

МЕНЕДЖМЕНТ

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Associate Professor**METHODICAL APPROACHES TO BALANCED
ADMINISTRATION IN ORGANS
OF PUBLIC AUTHORITIES**

Urgency of the research. Promoting the quality of justice is one of the principles of the implementation of the strategy for the reform of the judicial system of Ukraine.

Target setting. Application of model indicators in the activity of the courts needs improvement of methodological approaches of their determination and approbation.

Actual scientific researches and issues analysis. The question of the improvement of the judicial administration dedicated to the research of leading scientists, including Velichko O., Glushchenko S. V., Kvasnevskaya N. D., Nazarov I. V., Obrusna S. Y., Peter G. Solomon, Serdyuk O. V., Tobin R., Yankovskaya T. and others.

Uninvestigated parts of general matters defining. Features of the reorganisation of the judicial activity at each stage of the development of society in need of improvement of methodological approaches to the justification of model indicators to optimise the judicial administration as an essential function of public governance, which affects the quality of justice.

The research objective. The purpose of the study is to improve methodical approaches to defining model indicators of the judicial administration.

The statement of basic materials. Recommendations for the improvement of methodical approaches to the justification of model indicators are proposed, and also bringing them in line with international standards are suggested.

Conclusions. Solving the problems of reforming the judicial system of Ukraine will contribute to the optimization of the legal authority in indicators of the model caseload and on their basis balance of judicial administration.

Keywords: administration; court management; balancing judicial administration; basic and model caseload indicators.

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Urgency of the research. Promoting the quality of the solution of court disputes is one of the principles of implementing the strategy of reforming the judiciary, litigation and related legal institutions at 2015-2020 (further – Strategy) [1-3]. The application of this principle in a practical plane requires the installation of the range of problems and their causes, which need to be resolved by reforming the judiciary, litigation and related legal institutions to enhance the degree of confidence society to the organs of the judiciary.

Target setting. Change management in the process of reforming the judiciary has shown that the implementation of the Strategy requires improving the methodological approaches to the definition of the model indicators for judicial administration.

Actual scientific researches and issues analysis. Issues related to the improvement of judicial administration, the increase of the efficiency of the courts and the professionalization of the staff of the courts are devoted to the scientific work of leading domestic and foreign scientists, among them are Glushchenko S. V., Kvashnevskaya N. D., Nazarov I. V., Obrusna S. Y., Solomon P. G. [4], Tobin R. [5] and others.

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доцент**МЕТОДИЧНІ ПІДХОДИ ДО
ЗБАЛАНСОВАНОГО АДМІНІСТРУВАННЯ
В ОРГАНАХ ПУБЛІЧНОЇ ВЛАДИ**

Актуальність теми дослідження. Сприяння підвищенню якості правосуддя є одним з принципів реалізації стратегії реформування судової системи України.

Постановка проблеми. Застосування модельних показників у діяльності судів потребує удосконалення методичних підходів їх визначення та апробації.

Аналіз останніх досліджень і публікацій. Питанням вдосконалення судового адміністрування присвячені наукові роботи провідних вчених, серед яких є Величко О., Глущенко С. В., Квасневська Н. Д., Назаров І. В., Обрусна С. Ю., Пітер Г. Соломон, Сердюк О. В., Тобін Р., Янковська Т. та інші.

Виділення недосліджених частин загальної проблеми. Особливості реорганізації судової діяльності на кожному етапі розвитку суспільства потребують удосконалення методичних підходів до обґрунтування модельних показників з оптимізації судового адміністрування як найбільш важливої цільової функції публічного управління, яка реально впливає на якість судочинства.

Постановка завдання. Метою дослідження є удосконалення методичних підходів щодо визначення модельних показників судового адміністрування.

Виклад основного матеріалу. Запропоновані рекомендації з удосконалення методичних підходів до обґрунтування модельних показників та приведення їх у відповідність до міжнародних стандартів.

Висновки. Розв'язанню проблем з реформування судової системи України сприятиме оптимізації судового адміністрування за показниками модельного навантаження та на їх основі збалансування судового адміністрування.

Ключові слова: адміністрування; збалансування судового адміністрування; базові та модельні показники навантаження.

МЕНЕДЖМЕНТ

Uninvestigated parts of general matters defining. Features of judicial reorganisation at each stage of society development require the improvement of methodological approaches to the calculation of model indicators for optimization of judicial administration as the most important target function of public administration, which really affects the quality of legal proceedings.

The research objective. The aim of the study is to improve the methodological approaches to determining the model indicators of judicial administration.

The statement of basic materials. According to articles 124 and 131 of the Law of Ukraine "On the Judiciary and Status of Judges", the Regulation on the Council of Judges of Ukraine (CJU), the CJU Decision № 46 of June 9, 2016 [2; 3], approbation of the functional survey and methodological approaches to the definition of model indicators of the activity of specialized courts was carried out on the basis of the analysis of the Economic Court of Chernihiv Region (ECCR). In accordance with [2], all indicators of litigation are based on average (model) indicators through coefficients calculated on average (five years) data. The model is called the case, the consideration period of which is eight hours a day. Model indicators are legally established according to statistical surveys or averaged actually achieved by a certain specialization of the judicial institution indicators.

According to the Decision on the apparatus of the ECCR, the court apparatus performs functions of administering the work of the court; documentary and informational, technical, financial, personnel, material and technical support; Interacts with the State Judicial Administration of Ukraine and its territorial directorate in the Chernihiv region.

The object of the research is the process of judicial administration of the ECCR. In the context of judicial administration research, a link was found between the work of a judge and his subordinate judge who has his own management system, which results in a quick, productive response of the assistant to the task set by the judge, and the qualitative execution of it with minimum time expenditures [5-7]. There was a need for certain indicators of the efficiency of judicial administration, which is carried out by the judiciary apparatus. The basis of the analysis of the indicators of the efficiency of judicial administration was laid on three factors: 1) the structure of administration: the organizational work of a judge and his assistant, control of the judge for the execution of tasks within the competence of the assistant; 2) administrative management that regulates the relationship between a judge and an assistant judge; 3) the balance of competence and responsibility between the judge and the assistant judge, aimed at balancing the burden on the judge.

The results of the analysis of the process of court administration found that achieving a model indicators efficiency and effectiveness of the court it is possible by reducing the number of auxiliary functions of the administration that are currently must perform the Assistant judge or delegate such other employees of the apparatus of the court. Changes in the procedures of the judicial administration at the local level requires formalization and consolidation for assistant judges the main functions: drafting judicial decisions; study and analysis of judicial practice and statistics, systematizing legal positions, the accumulation of analytical materials and information-methodical activity of judges and judicial decisions; use of information technology in order to maximize professional potential assistants to the judges [6]. So, that is from the competence and performance of a judge Assistant depends on clear compliance with procedural deadlines when making judicial decisions and effective judicial administration.

Form the planning work of the court involves the number of activities/materials; the number of judges and employees of the apparatus, which are determined by the State Judicial Administration of Ukraine. Model (required) the number of staff of the court is calculated as the product between the number of judges and the coefficient 3.1 [3]. It should be noted that the number of judges is put in dependence on caseload forecast revenue Affairs/materials, the number of pending cases, which rendered judicial decision. The norm of loading of a judge, has been identified and recommended by the European Commission on the effectiveness of justice and approved by the Decision of the Council of judges of Ukraine from 09.06.2016 № 46 [3].

In order to analyze the required number of regular units of the employees of the apparatus ECCR formed the basic indicators of the activity of the court by means of automated systems "Office-management specialized court" (Tab. 1).

МЕНЕДЖМЕНТ

Table 1

Basic indicators of the Economic Court of Chernihiv Region for 2016

№	Indicator	Data for the reporting period	
I. Output data of the automated case management system			
I.1	The number of cases and materials that are pending at the beginning of the reporting period	283	
I.2	The number of cases and materials submitted for consideration during the reporting period	2888	
I.3	The number of pending cases and materials during the reporting period	2860	
I.4	The number of cases that are under consideration at the end of the reporting period	311	
I.5	The number of cases and materials that are pending for more than one year at the end of the reporting period	52	
I.6	The actual number of judges	18	
II. Basic indicators			
II.1	The number and percentage of cases and materials, the general term for passing, which lasts more than one year	52	16,7%
II.2	Percentage of review the cases	99,0%	
II.3	The average number of examined cases and materials on one judge	159	
II.4	The average number of cases and materials that were reviewed in the reporting period in calculation of the one single judge	176	
II.5	The average length of consideration of the case (days)	66	
II.6	Level of satisfaction with the work of the Court of trial participants, according to the results of the survey. Unified scale from 1 (very bad) to 5	4,39	
II.7	The percentage of citizens evaluate the work of the court: "good" (4) and "excellent" (5)	92,4	

Source: compiled on the basis of the data: http://cn.arbitr.gov.ua/userfiles/file/_GSCO/Basic%20performance%20of%20the%20court/bp_2016.pdf – as at 01.11.2017

Analysis of the data table 1 showed that according to European standards the model number of the examined cases of the one single judge in a year is 172 (2016): the deviation from the norms of basic indicators of ECCR is 13.

As at 01.09.2017 in ECCR the actual number of employees amounted to 85 persons. According to the model of the Court must be 56 workers apparatus provided the actual number of judges to 18 persons. To achieve approximation to model indices may be due to the optimization of the organizational structure court of using functional examination (Review Function) [7], the results of which are presented in Tab. 2.

Table 2

Model indicators size of the apparatus of the Economic Court of Chernihiv Region

Indicator	Basic	Model
Head of Staff, deputy head	2	2
Assistants of Judges and Secretaries of court sessions	47	36
Department of information, technical, household and statistics	5	4
Analytical Department	5	
Office	9	4
Financial Department	5	2
Household Department	7	5
Staff-office management Department	5	3

According to the data of the Tab. 2, it is advisable, in addition to reducing the number of staff, to reorganize the departments through their association. These measures are aimed at saving budget funds and will help to improve the administration of the court apparatus. Taking into account the official salaries approved by the staff post, the wage fund per month (at the rate of 85 units) is 347419 UAH. As a result of reduction and optimization of the staff structure, savings will be 127296 UAH.

Conclusion. First, by European standards, the model number of cases reviewed per judge in 2016 amounted to 172 cases. In 2017, the indicator is used in 183 cases/year without taking into account

МЕНЕДЖМЕНТ

the specifics of the court and cases, as well as the activities of judges who can be tapped as a judge-speaker, the presiding judge, the judge-reporter, judge – member of the Board. At the same time, in accordance with the methods of distribution of limiting the volume of consumption expenditures between the stewards of budget funds are not taken into account the recommendations of the USAID Project "Fair Justice" on the application of the complexity cases indicators, the participation and the caseload indicators for judicial institutions in various jurisdictions are different: from 0.3 to 1.34.

Secondly, the correlation of the number of staff of the Court to the personnel number of the judges should be based on the priority of the court judicial administration practice, which expert assessment showed that this correlation must be within the values of 3.5-3.8.

Thirdly, to optimize judicial administration and to calculate the basic indicators, the number of staff and judges, it is necessary to improve the methodology and practice of applying the indicators of model caseload on judges, taking into account the specifics of courts of different jurisdictions.

Fourthly, the resolution of the problems related to the reform of the judicial system of Ukraine will be facilitated by active information activities in the media space and systematic work on events in the format of training on the exchange of experience of judges of other countries, international experts, scientists, profile public organizations, internships abroad, public and local self-government.

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