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FEATURES OF EUROPEAN JUSTICE DEVELOPMENT: EXPERIENCE OF STRATEGIC PLANNING

In article an experience of strategic planning of development of justice sphere in modern countries of Europe is examined. According to analyze of relevant plans, programs and concepts are systematized and disclosed as typical weaknesses and the optimal directions and methods of development of the national bodies of justices.

Keywords: system of justice, human rights, legal system, development, justice.

The active state-legal and social-economic transformations that take place in Ukraine during the recent years are aimed at formation of the European legal state, achievement of modern ideals of equity, freedom, defense of rights and interests of a human being and citizen, and are based on the recognized international and European standards of organization of the state-legal systems.

Special attention to the problems of modern state-legal and social-economic transformations was paid by Venice Commission of the Council of Europe authorized to make conclusions on the matters of compliance of main national state acts to the international standards of human rights and democratic principles. The matters of realization of the Constitutional reforms, national safety, degree of protection of main human rights, parliamentary immunity, guarantee of independence and effectiveness of the judicial power in Ukraine have become the object of increased attention of the representatives of jurisprudence, political science, state administration and so on, whose efforts are aimed at determination of the perspective trends in the development of constitutional-legal process.

In this context, the problem of research of European modern state formation experience remains actual for constitutional law experts as well. The results of such research can become fundamental principles for further conceptualization of legal bases and trends in the

development of the Ukrainian society and respective legal institutes. We also update the general theoretical studies of practical experience of justice in foreign countries that play role of the most influential subjects in realization of national legal policy.

Thus, the aim of the article is elucidation of the peculiarities of the strategic planning of justice development in modern European countries in the context of improvement of their work and organizational structure. The author, in order to achieve the set forth aim, offers to solve the set of tasks: to carry out analysis of the matter of strategic planning concerning development of the national system of justice, characterize the main principles of justice development policies in the foreign countries, determine the general tendency of justice reforms in the European countries.

Experience of European countries is deemed to be especially useful from the point of view of aspiration of Ukraine for European integration and realization of recent comments and recommendations of Venice Commission concerning improvement of justice sector.

Besides, carrying out comparative analysis of the subject matter of research will enable discovery of the most successful and efficient functional and organizational structures with further substantiation of possibility of their use in the national legal practice based on own political-legal traditions.

The problem of functioning of separate elements of legal system, and system of justice, in particular, is the object of scientific interest of many representatives of modern theoretical science and legal practice. Thus, for example, comparative legal analysis of the condition and development perspective of the bodies of justice, formation of improvement concepts of thereof and so on, have become the object of scientific research of Zhelezniak N. A., Ivanenko O. V., Mykulka I. I., Tatsii L. B., Fedkovych O. V. and many others.

However, one should emphasize that the segmental study of problems of the system of justice, or its separate bodies (in particular, by the criterion of the administrative division) does not reflect totally the real state of affairs in the system of justice. Under such circumstances, it is possible to form the more generalized concept on the functioning of the system of justice through the analysis of work of the Ministry of Justice, which is not only the leading body of the executive power in the field, but actually embodies the national system of justice and characterizes the specificity of legal practice, national legal

traditions and degree of integration of recognized world standards into the national legal system.

In this context, the experience of strategic planning of the development of justice in Poland – country that has received an important leverage in European legal space, – is of particular research interest. In this country, the modernization of justice is aimed, first of all, at protection and provision of realization of citizen's rights. Such an approach has caused selection of the respective axioms of this strategy: friendliness, openness and orientation towards result.

The low level of credibility of Polish society to the bodies of justice has caused the specific character of the strategic directions of reforms. In particular, we discuss the provision of citizens' rights in the general system of justice (optimization of court establishments' work, simplification of mechanism of collaboration of citizens with the system of justice, development of legal counseling, enhancement of penalty efficiency other than imprisonment, and so on), provision of compliance with the procedural guarantees, broader use of the alternative methods of solving disputes, increase of the degree of consolidation of bodies within the national system of justice and rationalization of redistribution of the state and EU funds that are allotted for provision of functioning of the national system of justice [1].

This problem is urgent for the Ukrainian society as well. The most bothering are conclusions of an independent research agency Gallup made on the basis of global sociological survey conducted in 123 countries in 2013. During this period, the credibility index of population to the Ukrainian courts was 16 %. After one year this index has dropped to 12 % [2].

The situation has worsened during the last year, which has been proved by the survey results of Razumkov Center conducted in March, 2015: credibility index to the courts has dropped to 10,6 %. This index has become the lowest as compared to the other state institutions [3].

Apart from Poland, the state policy of France concerning development of justice calls attention. In this country, the Ministry of Justice plays the leading role in the matters concerning draft bills preparation and respective conclusions on the sphere of functioning of the court system, and also in the process of preparation and formation of judges and prosecutors corps.

Emphasizing attention on the problems of improvement of the court system, the Minister of Justice of France, after two years of collective discussion, has represented the Court System Improvement Plan. Recognizing a number of faults in the system of main human rights security, the Ministry of Justice has initiated an implementation of the extensive court reform with aim to increase the quality of justice and provision of equity, and also to achieve more proximate and efficient protection both for every citizen and for French society in general. In particular, there was proposed a gradual realization of the following steps: universalization of court jurisdiction (provision of assistance to citizens in terms of registration procedures and case consideration monitoring in all jurisdictions irrespective of the administrative division); setting up the electronic system of legal proceedings, namely, provision of assistance to citizens online; enlarged access legal policy; continuous control of the level of local legal proceedings using regular statistical evaluation in collaboration with population, and so on.

It is noteworthy that the significant attention in French society is paid to the problem of enhancement of justice effectiveness. Thus, at present, the implementation of such measures as reduction of time and simplification of rules and defense procedures in civil cases is ongoing; encouragement of the alternative methods of solving the disputes in the courts and creation of special interagency commission for the matters of reconciliation and mediation in the system of justice; provision of accessible and open court practice for citizens, involvement of the national universities into study and analysis of thereof; organization of collaboration with prosecutors and simplification of the preliminary investigation; approval and realization of the support plan for judges, improvement of work conditions [4].

Turning to the state policy of development of Ministry of Justice of Italy, one should accentuate that the Minister of Justice in this country is the only minister with the status determined by the Constitution [5]. They have ample powers in the sphere of organization and functioning of the court system, and their powers concerning organization of services provided by the court establishments and disciplinary measures regarding judges are also determined on the Constitutional level.

Reformatory policy of Italy in the sphere of justice provides for achievement of five main targets, in particular: optimization of Ministry structure with aim to decrease the state expenses; decentralization of the administrative functions; unification and

rationalization of goods and services management as inside the system of justice as in the process of collaboration with other state institutions; optimization of ministry structure and achievement of higher specialization level with concomitant integration of some links of mentioned structure both on central and local levels; improvement and consolidation on the legislation level of personal immunity guarantees for persons participating in the administrative process, transparency and prevention of corruption.

Minister also has circumscribed a number of perspective development lines of the system of justice aimed at restructuring and reorganization of the Ministry of Justice. The most important measures were recognized reorganization and reduction of the administrative apparatus, redistribution of financial resources.

Among the main leading principles of development of Italian Ministry of Justice were listed: increase of efficiency, successfulness and transparency of the administrative functions, their unification and elimination of duplicate functions.

Thus, for example, there was made a decision on significant personnel reduction from 61 to 36 executive clerk positions, and also from 1 006 to 712 employees. It is planned that such an optimization will make possible saving of approximately 65 million euro of budget funds spent on maintenance of the bodies of justice. At the same time, the need of advancement of technical and professional experience of employees of the Ministry is also in the range of attention [6]. Additionally, it has been provided for competence expansion of some Departments of Ministry of Justice, in particular, Department of Juvenile Delinquency, that will enable simpler and more updated management structure of criminal punishment system according to the newest European models.

Experience of strategic planning of Ministry of Justice of the Republic of Kazakhstan is also useful for national practice. Its reform provided for update and legal infrastructure securing in several directions with purpose of improvement of general competitiveness of the country.

First of all, improvement of legislation and rule-making. Development of this direction is caused by the need and importance of quality legal regulation which is the basis of the state administration. The second strategic direction is improvement of the judicial expert work (improvement of quality of expert examinations, broadening of their types, increase of the professional level of experts and so on). The third complex direction in modernization of

justice is increase of quality of state services provided by the bodies of justice, development of «electronic government», execution of court decrees, increase of the level of legal awareness of citizens, provision of access to the qualified legal help and formation of favourable conditions for development of intellectual property in Kazakhstan [7].

Each development direction provides for solution of main tasks: improvement of legal environment, advancement of employees' professional level, scientific-methodological support and strengthening of human resources potential and material-technical basis.

Experience of strategic planning and development of system of justice in Portugal is worth attention. The Plan of actions presented by the Minister of Justice contains more than 120 measures that comply with the national program of administrative modernization. It is noteworthy that the government of Portugal has focused on implementation of innovation technologies and use of modern international experience in implementation of innovations in different spheres of administration with aim of provision of population servicing of higher quality. In particular, one of main directions of justice modernization, specified by the Plan of development, is implementation of innovations in the sector of justice, development of experimental programs and testing new conceptions and strategies based on experience of legal procedures of the USA and Australian Center of Justice. Such an approach is considered perspective, in particular, in the process of efficiency enhancement of fighting organized crime (terrorism, terrorism financing, money laundering, illegal drug circulation, human traffic, illegal weapons circulation and so on).

Increase of efficiency coefficient has been recognized as one of main directions of modernization of justice and provides for a number of events aimed at strengthening of information infrastructure and development of technological resources related with communication and data safety. The concept envisions that such an approach will enable provision of authenticity, adequacy and actuality of information resources maintained in compliance with current changes of the effective legislation of Portugal. At the same time, they plan to implement public rating of satisfaction of citizens – users of the judicial system. In particular, there will be conducted public survey at the moment of access to the services of justice. As a result of the experiment, a model of more polite and effective public service is assumed to be created.

Further, a renewed strategy of development of justice in Bulgaria is useful for comparative analysis. In Bulgaria, as well as in Ukraine, one of the most urgent tasks is overcoming corruption. One of important steps in realization of anticorruption policy has become work of Ethic Court Committee and its auxiliary body «Integrity», functioning of which contributes to periodic control of judges and court administration on the matter of corruption factors, ensuring safety and transparency of cases distribution process, use of information technologies inside the system and others.

Thus, as a result of afore-cited, one deems possible to formulate the following conclusions. The problems of functioning of system of justice in one or another country determine the respective directions of its development and reformation. Further, their realization is promoted by methods and events specified and consolidated in the texts of main strategic documents – state plans, concepts of development of the sphere of justice.

Based upon own political experience, and also taking into account experience of more developed and thorough systems of justice, the European countries choose the optimal measures for the development of national bodies of justice. In particular, the problem of independence and efficiency of justice is the most characteristic for modern European countries. To overcome it in the conditions of functioning of some national-legal systems, the most optimal different measures are taken depending on the specific historic environment.

Thus, for example, Italy emphasizes on necessity of restructuring of the Ministry of Justice, personnel reduction and integration of its individual components. Kazakhstan determines priority of reformation of legislative support of justice functioning, increase of quality of state services. Implementation of electronic justice and restructuring of the bodies of justice were recognized as necessary by the government of Bulgaria. In Portugal, it is specified that one of the effective measures in improvement of the national system of justice is implementation of new technologies and creation of branched and secured information infrastructure. Consolidation of bodies in the system of justice, rationalization of their activity and financing were recognized as an important step in the development of justice and provision of main human rights in Poland. Further, France recognized necessary improvement of the system of justice, provision of its openness, transparency and activity control.

Thus, the afore-cited enables to receive the general notion on the main strategic targets of justice, and also methods and measures

of their realization. At the same time, we can conclude that the general European tendency in the development of justice characteristic for modern European countries with different level of state-legal development is improvement of system of justice and protection of human rights and freedoms. It is noteworthy that further research of European practice of justice development will become useful not only for national scientific comparative experience, but also will enable the perspective directions of improvement of the system of justice in Ukraine.

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