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JUDICIAL REFORM: ACHIEVEMENTS AND OMISSIONS

Recent years have brought many shocks that make it impossible to preserve academic detachment when analyzing the cruel events of reality. However, classification of the changes which are happening and happened in the sphere of constitutional law helps us to meet them with open eyes and understanding [1, p. 9]. Nowadays the issue of rights and freedoms of human and citizen is the main problem of domestic and foreign policy of the states in the world community [2, p. 85].

With Ukraine's independence, the country also had achieved problems with the judiciary system. The presumption of innocence and other key rights and guarantees existed largely on paper, and the courts became centre of corruption. Therefore, the state was faced with the task of establishing the rule of law, solving problems and reforming the judiciary system, and we propose to analyze what results have been achieved.

According to sociological research, in particular the Global Corruption Barometer from Transparency International and the Gallup International Association, Ukrainians consider the judiciary to be the most corrupt sphere (66%) [3, p. 225].

One of the important points of the reform was the modernization of procedural codes, where the most prominent are returns to the judicial system, which consists of three links, and the presence of procedural filters when appealing decisions to higher authorities. In general, the ideas are interesting, but in practice nothing has changed. Sometimes there are cases when judges open cassation proceedings, and then 2 years can't assign the case for consideration. Also, as a result of the reform, the High Council of Justice was renamed and remained the highest body in the judicial system. However, most of the problems did not disappear: low levels of trust in the population and the legal community, accusations of politically motivated decisions, reprimands for non-transparent selection of council members, conflicts and power struggles with other bodies in the system and even sabotage of reforms [4].

However, it should be remembered that the High Council of Justice and the High Qualifications Commission are responsible for filling courts with quality staff, conducting competitions, evaluating judges, which enables the application of the rule of law, and special anti-corruption bodies detect and prevent corruption in the justice system.

In the process of reform, the Supreme Court and specialized courts were established: the High Anti-Corruption Court and the High Intellectual Property Court.

It is important to highlight one of the problems that has arisen, this is the existence of two legal entities: the Supreme Court of Ukraine and the Supreme Court. According to the decision of the Constitutional Court of Ukraine, neither the Supreme Court of Ukraine nor the Supreme Court can be liquidated. People's deputies have to deal with this legal conflict and harmonize the legislation with the decision of the Constitutional Court of Ukraine [5].

The Supreme Anti-Corruption Court was established at the suggestion of civil society and with the support of international partners. Independent international experts were involved in the process and formed a Public Council of International Experts. Their interest was in the desire to create transparent conditions for doing business in our country, reducing the number of aid loans and to be sure in their investments. This made the competition much more objective, effective and fair. As a result, due to implementation of protection of justice, an independent Supreme Anti-Corruption Court was formed and began its work in September 2019 [6].

It should be noted that the Supreme Court of Intellectual Property will hear cases concerning rights to inventions, utility models, industrial designs, trademarks, trade names and copyright. Its creation is critical to enhancing Ukraine's investment attractiveness.

There is a need to point out importance of the e-court system, which allows you to use a number of court services directly from a smartphone or computer. We hope that this service will be publicly available for use. Because e-justice is really an urgent and clearly necessary reform that can greatly simplify the work of courts and their visitors.

A positive change in recent times is the video conferencing from court that has become a bit more active, with the opportunity to participate in court hearings outside the court and using one's own means of communication. Therefore, due to the pandemic, we can observe the introduction of electronic services in the courts.

Summarizing the above mentioned, we shouldn't consider what has been done only in a negative light, because it is a complex process that takes more time than envisaged by the reform strategy. It should be remembered that a significant stage has been passed and it is necessary to continue the started projects, work on mistakes, involve the support of public experts and international partners for the development of justice in Ukraine.

Literature

1. Yevsieiev O., Tolkachova I. Politicization of constitutional relationships in the contemporary period in Ukraine. *Russian Law Journal*. 2018. № 6 (4). P. 8-36. URL:

<https://doi.org/10.17589/2309-8678-2018-6-4-8-36>.

2. Tolkachova I., Pushchuk I. Role of the European Court of Human Rights in ensuring of rights protection of the citizens of Ukraine. *Наукові праці Національного авіаційного університету. Серія: Юридичний вісник «Повітряне і космічне право»* № 4 (45). 2017. С. 85-90.

3. Толкачова І.А., Колесник К.А. Особливості реформування судової системи в Україні. *Безпека людини в умовах глобалізації: сучасні правові парадигми*: Матеріали VII Міжнар. наук.-практ. конф., м. Київ, Національний авіаційний університет, 24 лют. 2017 р. Том 1. Тернопіль: Вектор, 2017. С. 225-227.

4. Головацький О. Судові реформи в Україні: аналіз результатів та очікування. URL: <https://jur-gazeta.com/publications/practice/sudova-praktika/sudovi-reformi-v-ukrayini-analiz-rezultativ-ta-ochikuvannya.html>.

5. Козлюк С. Два Верховні Суди. URL: <https://tyzhden.ua/Politics/240956>.

6. Судова реформа в Україні: що змінилось за три роки? URL: <https://dejure.foundation/library/sudova-reforma-v-ukraini-scho-zminylos-za-try-roky>.

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КОСМІЧНА БЕЗПЕКА: ПОНЯТТЯ ТА ЗАГАЛЬНА ХАРАКТЕРИСТИКА МІЖНАРОДНО-ПРАВОВОГО РЕЖИМУ

Космічна безпека є видовим поняттям стосовно загального поняття «міжнародна безпека», і тому слід провести аналіз відповідних концептуальних рядів, від загального до спеціального. У міжнародно-правовому контексті зазвичай під безпекою розуміють стан захищеності інтересів держави, групи держав або міжнародного співтовариства від зовнішніх та внутрішніх загроз. Існують два типи міжнародної безпеки: універсальну та регіональну, обидва з яких належать до колективної безпеки. Завдяки властивостям безпеки дослідження та використання космосу (встановлюється для космосу загалом із прямим впливом на космос) є доцільним вважати її частиною загальної безпеки [1].

Більш складний взаємозв'язок можна простежити між «безпекою космічної діяльності» та «безпекою космосу», які лише частково перетинаються внаслідок антропогенних (людських) факторів, небезпечного впливу на космос, охоплює його безпеку від суто природних впливів. В той же час, «безпека космічної діяльності», не обмежується