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### **LEGAL UNCERTAINTY OF THE PROCEDURE OF INTERRUPTION (POSTPONEMENT) OF QUALIFICATION EVALUATION OF A JUDGE AS A FACTOR OF NON-TRANSPARENCY OF SUCH EVALUATION**

Research article examines the legal uncertainty of the procedure for an interruption (postponement) of a judge's qualification assessment as a factor of non-transparency of such assessment. An analysis of the legal regulation of the procedure for interruption (postponement) of the examination in the qualification assessment of judges, based on the seriousness of the reasons that arose during the exam, determining compliance with the principles of legal certainty and transparency of the qualification assessment of judges.

It is noted that the Regulations of the High Qualification Commission of Judges of Ukraine, approved by the decision of the High Qualification Commission of Judges of Ukraine dated 27.01.2011 No 149/4-Zp, Regulations on the Procedure and Methodology of Qualification Assessment, Indicators of Compliance with qualification assessment criteria and means of their establishment of the Qualification Commission of Judges of Ukraine 03.11.2016 No 143 / ЗП-16 and the Procedure for conducting the examination and the method of establishing its results in the qualification assessment procedure, approved by the decision of the High Qualification Commission of Judges of Ukraine dated 04.11.2016 No 144 / ЗП-16 do not contain the provisions on interruption (postponement) of the examination, on the grounds of seriousness of the reasons that arose during the examination (state of health). At the same time, paragraph 4.3. Section IV, sub-clause 4.4.3. paragraph 4.4. Section IV, paragraph 2 of sub-clause 4.5.1. paragraph 4.5. Section IV of the Regulations of the HQCJ and paragraph 13 of Section III of Regulation No 143 / ЗП-16 regulate the interruption of the qualification assessment, which is associated exclusively with the absence of a person for the qualification assessment, and the reasons for such absence may be valid and disrespectful.

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It is emphasized that the seriousness of the reasons is an evaluative concept, which is vaguely defined in the legislation, in connection with which it is determined by the HQCJ (law enforcement body) in each case on the basis of independent subjective evaluation and further application of the evaluation concept to public relations. That is, the determination of the validity of the reasons is associated with the discretion, the subjective assessment of the HQCJ and can be used to select potentially loyal candidates to the system and remove candidates from the competition with a focus on an independence and change of the existing system.

The participant in the qualification assessment, namely the judge or the candidate for the position of a judge, does not have the opportunity to clearly understand the consequences of this or that fact, he is deprived of the right to legitimate expectations as to why he has the right to postpone the qualifying examination.

The lack of a general definition of the seriousness of the reasons for non-appearance as a key feature in resolving the issue of HQCJ on interruption of qualification assessment is, on the one hand, too wide discretion of HQCJ, and on the other hand, undermines such an important characteristic of which notes its predictability, clarity, and therefore, it can be stated that the procedure of interruption (postponement) of the qualification assessment of a judge cannot be considered to be transparent and defined in legal norms.

**Keywords:** judge, qualification assessment, procedures of interruption (postponement) of qualification assessment of a judge, criteria of qualification assessment.

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