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## **ADMINISTRATION OF JUSTICE BY A JUDGE: ETHICAL PRINCIPLES**

**Introduction.** Modern life has rapid progress in various public spheres and our country is now at a decisive stage in its development. Society has high demands for the integrity and effective performance of all government institutions. This places

great responsibility on the judicial system, namely, on judges as main guardians of rights and freedoms, and the last hope for those seeking justice. Judges are always in the spotlight, both while rendering justice on the bench, and all concerns related to their actions and domestic behaviour are assessed by society. Therefore, judges must at all times demonstrate impeccable behaviour and act as “role models” to promote public confidence in the entire judicial system.

**Review of recent publications.** Among others, the following scientists and practitioners have studied in their works the ethical behaviour of members of the judicial branch of government: M.S. Kelman, Z.Y. Kovalchuk, V.O. Lozovoi, O.O. Ovsianikova, O.V. Petryshyn, N.O. Tkachova etc.

**Objectives of the paper** are to study the professional ethics of judges and the judicial system in general, find solutions and make recommendations on this issue.

**Results of the research.** From the Antiquity, it was obvious that one should demonstrate special qualities to be a judge. Aristotle stated that only citizens aged 30 and above can hold the position of a judge, provided they have no public debts and are not deprived of their civil rights. And in the days of Solon, judges were known as “those with the memory of justice” or “those who settle disputes”. Professional activity of judges refers to a set of professions with increased social responsibility: protection of social ideals, constant penetration into the nature of peoples’ social problems, personal insecurity and other moral and psychological factors [1: 6].

When we analyze the origin of judicial ethics’ concept it should be noted that it’s a kind of professional ethics, one of the branches of ethical science, the science of morality. Ethical standards are a system of ideas and narratives of proper and improper behaviour, that require certain actions and forbid others. Ethical requirements applying to judges’ behaviour are specified in the Code of Professional Judicial Ethics and form a set of moral rules for judicial conduct, by which judges’ actions can be evaluated in terms of fairness, diligence, dignity, humanity, etc. [2].

Judicial ethics should be understood as a certain system of basic principles regulating judges’ conduct during court proceedings, on and off the bench, which are established, taking into account the specifics of a judge’s professional activities and intended to support judicial standards, operate objectively and independently to increase the significance of available legal norms and rules of judges’ conduct [3: 196].

To strengthen public trust and improve the professional level of the judicial branch of the Ukrainian government, a judge is obliged to act following the rule of law and observe high moral standards of conduct. Also, judges must possess certain moral qualities, namely: honesty, morality, impartiality and neutrality, objectivity, fairness, tolerance, justice, wisdom, respect.

Ukraine has developed and operates the Code of Judicial Ethics, approved by the XI regular Congress of Judges on February 22, 2013. The Code of Judicial Ethics ensures conformity with international standards on judicial conduct, promoting greater judicial accountability, and is an important step in increasing public confidence in Ukraine’s judiciary. The Code addresses more such critical issues as judge’s conduct regulation while administering justice, ex parte communication, the

financial interests of a judge or family members, recusal, interaction with the media, and conduct outside the courtroom. Ethical provisions of the Code play a twofold role: first, they allow judges to evaluate their actions both while administration of justice and off the bench, check such actions with the requirements imposed by the high prestige of their profession, and second, they should serve as a unified criteria system for evaluation of various aspects of judges' conduct by authorized bodies in case of an appeal against judge's actions for breach of Oath [4: 107].

It is worth noting that the opinion on justice is formed when a person comes to a court and the following demonstrates his/her respect for the parties of the court proceedings: politeness, decency, and high moral qualities. Judges' conduct during court proceedings is extremely important: reasonableness, preparedness and performance of legal proceedings to the extent specified by law.

As for judges' conduct during court proceedings, under the Code of Judicial Ethics [5] a judge shall discharge his/her official duties independently and be governed only by the facts established by way of his/her assessment of evidence, based on his/her understanding of the law, and rule of law which is a guaranty of a fair trial, regardless of any external influences, stimuli, threats, interferences or public criticism. In rendering justice, a judge shall avoid showing any signs of disrespect to a person based on race, sex, nationality, political views, social and economic status, disability, etc. and should not allow others to do this. A judge shall demonstrate respect to the right to information about court proceedings and should not allow violations of the principle of openness of court proceedings. And in our progressive today, it should be acceptable for a judge to use various forms of online communication to the extent it does not undermine the authority of the judiciary.

**Conclusion.** Today judges need to comprehend the ethical standards of his/her conduct both on and off the bench, as the judge's professionalism builds trust in the judicial branch of government. A judge should, therefore, remain true to his/her professional competence and place public interests above his/her own to achieve the implicit power of the judiciary.

Judges' awareness of the importance of high ethical standards of conduct is a way for maintaining the trust of each citizen and the whole society in the judicial system, specific court and particular judge.

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## **REASONS AND ATTITUDE TOWARDS THE EXISTENCE OF CORRUPTION IN UKRAINE**

**Introduction.** Corruption is a negative social phenomenon and the source of economic, political and social risks born by Ukrainian society. Notably, the damaging effect of corruption manifests itself in the decline of the prestige and credibility of the authority on all levels, destruction of moral pillars of society, the merger of the corrupt public officials with criminal shadow circles, and the threat of the development of pseudo civilian relations. The effect of the social aspects of corruption is evident in the political, economic, cultural and other areas of activity of the Ukrainian society, and its scale has reached almost a critical extent. The currently observed impact of corruption on the administrative and social environment of civil