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LEGAL BOUNDARIES OF SOCIAL RELATIONS BETWEEN CIVIL SOCIETY AND JUDICIAL BODIES

ABSTRACT

The evaluation procedure of the judiciary in the modern conditions of the relationship between civil society and the rule of law occupies a key place because the modern conditions for the formation of such relationships emphasize the struggle for the rule of law and the independence of judges. Within the framework of the study, it was found that the relationship between civil society and the rule of law implements the established system of checks and balances in ensuring the balance of social relations (including the recognition of lawful behavior as a perceived necessity) in general and the protection of individuals from the arbitrariness of authorities in particular. Therefore, in this context, the influential importance of the judiciary is given its ability to fully protect the violated rights of the individual and the interests of the state within the framework of the legal field. At the same time, it is necessary to state that the state and civil society, within the limits of their mutual relations, have certain regulatory and control functions regarding the activities of the judiciary. In such a case, the relationship between the state and civil society within the framework of the evaluation procedure of the judiciary's activity should be interpreted as a system that performs specific functions in order to characterize the presence of interconnected elements with clearly defined forms of relationships. At most, these relationships contain a number of specific elements, among which are the following: subjects of interaction, objects of interaction, mutual relations between subjects, and changes caused by the interaction of subjects. It is substantiated that the key feature of the court within the framework of the relationship between civil society and the rule of law is primarily the independence of the court through the independence of judges. The definition of the concept of "independent judge" is proposed, according to which such a judge is a highly qualified specialist who in his practical activities acts exclusively on the basis of the law, making unbiased legal decisions, relying on the requirements of regulatory legal acts, regardless of possible benefit for himself. In turn, the relationship between civil society and judicial authorities has a direct impact on increasing the efficiency of court work through the establishment of the principle of the rule of law, helping to ensure the independence of judges on the one hand, and increasing the level of legal awareness and legal culture of the population on the other hand.

Keywords: law, rule of law, judiciary, public relations, civil society

JEL Classification: I38, J17, J44, J53

INTRODUCTION

In principle, the functioning of civil society and the rule of law is impossible without the existence of an independent judiciary, which is designed to ensure compliance with laws by all branches of government, the rights and freedoms of a person and a citizen, to protect a person from the arbitrariness of the government. When applying to the court for the restoration of his violated right, a person must be sure that his legal rights and freedoms will be restored in the shortest possible time, that the court will be impartial, and will use only the norms of the law when making a decision. That is, a person must trust the court in order to turn to the court in difficult situations related to non-compliance with the law or its violation, and then recognize its legal decision. However, in

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order to build trust in the judiciary, it is necessary to establish a process of interaction between civil society and judicial authorities.

The interaction of the state and civil society is absolutely necessary directly for their progressive development through the solution of common problematic issues that arise, the development of further steps, mechanisms to avoid the appearance or minimize negative phenomena and their consequences in specific spheres of life of a person, society and the state. In general, the concept of "interaction" can be interpreted as the mutual activity of two or more subjects, aimed at achieving a certain goal, which will have positive consequences for them. The state and civil society do not interact chaotically, this process takes place within clearly established limits using specific methods and forms authorized by both parties. Most often, such interactions are aimed at evaluating the activity of certain social institutions and developing effective mechanisms for solving specific problems and overcoming crisis phenomena in the life of society and the state based on it.

LITERATURE REVIEW

Among the Ukrainian scientists who, to one degree or another, investigated the problems stated in the proposed article, it is necessary to note the following: O. Dnipro, M. Mesiuk, M. Mochulska, L. Nalyvaiko and V. Oliynyk, V. Fathutdinov and others. For example, in the scientific investigations of these researchers, the following issues were highlighted, among others: prospects for the development of civil society in Ukraine under the conditions of continuous influence of external and internal processes and directions for eliminating destructive factors in the establishment of interaction between civil society institutions and the government [1]; mechanisms for implementing the principle of judicial transparency and new forms of interaction between the public and the judiciary [2]; principles of interaction between the judiciary and institutions of civil society, which should be unified into a three-level system: general, branch and special principles and analyzed [3]; trivector specific orientation of national security objects, namely: man and citizen, society and state [4]; the interaction of executive authorities with institutions of civil society, which is an important factor in the democratization of the state and an integral element of a legal democratic state in which the relevant rights have a real, not a declared character [5], etc.

On the other hand, among foreign colleagues who touched on the issues of relations between the judiciary and civil society in their research, it is possible to single out, for example, the following: L. Bojarski, A. Tsampi, J. Zgliński, and others, who claim that: today the need for new forms of judicial federalism, which departs from the traditional way on the basis of which relations between the EU courts and the courts of the member states were previously built [6]; civil society has a high role in regulating relations with the executive power, as reflected in the case law of the European Court of Human Rights [7]; also important are: description and analysis of the relationship between the judiciary and institutions of civil society, the evolution of the development of relations - both continuity and discontinuity in their relations; assessment of the practical dimension of the activity of civil society institutions [8], etc.

AIMS AND OBJECTIVES

The purpose of the article is to study the evaluation procedure of the judiciary in the modern conditions of the relationship between civil society and the rule of law. Within the scope of achieving the declared goal of scientific intelligence, specific tasks are set, which are inherently related to the definition of clear elements of the relationship between civil society and the rule of law in the context of the optimization of judicial power. For example, in this case, it is advisable to find out the principles of implementation of the system of checks and balances in ensuring the balance of social relations that affect the relationship between civil society and the rule of law. In addition, it is necessary to study and find out whether the state and civil society, within the limits of their mutual relations, have certain regulatory and control functions regarding the activities of the judiciary, etc.

METHODS

The proposed research reflects the use of a number of general scientific methods, including the analysis of the subject field of the scientific problem determined by the purpose of the article made it possible to determine the influential value of the judiciary, taking into account its ability to fully protect the violated rights of the individual and the interests of the state precisely within the framework of the legal field; with the help of synthesis, it was possible to combine a certain number of problematic dimensions of the subject of the article; description, comparison, explanation, hypothesis, refutation, generalization, systematization, and formality were also used in order to determine the administrative-legal dimension

of the subject of scientific intelligence, according to which the key feature of the court within the framework of the relationship between civil society and the rule of law is, above all, the independence of the court through the independence of judges.

RESULTS

Currently, the level of trust in the judiciary in Ukraine is extremely low and amounts to 10% [9]. And this indicator is decreasing (compared to the previous year, it decreased by 6%), so the work of judicial bodies is evaluated negatively. Despite the fact that today Ukraine is undergoing judicial reform, only 9% of respondents know about it at least at a basic level. Such negative phenomena as bribery (bribing judges) or lobbying of certain interests are common in Ukrainian courts, with which 64% of the population agrees. This figure is a kind of litmus test of the general level of distrust of the population in the government in general, and not only in its judicial branch. The data of this sociological study demonstrate the inefficient activity of the judiciary, the non-recognition of its authority by the population, and numerous problems existing in the field of the judiciary and judiciary, such as corruption, lobbying of certain interests, the low level of professionalism of judges, which resulted in a general distrust of the court as an institution. "In Ukraine, the lack of effective interaction between state authorities and public institutions is one of the key problems of public administration. Overcoming negative government phenomena, such as corruption, lobbying of the interests of financial and industrial groups, closedness, irresponsibility, unprofessionalism of government representatives, etc., as well as the level of trust in the government and the legitimacy of the latter, directly depends on its successful solution. Using the capabilities of civil society makes it possible to increase the effectiveness of management decisions and solving social problems" [1, p. 88]. In order to determine the main principles and directions for the further sustainable functioning of the justice system in Ukraine, the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021–2023 was approved [10]. This document defines a list of tasks, the solution of which will allow the judiciary in Ukraine to approach the best foreign and international judicial practices. These include: "outlining the range of problems related to legislation on the judiciary, the status of judges, the judiciary and institutions of justice; determination of directions for improving the provisions of the Constitution and laws of Ukraine, priority measures for the modernization of the judicial system, the status of judges, the judiciary and institutions of justice; ensuring the coordination and balance of the improvement process, taking into account the further harmonization of national legislation with the legislation of the European Union; increasing the effectiveness of the organization of the judiciary and justice institutions, strengthening the public's trust in them" [10]. In this case, the tasks concern both the improvement of the legislation, which directly affects the practical activity of judges, and organizational aspects in the activity of institutions of judicial power.

As we can see, the tasks concern both the improvement of the legislation, which directly affects the practical activity of judges, and organizational aspects in the activity of judicial institutions. To solve the outlined tasks, a number of measures aimed at improving access to justice were also proposed. So, for example, in order to improve the interaction between judicial bodies and society, it is proposed: "to expand the content of the annual report on the state of ensuring the independence of judges in Ukraine, which is prepared and published by the Supreme Council of Justice (report on the state of affairs, analysis of trends and challenges in the activities of judges and courts) ; introduce the practice of comprehensive discussion of the annual report on the state of ensuring the independence of judges in Ukraine through public consultations and discussions, improvement of measures for the further development of systematic proactive professional communication with associations of lawyers, the public and mass media, development of a comprehensive communication system; implement a systematic approach and effective communicative solutions to combat the spread of inaccurate information aimed at discrediting judges, including in social networks; develop and implement: – a synchronized and proactive communication strategy, active provision of objective, understandable information; – a mechanism for evaluating the work of the court by the participants in the judicial process, the use of other forms of surveys, the introduction of an electronic survey mechanism; – a single standard of court work quality; to shape the attitude of judges to the court as a socially responsible authority, to increase attention to the needs of the participants in the judicial process in order to improve access to justice and to promote people's perception of the court as a body that resolves disputes and protects rights and interests; to regulate at the legislative level the issue of support for participants in the legal process from among persons who have suffered from domestic or sexual violence, and persons who have become witnesses (eyewitnesses) of such violence; to implement special informational and psychological support measures for participants in the judicial process, including: – special psychological trainings for judges and court staff (conflict management, trauma psychology, stress resistance); – provision of user-friendly information about legal proceedings, rights and obligations of witnesses (information letters, special applications, delivery of relevant information together with subpoenas, video recordings, etc.); the opportunity to create a volunteer service to provide informational support to victims and witnesses" [10]. From the measures listed above, we can conclude that the interaction between the judicial branch of government and society is a

priority task for our state in this area, because it is one of the most effective ways to increase the level of trust in the court, when the average person is familiar with the situation around him at an elementary level ways and means of protecting their rights and freedoms in court and, most importantly, can freely use their right to appeal to the court for the restoration of violated rights or freedoms and be sure of rendering an impartial legal decision and its effective implementation.

The interaction of society and the state is not only about solving problems but also the process of their convergence, unification, and departure from the perception of the state as a controlling body that establishes certain frameworks and restrictions for society in general and an individual in particular; it brings us closer to the understanding of the state as an entity that aims to protect a person through the harmonization of social relations. In the end, "... the analysis of the definitions of interaction used in the administrative-legal theory makes it possible to distinguish the following features of it: the activity of implementing joint tasks, which is performed within the limits of the powers defined by regulatory and legal acts, is based on the principle of legality, which requires the use of clearly established methods and forms; this activity requires the involvement of a significant number of subjects endowed with a wide range of powers; the subjects of interaction constantly influence each other, as a result of this influence, effective management decisions arise in accordance with the solution of the set tasks; the interaction of subjects is carried out within the limits of competence defined by the legislator, as a result of which the content and essence, the scope of such interaction is manifested and characterized; coherence, harmony and consistency are integral characteristics of the interaction of subjects of law enforcement agencies; the purpose, goal and result are the main drivers of the interaction of law enforcement agencies, which is much broader and more complex than the limits, purpose and purpose of the activity of one body, which is a motivational impetus for joint activities to implement the functions of the state; the moving feature of this activity is the initiative of one of the parties of the subjects of interaction; subjects of interaction have an independent, Scientific Bulletin of the Uzhhorod National University, 2022 285 equal nature of relations based on partnership relations, which are broken in case of solving the set task to achieve the set goal; has a programmed and ordered character" [11, p. 153]. On the basis of the above, we can characterize the interaction of the state and civil society as an equal multi-subject activity, which is carried out within the limits and forms determined by law, with the aim of solving specific problems arising in the process of their (state and civil society) development. "In Ukraine, the lack of effective interaction between state authorities and public institutions is one of the key problems of public administration. Overcoming negative government phenomena, such as corruption, lobbying of the interests of financial and industrial groups, closedness, irresponsibility, unprofessionalism of government representatives, etc., and, accordingly, the level of trust in the government and the legitimacy of the latter, directly depends on its successful solution. In turn, the use of opportunities of civil society makes it possible to increase the effectiveness of management decisions and solving social problems" [1, p. 88]. Today, one of the priority directions for Ukraine is the construction of a legal state and civil society. On this path, there are still many problems and obstacles, among which problems related to the activities of the judicial branch occupy a prominent place. Despite the judicial reform, for Ukrainians, the court has not yet become an institution that acts exclusively in the interests of justice within the limits defined by law. Numerous sociological studies, despite certain positive developments, still record a low level of public trust in the court. Today in Ukraine, the level of trust in the judiciary is only 10% [9]. That is why the interaction of the state and civil society in the process of evaluating the judicial power is relevant today, primarily to achieve the goal of justice - justice. The interaction of the state and civil society in the process of evaluating judicial power can be considered as a system that performs certain functions in order to achieve its goal, characterized by the presence of interconnected elements, and clearly defined forms of interaction. In order to characterize the interaction between the state and civil society in the process of evaluating the judiciary as fully as possible, we consider it necessary to single out the following structural elements: subjects of interaction; object of interaction; forms of interaction; changes caused by the interaction of subjects.

The judicial power should not only de jure be recognized as independent, but also de facto be so, since human rights are often violated by state representatives - government officials; to protect a person from the arbitrariness of the state, that is, to consider the cases of a person against the state and make an impartial decision purely in accordance with the law [12, p. 285–286]. And the court, which obeys the state, lobbies the interests of representatives of the authorities, and not the law, will not be able to make such a decision.

The process of interaction between the judiciary and civil society constitutes communication, the purpose of which is to ensure the openness, transparency, and accessibility of the court for the average person. Such communication, in our opinion, should be based on certain principles and take place in certain forms. In scientific literature, a principle is understood as a certain ascending principle, according to which the signs of a concept or phenomenon are formed, and all subsequent processes related to it take place. In our opinion, the interaction between the judiciary and civil society should be based on the principles inherent to both the judiciary and civil society, which we tentatively divided into three groups: 1) philosophical: – humanism – one of the main principles of interaction, communication between people in general and

between man and power in particular. Because of this principle, communication becomes possible in the "people-power" system, where a person is recognized as a value for the state. A person recognizes authority over himself, and obeys its legal requirements, and the state assumes the duty to protect a person; - equality – a principle that provides that all people have the same rights and freedoms regardless of certain characteristics (gender, race, age, income level, etc.). This principle provides equal "starting" opportunities for everyone, and the person himself decides how to use them; – justice – the principle that determines the adequate assessment of human actions. Thus, in the case of the judiciary, the severity of the punishment imposed on a person should be commensurate with the severity of the offense he committed. Under such conditions, the court's decision will be fair; – democratic – the principle thanks to which a person gets the opportunity to influence the activities of the state, the execution of their powers by the branches of government through the legal mechanisms provided for in the legislation; 2) actual legal principles of interaction: – the rule of law – a principle that provides for compliance with the requirements of the law both by a person and by a court. All activities must take place within the legal field, without allowing legal inaccuracies in the interpretation of normative legal acts, as well as in the fulfillment of requirements; – legality – a principle consisting of the clear determination of legal norms. For example, the imposition of certain requirements on a person should have clearly defined boundaries in order to further avoid ambiguities and inaccuracies in their interpretation. Due to the observance of this principle, the execution of court decisions will become more effective; - accessibility of the court - a principle that can be interpreted as the formation of such an environment in which everyone will be able to apply to the court for the restoration of their violated right, and the rendered decision will be legal and justified; - transparency - a principle that guarantees the possibility of obtaining, processing and further dissemination of information about the work of the judiciary in general or its individual aspects. This is a kind of access to information about court activities. "Transparency of the judicial power involves the openness and availability of information about the judicial power in general, about individual courts and individual judges, bodies of judicial self-government, and bodies that participate in the formation of the judicial branch of power. This includes the availability of information about the legal status of courts and judges (for example, the rights and duties of a judge, the procedure for bringing to responsibility), information defined by law about a specific judge (property status, the fact of being brought to disciplinary responsibility, etc.) or a court case (for example, time and the place of consideration of a specific case, the composition of the court, etc.)" [2, p. 41]. 3) social principles of interaction: – social partnership – a principle that involves mutual responsibility of the parties. The judiciary is responsible to society for the quality of its work, and society is responsible for the population's readiness for constructive dialogue in order to jointly develop mechanisms for solving controversial issues; - accountability of the people's government. The people elect the government, delegating certain rights to it, and the government undertakes to act in the interests of the people.

According to the simplest definition, the subject of interaction is a participant in certain relations who is endowed with rights and obligations. "Administrative activity is the purposeful practical activity of authorized participants in social processes regarding the ordering and coordination of social systems and processes with the use of means, methods, and methods characteristic of power activity" [13, p. 43]. The state acts as a participant in the interaction through its bodies and their officials, who are endowed with rights and duties in a specific area. This is how administrative activities are conducted. The second subject of interaction is civil society, through public institutions (public organizations, legal entities, and individuals interested in specific issues), the purpose of which is aimed at protecting the rights, freedoms, and legitimate interests of people and citizens, interacting with state authorities for evaluating the activities of the judiciary. Together, these participants form the concept of the subject of interaction in the process of evaluating the judiciary. That is, these are the subjects who, in accordance with the law, are endowed with certain rights and a set of duties that determine the direction of their joint activities with the aim of evaluating the judiciary, making certain proposals and their implementation in order to improve the effectiveness of the judiciary in Ukraine. In the theory of science, an object is considered to be something for the sake of which certain actions are performed. For legal sciences, the object is that for which legal relations arise. In our case, the object of interaction between the state and civil society in the process of evaluating judicial power is social relations, needs, and interests, which are carried out within the framework of governmental activity and must be regulated accordingly. We can claim that the object of interaction between the state and civil society in the process of evaluating judicial power has a three-member structure: man, citizen, society, and state. As noted by V. Fathutdinov, "subjective right, legal obligation, and legitimate interest are objects of legal protection" [4, p. 131]. That is, the object of this system is the set of rights, obligations, and legal interests of a person and a citizen and the processes related to their provision by applying to court. In principle, "... The interaction of authorities with institutions of civil society acts as a significant factor in the democratization of the state and is an integral element of a legal democratic state in which the relevant rights have a real, not a declared, nature. The participation of civil society in the political and legal life of the country should ensure the effectiveness of administrative decision-making, as well as contribute to the formation of a legal system based on the value determination of the rights and freedoms of a person, a citizen and the protection of their legitimate interests" [5, p. 142]. Another element that we singled out are forms of interaction between the state and civil

society. "Forms of interaction between public authorities and institutions of civil society, clearly established at the level of legislation, are a necessary condition for their transparent and effective activity. The experience of the leading democratic states shows that the level of interaction between the public authorities and the public sector directly affects the quality and timeliness of the implementation of the functions of the public authorities" [14, p. 145]. The main forms of interaction between the state and civil society in the process of evaluating the judiciary are: 1) creation and functioning of coordination bodies. The creation and functioning of coordinating bodies make it possible in a certain way to coordinate actions aimed at identifying and overcoming crisis phenomena in the field of the judicial system and the administration of justice, allowing to involve highly qualified specialists in solving certain problems in a specific field of activity of the judiciary; 2) joint development and subsequent adoption of specific decisions aimed at eliminating negative phenomena occurring in the activities of the judiciary. In the process of judicial activity, despite its clear regulation, there are many problems that require immediate resolution. Decisions made jointly by the state and civil society will be more balanced and practically oriented, as mutual interests will be taken into account; 3) implementation of the adopted provisions in the practical activity of the judiciary. All provisions that have been approved regarding the evaluation of the judiciary and its improvement should not only be declarative in nature but should also be implemented in practice. After all, the complete solution of problematic issues allows to avoid their reappearance in the future; 4) public control over the activities of the judiciary. Since the branches of government in Ukraine are independent of each other, in order to avoid possible arbitrariness, independent control over their activities is necessary. This will allow not only to avoid the arbitrariness of the authorities but also to identify and effectively eliminate existing problems, democratize the industry, and ensure unconditional compliance with the principle of the rule of law.

In general, the principles of interaction between judicial authorities and civil society institutions in Ukraine have not yet found their normative consolidation, which, of course, has a negative effect on the effectiveness of the judicial system in Ukraine, on the relations of judicial bodies and judges with subjects of civil society, on the implementation of judicial reform. In view of this, it is necessary to record such principles in the current, as well as in the future framework normative acts, which relate to the reform of the judiciary [3, p. 74–75]. Another important aspect of the process of interaction between the judiciary and civil society is the form of such interaction. The form of interaction is an external expression of processes aimed at the mutual activity of two parties with the aim of achieving the set goal. Given the topic of our research, the interaction of the judiciary and civil society should take place in order to achieve such a goal as the rule of law and ensure the independence of judges. These two problems are almost the biggest for the domestic judicial system, because neither the high level of judges' salaries nor the legislative and social guarantees of judges' activities could help solve them [15, c. 84–85]. That is why today this task is redirected to civil society, which has not yet fully formed in Ukraine. Therefore, based on the analysis of a number of scientific studies of Ukrainian and foreign scientists [16, p. 1–35; 17; 18, p. 1344–1384; 19, p. 56–69; 20, p. 213–217; 21; 22, p. 16–20; 23, p. 724–737; 24, p. 42–46], related to the topic of our article, we determined the most optimal forms of such interaction: 1) conducting joint consultations on issues that are relevant to society. This form of interaction makes it possible to develop mechanisms for solving topical issues that will suit both sides of the dialogue, which will significantly speed up their implementation and acceptance and approval in society; 2) court reporting to the public. It is carried out for the purpose of informing the public about the activities of the court, taking into account statistical and analytical data; getting acquainted with the list of specific measures taken to improve the efficiency of the court. It is expedient to post such reports in various mass media so that as many people as possible can get acquainted with them; 3) responding to requests for public information. According to current legislation, everyone has the right to access information that is public. The provision of answers to such requests regarding the court's activities must be made in accordance with the requirements of the law, characterized by the completeness and accessibility of the statement; 4) public control over court activities.

DISCUSSION

Despite the fact that there is an opinion among both Ukrainian and foreign researchers, according to which they propose to recognize civil control as a certain compromise between the state and civil society in matters of the organization of judicial power and the administration of justice. There is also an opinion that through the organization of the judicial corps and the participation of its representatives, society should also influence the administration of justice, etc. We are prone to the following. Since the branches of government in Ukraine are independent of each other, in order to avoid possible arbitrariness, independent control over their activities is necessary. This will allow not only to avoid the arbitrariness of the authorities but also to identify and effectively eliminate existing problems, democratize the industry, and ensure unconditional compliance with the principle of the rule of law. The result of the interaction of the state and society in the field of judicial evaluation was the adoption of the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021–2023, which defines the priority tasks, the solution of which will allow the domestic judicial system to approach

the best international judicial practices. Such tasks are the following: outlining the range of problems in the legislation on the judiciary, the status of judges, the judiciary, and institutions of justice; determination of directions for improving the provisions of the Constitution and laws of Ukraine, priority measures for the modernization of the judicial system, the status of judges, the judiciary and institutions of justice; ensuring the coordination and balance of the improvement process, taking into account the further harmonization of national legislation with the legislation of the European Union; increasing the effectiveness of the organization of the judiciary and justice institutions, strengthening trust in them, etc. [25].

CONCLUSIONS

Thanks to the interaction of the state and civil society in the process of evaluating the judiciary, it becomes possible to: identify problematic issues in the activities of the judiciary and related negative phenomena in the development of the judicial system in Ukraine; assess the risks that may occur if certain problems in this area are not resolved; agree on a way of responding to problematic aspects that will be as effective as possible in each specific situation; to promote law-making activities; to carry out constant monitoring of the degree and effectiveness of the implementation of state policy in the field of justice in general and its individual aspects in particular; to carry out educational activities among the population with the aim of informing about the activities of the judiciary, certain innovations in this sphere of civil society and the state. At most, given the purpose of the scientific article and the tasks provided by it, the principles of implementation of the system of checks and balances in ensuring the balance of social relations affecting the relationship between civil society and the rule of law were clearly clarified. Also, based on the purpose of the article, the presence of the state and civil society, within their mutual relations, certain regulatory and control functions regarding the activities of the judiciary were investigated. In addition, it is worth noting that the principles and forms of interaction between the judiciary and civil society make it possible to increase the effectiveness of court work through the establishment of the principle of the rule of law and assistance in ensuring the independence of judges. The other side of such interaction is to increase the level of legal awareness and legal culture of the population, which will positively affect the formation of a legal state in Ukraine. Ultimately, these principles and forms should be enshrined in legislation and have a clear implementation mechanism developed, because this will not only contribute to the establishment of a constructive dialogue between the judiciary and civil society, but also contribute to the establishment of the principle of the rule of law (provided that the participants of such interaction act purely within the legal field) and will guarantee judges non-interference in their professional activities and, accordingly, their independence. In the context of the conclusions to the scientific article, it is advisable to propose further research into the openness of the justice process, and accessibility to court decisions as an important condition for accessibility to the rule of law, and the social significance of judicial power, and the significance of public control over it in the relationship between civil society and the judiciary activity as a type of social control, etc.

ADDITIONAL INFORMATION

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ПРАВОВІ МЕЖІ СУСПІЛЬНИХ ВІДНОСИН МІЖ ГРОМАДЯНСЬКИМ СУСПІЛЬСТВОМ ТА ОРГАНАМИ СУДОВОЇ ВЛАДИ

Оцінювальна процедура діяльності судової влади в сучасних умовах взаємовідносин між громадянським суспільством та правовою державою посідає ключове місце, адже сучасні умови формування таких взаємовідносин акцентують увагу саме на боротьбі за верховенство права й незалежність суддів. У межах дослідження з'ясовано, що взаємовідносини між громадянським суспільством і правовою державою імплементують утверджену систему стримувань і противаг у забезпечення балансу суспільних відносин (у тому числі й визнання правомірної поведінки як усвідомленої необхідності) загалом і захисту особи від свавілля органів влади зокрема. Відтак у цьому контексті впливове значення судової влади, зважаючи на її змогу повноцінно захистити порушені права особи й інтереси держави саме в рамках правового поля. Водночас необхідно констатувати й наявність у держави та громадянського суспільства в межах їхніх взаємовідносин певних регулятивних і контрольних функцій щодо діяльності судової влади. У такому разі взаємовідносини між державою й громадянським суспільством у рамках здійснення оцінювальної процедури діяльності судової влади доцільно трактувати як систему, що виконує конкретні функції для того, щоб охарактеризувати наявність взаємопов'язаних між собою елементів із чітко визначеними формами взаємовідносин. Ба більше, ці взаємовідносини містять низку конкретних елементів, зокрема такі: суб'єкти взаємодії, об'єкт взаємодії, взаємні зв'язки між суб'єктами; зміни, викликані взаємодією суб'єктів. Обґрунтовано, що ключовою особливістю суду в межах взаємовідносин між громадянським суспільством і правовою державою є передовсім незалежність суду через незалежність суддів. Запропоноване визначення поняття «незалежний суддя»: це висококваліфікований фахівець, який практично діє виключно на засадах закону, ухвалюючи неупереджені правові рішення, покладаючись на вимоги нормативно-правових актів, незважаючи на можливу вигоду для себе. Своєю чергою, взаємовідносини між громадянським суспільством та органами судової влади впливають безпосередньо на підвищення ефективності роботи суду через утвердження принципу верховенства права, сприяння забезпеченню незалежності суддів з одного боку та підвищенню рівня правосвідомості й правової культури населення – з іншого боку.

Ключові слова: право, правова держава, судова влада, суспільні відносини, громадянське суспільство

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