що часто, особливо останнім часом, ставить під сумнів як науковою спільнотою, так і практикуючими правниками. А це може призвести до негативних наслідків в плані підриву авторитету судової влади та зниження рівня суспільної довіри до суду. **Метою** роботи є вдосконалення правових підходів до розуміння взаємопов'язаності та взаємообумовленості таких категорій як єдність статусу суддів та обов'язок дотримання ними правил професійної етики, уточнення законодавчих аспектів закріплення рівності кандидатів на посади суддів та рівності суддів, підвищення ролі єдності дисциплінарної практики щодо суддів та правової визначеності окремих елементів дисциплінарного провадження. У зв'язку із цим використовуються такі **методи** дослідження як якісний аналіз за допомогою індукції та дедукції, аналізу та синтезу для вивчення сутності такого явища як єдність статусу суддів; метод системного аналізу для з'ясування факторів, що обумовлюють порушення єдності суддівської дисциплінарної практики; методу аналізу для виявлення прогалин, невідповідностей та недоліків у правовому регулюванні даного питання; формально-логічний – в обґрунтуванні висновків. **Результати.** Встановлено, що принцип єдності статусу суддів передбачає неодмінне дотримання усіма суддями вимог професійної етики та позаслужбової поведінки; що єдність статусу суддів необхідно розглядати поряд із справедливістю та рівністю. Констатовано, що формування та дотримання належних стандартів професійної суддівської етики буде мати місце тоді, коли питання етичних вимог, їх викривлень та застосування передбачуваних наслідків розглядатиметься як системна, справедлива, постійна та рівна діяльність як самих суддів, так і уповноважених органів судової влади, що має на меті утвердження належних засад статусу суддів. Розглянуто взаємозалежність та взаємообумовленість єдності статусу суддів та дотримання ними морально-етичних вимог на кількох рівнях. Перший – це рівень допуску до професії судді, а саме створення об'єктивних та прозорих умов для підготовки й формування кадрів судової влади. Другий рівень відображає належний єдиний статус суддів та підвищення (а головне дотримання) стандартів їх етичної поведінки. Третій рівень – це рівень відповідності правилам етичної поведінки поза межами професійної діяльності. І четвертий рівень має виявлятися у однаковому розумінні складових правил професійної етики та поведінки при реалізації процедур притягнення суддів до юридичної відповідальності (зокрема дисциплінарної) та звільненні їх з посади. **Висновки.** Комплексний підхід та системний аналіз розглядуваних категорій сприяє розробленню та утвердженню належних стандартів як забезпечення принципу єдності статусу суддів, так і дотримання вимог професійної суддівської етики. Відхід від справедливості, однаковості та рівності при правозастосуванні у цих питаннях матиме наслідком зниження авторитету судової влади та своєрідне посягання на дієвий судовий захист, адже може з'явитися проблематика неналежного суб'єкта – носія судової влади. Вкрай важлива роль у гарантуванні правової визначеності цих процедур і механізмів належить уповноваженим органам суддівського врядування, зокрема Вищій раді правосуддя, яка відповідно до закону наділена достатніми та ефективними повноваженнями.

Ключові слова: *судова влада; суддя; підвищення довіри до судової влади; суддівська етика; єдність статусу суддів; Вища рада правосуддя; дисциплінарна відповідальність суддів*

Problem statement

Today, no one disputes the fact that every national judiciary is a prerequisite for the effective functioning of the state, an appropriate standard of legal protection of citizens, and an important guarantee of observance of constitutional rights and freedoms.

Each reform of the judiciary in Ukraine is aimed

at establishing an independent and effective system of justice. In particular, it is envisaged to improve the relevant specialized legislation in the relevant areas, reformat the judicial system to make it more efficient, ensure that the judiciary is staffed with quality judges free from political sympathies or antipathies, ideological/ideological preferences or corruption risks, and that the authority of the court

and the ethics of judges are necessarily enhanced both domestically and in the eyes of the international community. These statements are due to the fact that society really believes that only a fair, impartial and unbiased judiciary (represented by a judge of the same kind) can be an important guarantee of the development of our country, ensuring and observing human and civil rights and freedoms. And we should not underestimate the fact that modern society is already at such a stage of evolution that philosophical understanding of the goals and prospects of society's development, analysis of ideals and ways of their practical realization are of great importance.

In this aspect, it is important to study the issues of unity of the status of judges and judges' compliance with the requirements of professional ethics and behavior. We understand that social relations are becoming more complex and intricate, moral dilemmas and problems of ethical choice may become extremely tense, and the issue of human qualities constantly changing (as part of human development) is especially relevant in modern scientific, practical and philosophical research. In view of this, we believe that compliance by all judges with the requirements of professional ethics and behavior is one of the foundations for ensuring the uniform legal status of judges, which is often, especially recently, questioned by both the scientific community and legal practitioners.

The Role of Judicial Unity and Ethics Compliance

As we have noted in our previous research papers, in the context of building a state governed by the rule of law, the need to amend legislation to ensure stable development of society and establish the unity of the judiciary, the problem of qualitative recruitment of judges becomes particularly relevant. Creating objective and transparent conditions for the training and formation of judicial personnel is one of the most important tasks within the judicial reform. The status of judges and judicial ethics need to be brought to a qualitatively new level, so one of the main directions of judicial reform should be to improve the professional level of judges, strengthen their independence while increasing responsibility for actions incompatible with the high status of a judge [1]. And all this is necessarily systematically and comprehensively linked to the need for judicial candidates and sitting judges to meet and fully comply with the requirements of professional ethics and behavior. Therefore, in this article, we will try to show the interdependence and

interdependence of the unity of the status of judges and ethical standards of their activities.

Ensuring compliance with the moral foundations of the judiciary is one of the most important tasks within the judicial reform. In the professional literature, we can find many references to the fact that now (especially now) is the time to emphasize the education/establishment of high moral and ethical qualities in the personality of a judge, absolutely pure, stable and non-distorted qualities aimed at developing situational standards of behavior and conscious development of those qualitative and volitional characteristics that should constitute the basic list of qualities of a true judge who is the direct bearer and subject of judicial power. It is also necessary to take into account other deontological features, namely, understanding of the judge's mission and certain prohibitions, burdens and restrictions related to professional activity.

Judicial Unity with Justice and Equality

At the same time, it is logical to assert that the unity of the status of judges should be considered alongside justice and equality. Justice in terms of compliance with the requirements of professional ethics means that it is the basis of the idea of law, expresses its essence; justice is a criterion for classifying other values, a measure of their balance and proportionality; justice is a special mechanism that maintains the degree of balance of legal values and at the same time determines the beginning of the conflict between these values; justice should be universal. Equality is expressed through the equality of independence, opportunities and freedoms of one subject of law in relation to another according to a single criterion or indicator that is the same for all of them. This means that the unity of the status of judges so to speak equates these judges, making them units of the same scale, the same freedom, equivalent and proportional in similar legal relations. At the same time, it is necessary to emphasize the correct understanding and regulation of equality, which will be a prerequisite for clarifying and resolving many practical issues related to the status of judges. Such practical issues should, first of all, be enshrined in law and be subject to uniform law enforcement practice.

Judicial Unity Analysis across Levels

We believe that the analysis of the unity of the status of judges through the prism of compliance with moral and ethical requirements should be carried out at several levels. The first is, so to speak, the initial level. This is the level at which admission to the profession of judge is granted, namely, the

creation of objective and transparent conditions for training and formation of judicial personnel and guaranteeing access to the position exclusively to persons who meet the requirements of professional ethics and behavior (for the future). The second level reflects the proper unified status of judges and raising (and, most importantly, compliance with) the standards of their ethical behavior. The third level is the level of compliance with the rules of ethical behavior outside of professional activities. Moreover, the fourth level, which we will conditionally call the final one, should be manifested in the uniform understanding of the components of the rules of professional ethics and behavior in the implementation of procedures for bringing judges to legal responsibility (including disciplinary responsibility) and dismissal from office. Let us consider these levels in more detail.

Thus, the initial level – the level of admission to the profession – should be because the competitive, transparent and objective procedure for selecting judges should pay considerable attention to the competence and integrity of future judges. Thus, the principle of unity of the status of judges has as one of its components the unity of basic (constitutional) requirements for candidates for judicial positions, i.e. the same candidate qualification. According to the legislation of Ukraine (Article 69 of the Law of Ukraine “On the Judiciary and the Status of Judges”), a citizen of Ukraine, not younger than thirty and not older than sixty-five years, who has a higher legal education and at least five years of professional experience in the field of law, is competent, honest and speaks the state language in accordance with the level determined by the National Commission on State Language Standards, may be appointed as a judge [2]. From this provision, we believe that all of these requirements should be equally applicable to a candidate for a judicial position. In addition, from this and other provisions of the law, we can conclude that the criteria of competence and integrity should be applied to a candidate for the position of a judge, but these requirements are not explained by the legislator in the relevant law. At the same time, such eligibility criteria are both objective and subjective. The former can be formalized and specified in the law, while the latter are related to individual psychological prerequisites for judicial activity. In addition, they should be universal, i.e., applied at all stages of the selection process. Professor L. Moskvych notes that a judge must have a set of special theoretical knowledge and practical skills necessary for the successful performance of official func-

tions and be able to apply them in the course of professional activity [3]. That is why, in the interests of the judicial system, society and the State as a whole, it is necessary that the selection of candidates for judgeships and assessment of their suitability for the positions they hold be based on a single criterion – their level of professionalism. Professionalism is characterized by the professionally important qualities of a judge, which is a system of requirements for a person entrusted with the exercise of judicial powers, including personality traits, peculiarities of thinking processes, professional knowledge, skills and abilities.

The need to be of high integrity is also stipulated by the law in the rules that set forth restrictions on appointment to judicial positions. For example, certain aspects of integrity are described in paragraphs 2-4 of Article 69 of the Law of Ukraine “On the Judiciary and the Status of Judges”. In particular, a citizen who has an unexpunged or outstanding criminal record cannot be appointed as a judge; a person who is prohibited by law from holding the relevant position cannot be appointed as a judge; a person who has previously been dismissed from the position of a judge for committing a significant disciplinary offense, gross or systematic neglect of duties that is incompatible with the status of a judge or has revealed his or her incompatibility with the position held, violation of the requirements for incompatibility, violation of the obligation to confirm the integrity of the judge, etc. To confirm his/her integrity, a candidate also submits a declaration of family ties and a declaration of integrity of a candidate for the position of a judge (Article 71(1)(5)). In addition, during the selection exam, which is conducted by the High Qualification Commission of Judges of Ukraine in the form of anonymous testing, the candidate's personal moral and psychological qualities are checked, among other things (Article 73(1)). And finally, the integrity of future judges is checked through the mechanisms of special vetting, to which they are admitted.

From the foregoing, it follows that when selecting candidates for judicial positions, the requirements of competence and integrity should be equally taken into account for each candidate; uneven and disproportionate consideration of these requirements for individual candidates, either in the direction of their overestimation or reduction, is not allowed; if possible, the components of these requirements should be as broadly defined as possible to objectify them; a uniform law enforcement practice of the authorized body on issues of establishing whether or not a candidate meets moral and

ethical requirements must be guaranteed.

The study of the second level of the unity of the status of judges should certainly begin with the indication of its components. Thus, they are: a) equality of rights; b) equality of duties; c) equality of career opportunities; d) equality of grounds and procedures for bringing to responsibility; e) equality of material, technical and social support for the effective exercise of judicial functions. Based on this, it is logical to talk about the uniformity and unity of judges' full and correct compliance with the rules of judicial ethics and proper behavior. Let us analyze the legislation in this context. Thus, (1) the national legislation enshrines the principle of the uniform status of judges regardless of the place of the court in the judicial system or the administrative position held by the judge in the court; (2) the duties of judges include the need to comply with the rules of judicial ethics, including the need to identify and maintain high standards of behavior in any activity in order to strengthen public confidence in the court, to ensure public confidence in the integrity of judges; (3) a judge must submit a declaration of judicial integrity and a declaration of family ties; (4) the text of the judge's oath states that he/she, subject only to the law, must honestly and conscientiously exercise powers and perform duties of a judge, adhere to ethical principles and rules of conduct of a judge, and not commit actions that discredit the title of a judge or undermine the authority of justice; (5) issues of judicial ethics are determined by the Code of Judicial Ethics, which is approved by the Congress of Judges of Ukraine upon the proposal of the Council of Judges of Ukraine. These provisions are intended to apply to all judges of the national judicial system, without exception, restriction or privilege of any kind. We also cannot but mention the prohibitions and restrictions imposed on judges, which are also based on moral and ethical standards.

Almost all democratic states have a legal framework of ethical judicial standards, i.e., a set of written principles – guidelines for ethical behavior. These principles are usually developed either by one or several judicial self-governance bodies or by the association of judges in the respective country. In Ukraine, the personal and moral qualities of a judge are enshrined at the regulatory level in a document that is an act of the judicial self-government body. This is the Code of Judicial Ethics, the provisions of which should be taken into account when selecting candidates, since their impeccable behavior will, in fact, create the authority of the judicial system both in the state and abroad

[4]. The Code of Judicial Ethics sets forth general requirements for individuals, moral (ethical) rules for their professional activities and prohibitions in relation to them. Thus, the Code of Judicial Ethics as the main regulatory act governing the standards of judicial behavior in Ukraine was approved by the XI (regular) Congress of Judges of Ukraine on February 22, 2013. The Code of Judicial Ethics is binding on all judges of Ukraine, regardless of the subject of its adoption, and some provisions of this Code may also apply to candidates for the position of judge as future judges. Using its powers, the Council of Judges of Ukraine also approved the Commentary to the Code of Judicial Ethics [5]. It is important that this document defines judicial ethics. Thus, judicial ethics is proposed to be understood as a certain system of basic principles for regulating the behavior of judges in court, in court and out-of-court behavior, which are built with due regard to the peculiarities of the judge's professional activity and are created to maintain judicial standards, acting objectively and independently in order to increase the importance of existing legal norms and rules of conduct for judges. The Preamble to the Code states that the proclamation and effective enforcement of the right of a person to a judicial defense places high demands on the moral qualities of each judge; in order to strengthen and maintain public confidence in the judiciary, judges of Ukraine believe that they are obliged to demonstrate and promote high standards of conduct and therefore voluntarily assume more significant restrictions related to ethical standards in both their conduct in the administration of justice and in their extrajudicial conduct. The requirement of high moral qualities and significant restrictions for a judge (as well as for a candidate for the position of a judge) is explained by the high role of the judiciary in general and a judge in particular. After all, judicial activity in is explained by the high role of the judiciary in general and a judge in particular. After all, judicial activity resolves social conflicts on the basis of established and officially recognized law, but this does not mean that the judge himself or herself as a subject of this activity is free from moral judgment. According to researchers, the integration of morality and legal consciousness by judges is a special quality and duty that is associated with responsibility. The duty of a judge as a holder of power is to realize the moral and legal requirements of his or her profession and social role, to affirm universal, anthropological principles that fill power with moral, deeply humanistic content. In general, this concept seems quite logical

and deserves support.

Discussion of these reforms in the judicial system and the judiciary today is impossible without reference to international and European standards on these issues. Given the priority directions of Ukraine's foreign policy, it is important to comply with international treaties that set requirements for the formation of the judiciary and the bodies involved in it. For example, as stated in one of the most recent international acts, Opinion No. 21 of the Council of Europe's Advisory Council of European Judges on the Prevention of Corruption among Judges, judicial integrity is a key condition for effective, efficient and impartial national justice systems. The integrity of justice has become even more important nowadays in the context of many attacks on the judiciary. From this we can conclude that no matter how well the standards of judicial ethics are developed and adopted, it is important that they will be assimilated by judges only if they are understood and applied in practice. And this, as stated in the aforementioned Opinion No. 21 of the Council of Europe's Advisory Council of European Judges on the Prevention of Corruption among Judges, is the task of the competent authorities to provide judges with proper guidance on how to behave when faced with specific ethical dilemmas [6]. And this should be offered within the judiciary itself, for example, by providing judges with electronic or paper materials explaining how best to behave in various specific scenarios. The CCJE also believes that a crucial aspect of realizing a genuine culture of integrity in the judiciary is to ensure that there is adequate training on ethical behavior: every judge, regardless of age and seniority, should receive regular training. In this regard, the suggestions made regarding the possibility of confidential ethical consultations at the request of judges are certainly interesting. Such consultations should be provided by the highest courts or bodies of the judicial community, or by the body that adopted the normative set of principles of judicial ethics. The latter body is likely to be able to respond to such requests as competently and promptly as possible. In their turn, the Basic Principles on the Independence of the Judiciary and the Bangalore Principles of Judicial Conduct name such indicators of ethical behavior of judges as independence, objectivity, honesty and integrity, adherence to ethical standards, equality, competence and diligence; they also set forth the principles corresponding to these indicators and the rules for their application. Based on the above, we can see that the adoption and implementation of standards

of ethical behavior of judges can be an effective regulator of preventing corruption in the judiciary. Yes, these standards may not yet be working at the highest level in Ukraine, but our state is on the way to their implementation.

The third level of interdependence of the unity of the status of judges and their obligation to comply with the requirements of professional ethics is considered by us through the need for proper off-duty behavior of judges. Thus, the Code of Judicial Ethics and international standards in this area stipulate that the standards of professional ethics also apply to the sphere of a judge's life outside of working hours. Accordingly, this means, first, that all judges must follow these standards, which are defined by legal norms; second, since these standards are mainly prohibitions, all judges without exception must comply with them; third, given the inexpediency and impossibility of generally fixing the forms and types of distortion of professional ethics requirements in personal life, uniform mechanisms and consequences for all judges in case of violation of such ethical rules must be guaranteed.

We propose to consider the fourth level of these legal relations through the prism of uniformity, unanimity, and unity of understanding of the components of the rules of professional ethics and behavior in the implementation of procedures for bringing judges to legal responsibility (including disciplinary responsibility) and dismissal. First of all, it is about the need to establish a unified disciplinary practice as a kind of foundation that will determine the uniformity of current and future approaches to the grounds and consequences of disciplinary proceedings against judges.

The existence of problems with uniform approaches to assessing the grounds for bringing judges to disciplinary liability (and with applying the grounds for violating the rules of judicial ethics) is being noted by both scholars and practitioners directly involved. Thus, in one interview, a member of the High Council of Justice, Professor, Doctor of Laws Andriy Boyko, noted that there are several factors behind different approaches to assessing a disciplinary offense: "First, disciplinary chambers sometimes apply somewhat different approaches to assessing a judge's behavior, which may be grounds for bringing them to disciplinary liability. The Supreme Judicial Council tries to form a unity of disciplinary practice and unifies these approaches in order to assess the nature and gravity of the offense in the same way. Secondly, the plenary composition of the Supreme Judicial Council also pays attention to the consequences that occurred

as a result of committing the offense, as well as to the circumstances that characterize the judge's personality. We find out: is the violation a system or an accident for him, what reputation he has among colleagues, whether he has previously been subject to disciplinary liability, etc. Therefore, the Supreme Judicial Council smooths out certain differences, if they arise, between the disciplinary chambers and thus forms the unity of disciplinary practice. Sometimes subjective factors also influence, for example, if one of the members of the Council knows the judge personally and characterizes him positively [7]. However, the aforementioned activity of the Supreme Judicial Council takes place in cases of revision/amendment of the decision of the disciplinary chambers.

According to the scientist M. Savchyn, it is appropriate in such issues to mention the case-law of the European Court of Human Rights regarding the predictability of rules and how they are interpreted in relation to officials. In particular, in the case of *Lindon, Otchakovsky-Laurens and July v. The ECtHR* has stated that: The law may still satisfy the requirement of foreseeability even if the person concerned must obtain appropriate legal advice in order to assess, to the extent that is reasonable in the circumstances, the consequences which a given action may entail. This is particularly true of persons engaged in professional activities who are normally required to act with a high degree of caution. They must exercise particular care in assessing the risks which such activities entail. In order to achieve the proper mission, independent and impartial investigation of cases which indicate the deterioration of the integrity, moral integrity of an official or a judge must be guaranteed; with appropriate mechanisms of democratic control, self-regulation within the judicial community is sufficient to overcome the phenomena of deterioration in the quality of the judiciary [8].

Unity, or legal certainty, of bringing judges to disciplinary responsibility means generalizing the practice of considering disciplinary cases and further applying these mechanisms on the basis of consistency, uniformity and consistency. The role of the authorized constitutional body – the High Council of Justice – becomes important in this procedure, which should be the responsible entity for forming unity and unambiguous standards of disciplinary proceedings against judges. The High Council of Justice is already taking certain steps in this direction, for example, it has determined in the Anti-Corruption Program for 2021-2025 participation in the development and approval of a draft law that

should clarify the list of grounds for bringing a judge to disciplinary responsibility. We also consider the High Council of Justice's generalization of the practice of considering disciplinary cases against judges (based on case materials from 2017-2021) to be an important step in this direction [9].

We find confirmation of this in the goals and mission of the aforementioned generalization, which are indicated by its authors. Thus, among the tasks of the generalization are the study of approaches to the application of disciplinary sanctions; identification of circumstances that were taken into account when choosing the type of disciplinary sanction, and establishing which of them were recognized as mitigating or aggravating liability; identification of discrepancies in the qualification of judges' actions and actions covered by different components of disciplinary offenses, identification of examples of judges' actions that are recognized as significant disciplinary offenses; identification of shortcomings in the construction of legal norms that determine the grounds for disciplinary liability of judges, and cases of competition of the components of disciplinary offenses provided for by them as a necessary prerequisite for further development of proposals for improving legislation in the field of disciplinary liability of judges.

Conclusions

The unity of the legal status of judges should be a universal legal value that the state should guarantee and uphold. The formation of generally recognized standards of this unity should take place taking into account many years of experience in the formation of national legislation in this area, as well as with the proper law enforcement practice of authorized entities, in particular the High Council of Justice. Taking into account the changes taking place in the world, the process of compliance by judges with the requirements of professional ethics and behavior is constantly transforming, its intensity, its directions and accents are changing. Therefore, it is important now to work on clarifying the standards of compliance by judges with moral and ethical requirements, generalizing the practice of the High Court of Justice in bringing judges to disciplinary responsibility and ensuring the specification and unity of these mechanisms. Given this, the unity of the status of judges and the unity of their adherence to professional ethics should become not just a declared norm, but also the most general phenomenon of modernity, an objective reality, without which it is difficult to imagine the proper functioning of the judiciary and effective judicial protection.

Competing interests

None to declare.

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