

Research Paper

Economic and Educational Dimensions of Efficiency Justice

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ABSTRACT

The article analyzes and proves the interaction of such indicators of the efficiency of justice as the level of training and professional development of a judge, the number of canceled and changed decisions on appeal, the level of public confidence to the judiciary and the number of European Court of Human Rights decisions against Ukraine. It is substantiated that to avoid an increase in the number of decisions of the European Court of Human Rights against Ukraine, it is necessary to increase the training and professional development of a judge, reduce the number of canceled and changed decisions on appeal and increase public confidence to the judiciary. By influencing at least one of the indicators of the efficiency of justice, it is possible to achieve effectiveness in the system of efficiency justice. The article proves that justice and economic preconditions create the basis for the unity of implementation of aspects of the effectiveness of the judiciary. Emphasis is placed on the creation and implementation of criteria and indicators of the efficiency of justice in combination with economic components, which will help adjust the indicators of justice and find ways to improve the economic performance of justice. Improving the indicators (the level of training and professional development of a judge, the number of canceled and changed decisions on appeal, the level of public confidence to the judiciary and the number of decisions of the European Court of Human Rights against Ukraine) it can be argued that there is a systematic effective impact on the system. The article substantiates that the main points of contact between the interaction of justice and the economic system in the plane of comparison indicate the functioning of the interdependent influence of concepts. Efficiency justice is impossible without economic development, and the economic system cannot function without efficiency justice.

HIGHLIGHTS

- ① The article proves that justice and economic preconditions create the basis for the unity of implementation of aspects of the effectiveness of the judiciary.
- ① The elements of the organization of justice are related to the functioning of the economic system.
- ① The goal of economic efficiency is aimed not only at the activities of the judiciary, which considers relevant cases, but also at the entire economic mechanism.
- ① The importance of creating and implementing criteria and indicators of the efficiency of justice in combination with economic components contributes to the adjustment of indicators of justice and finding ways to improve the economic performance indicators of justice.

Keywords: effectiveness of justice, training of a judge, professional development of a judge, public confidence, European Court of Human Rights

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The functioning of the dynamic economic system of the modern developed state is undoubtedly connected with the provision of efficiency justice. These interrelated elements inextricably form the integrity of the economic life of a developed democratic society under the rule of law. Economic processes in the state have a direct impact on the judiciary, as evidenced by the implementation of all elements of the economic system: the economic structure of the productive forces of society, the system of economic relations and the mechanism of management.

Balanced functioning judicial systems are an indisputable basis for the economic development of the state, (Quality of Public Administration, 2017) judicial systems play a crucial role in determining economic indicators - in particular, ensuring the security of property rights and performance of contracts. We note that judicial systems do not work effectively in all countries. The growth of the state economy significantly depends on economic factors and the efficiency of the judicial system. The impact of highly qualified personnel on the competitiveness and economic development of the state should not be underestimated (Oliinyk *et al.* 2021).

Among the institutions that have the greatest impact on economic components, the legal and judicial systems play a significant role. The growing demand for justice in most countries is facing budget constraints on the justice system, theory and practice confirm the possibility of assessing the quality of judicial activity, considering social and economic performance, using criteria similar to those used to evaluate public services (European and international standards in the field of justice, 2015). Understanding the impact of justice on economic behavior is fundamental in the modern economy, incentives to improve the efficiency of legal and judicial systems, especially to stimulate economic growth.

The functioning of the judiciary affects various dimensions of economic development: equity, optimal allocation of resources and increasing the overall productivity of factors. The role of the judiciary in determining its dysfunctions may affect the economic growth of macroeconomic indicators of the state. A well-functioning judicial system is indispensable for business and society as a whole. The efficiency of the judiciary, measured

by the efficiency of the trial, is one of the essential factors in the efficiency of the justice system, ensures the implementation and functioning of market operations. The efficiency of the judiciary is closely linked to the availability of judicial services, and confidence in an effective judiciary increases people's confidence to justice.

Activation of integration processes is a characteristic feature of the current stage in the world of economic development (Hutsaliuk *et al.* 2020). According to European and international standards in the field of justice, the role of the judiciary is primarily to apply and enforce the rule of law, it is impossible to accurately assess the economic efficiency (European and international standards in the field of justice, 2015). We believe that the elements of the organization of justice are related to the functioning of the economic system and are its logical continuation. The goal of economic efficiency is aimed not only at the activities of the judiciary, which considers relevant cases, but also at the entire economic mechanism. Thus, the category of the judiciary is a broader concept than justice, as it should perform in society not only the function of administering justice, but also other functions to improve the efficiency of the judiciary and court system. In view of the above, in the article, we consider the economic efficiency of justice, not the judiciary and the court system. We believe in achieving the state of efficiency of justice, the high efficiency of the court system as a whole is realized.

Research of certain categories of interaction between justice and economic system in quantitative indicators: interdependence between professional training of judges and the number of canceled and changed decisions on appeal, the level of public confidence in the judiciary and the number of decisions of the European Court of Human Rights on violations of the Convention Human Rights and Fundamental Freedoms 04.11.1950 (hereinafter - the Convention) is implemented for the first time. Problem statement is to analyze and prove the interdependence between quantitative indicators of justice performance: (1) professional training of judges and (2) the number of canceled and changed decisions of the first instance on appeal, (3) the level of public confidence in the judiciary and (4) the number of decisions of the European Court of

Human Rights on violations of the Convention by Ukraine.

MATERIALS AND METHODS

The article used: European and international standards in the field of justice, materials of international scientific and practical conferences, articles in professional journals, The Constitution of Ukraine, Law of Ukraine "On the Judiciary and the Status of Judges", Information Department of the Office of the Verkhovna Rada of Ukraine (Problems of Ukraine's implementation of the decisions of the European Court of Human Rights), statistics of the State Judicial Administration of Ukraine, information and analytical reports on the National School of Judges of Ukraine, statistics from the Razumkov Center and the United States Agency for International Development's (USAID) Justice Sector Reform Program, the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950, statistics from the European Court of Human Rights.

Some scientists have studied the concept of efficiency, such as: Oliinyk O., Bilan Y., Mishchuk H., Akimov O., and Vasa L. (2021), Hutsaliuk O., Koval V., Tsimoshynska O., Koval M., and Skyba H. (2020), Nikonenko M. (2003), Poklonskyi S., and Mukhopadov V. (2001), Mochernyi S. (2000), Cherep A. and Strilets Ye. (2013), Kyreiev S. (2009). Some scholars have also studied the relationship between efficiency and justice, such as: Shcherbaniuk O., and Bzova L. (2020), Martianova S. (2018), Tsihotskiy A. (1997), Ivanchenko O. (2017).

The following general scientific and special methods and approaches were used to solve the tasks defined in the article: morphological analysis - when clarifying the conceptual and categorical apparatus of research; system-structural approach - in the study of theoretical and methodological foundations of ensuring the mechanism of efficiency of justice; comparative analysis to compare processes, objects, phenomena, identify common and special, to study the causes of change, identify trends in the efficiency of justice. The paper used: methods of statistical analysis - to assess the dynamics of indicators of development of justice performance indicators; functional synthesis - in the development of the mechanism of functioning of efficiency justice. Economic and mathematical methods - in improving

the theoretical and methodological foundations of evaluation of indicators of justice efficiency, the article uses mathematical formulas to identify interdependencies between indicators of justice efficiency.

The article used statistical grouping methods to prove the relationship between quantitative indicators of justice performance: (1) professional training of judges and (2) the number of canceled and changed decisions of the first instance on appeal, (3) the level of public confidence in the judiciary and (4) the number of decisions of the European Court of Human Rights on violations of the Convention by Ukraine.

RESULTS

Justice in modern realities must meet the requirements not only of justice, professionalism, and competence, but also of efficiency. Economic progress and the development of the economic system affect the implementation of effective justice in terms of economic growth, productivity. An effective justice system can ensure the development of economic relations, banking, investment, and other areas of the economy. Identifying and eliminating factors that negatively affect the provision of the appropriate level of quality parameters of the judge - a necessary way to improve the efficiency of justice. We identify such factors, first - the staffing of judges, their level of education and quality of training, the subjective attitude of judges to the quality of their training (Shcherbaniuk & Bzova, 2020).

We distinguish between the concepts of "efficiency" and "effectiveness" and determine the feasibility of determining the use of the concept of "efficiency". In domestic economic theory, there are two main approaches to determining the content of effectiveness:

- ♦ **Costly:** when economic effectiveness is understood as "the ratio of performance and costs" (Nikonenko, 2003) or as "the degree of cost-effectiveness and the level of economic progress of society" (Poklonskyi & Mukhopadov, 2001). Effectiveness means the ability to bring effect; the efficiency of the process, project, etc. (Mochernyi, 2000), which are defined as the ratio of effect, result to costs that provided this result, i.e. effectiveness is

understood as a kind of “fee for achieving this result”, arguing that if the result is not achieved, then effectiveness loses its positive meaning;

- ♦ **Resource:** Economic effectiveness as “achieving the production goal with the lowest cost of funds” or “obtaining results per unit of resources used” (Cherep & Strilets, 2013).

A derivative of effectiveness is effectiveness, according to the resource-cost approach, when this category means the ratio of the cost of production resources to current production costs. When comparing cost and resource approaches to their further use, we give preference - resource. We confirm the variety of definitions of the concept of “effectiveness”, most of which are directed to these approaches from the standpoint of interpretation of effectiveness through the categories of effect, result, resources, and costs. In industry, the essence of effectiveness reflects the relationship between costs and performance.

Effectiveness is the achievement of results with the minimum possible costs or obtaining the maximum possible volume of products for a certain number of resources. Efficiency - a measure of effectiveness, characterized by the achievement of results / objectives or the degree of approximation. Effectiveness is a multidimensional system category that reflects the relationship between resources (costs) and performance and is an economic indicator of the socio-economic system, which is expressed in relation to the useful results of its operation to the resources expended. It is formed as an integral indicator of effectiveness at different levels of the socio-economic system and is a general characteristic of the functioning of an industrial enterprise or the national economy.

Therefore, given the above, we consider it appropriate to use the very concept of “efficiency” as a measure of effectiveness through the prism of assessing the quantitative indicators of the characteristics of justice. Economic effectiveness - “the efficiency of the economic system, expressed in the ratio of useful end results of its operation to the resources expended. Effectiveness is determined by the ratio of result (effect) to cost. Economic Effectiveness = result / costs” (Kyreiev, 2009). Economic effectiveness is the achievement of the highest effectiveness at the

lowest cost. In the narrow sense - the effectiveness of the proceedings is considered in a single case, i.e. making a lawful and reasonable decision. In a broad sense, the effectiveness of judicial activity means the ability of justice as a type of state activity to achieve its goals (Martianova, 2018).

In our opinion, in a broad sense, the concept of the effectiveness of justice should be achieved through the prism of the goals of the state, considering economic indicators. In the legal scientific literature, there are enough indicators of the effectiveness of the judiciary. For example, A. Tsikhotsky divided all indicators of efficiency in the administration of justice in civil cases into four blocks:

1. indicators that characterize the level of organization of justice:
 - (a) the number of courts;
 - (b) workload of judges;
 - (c) specialization of judges;
2. indicators characterizing the financial and logistical support of justice:
 - (a) buildings;
 - (b) provision of courts with vehicles, office equipment, legal literature;
 - (c) financial support of courts;
3. indicators that characterize the labor resources of justice:
 - (a) the average number of judges;
 - (b) the number of jurors;
 - (c) the number of employees not involved in the administration of justice;
4. indicators that characterize the results of justice:
 - (a) the total number of court decisions;
 - (b) the number of recorded court rulings containing procedural and substantive errors;
 - (c) the number of latent judicial errors;
 - (d) the number of court decisions in certain categories of civil cases (Tsihotskiy, 1997).

It is an indisputable fact that the functional judicial system plays an important role in society in maintaining not only the rule of law but also the development of the economy. The state should take

active measures to reform the judiciary in order to ensure the efficiency administration of justice. An efficiency judicial system provides the basis for the stability and economic development of the state.

What are the indicators of efficiency justice in economic realities and challenges? The content of efficiency justice is transformed through the following indicators: the task of justice, the activities of courts to administer justice, the efficiency of activities. According to Article 2 of the Law of Ukraine "On the Judiciary and the Status of Judges" the task of the court is to administer justice based on the rule of law, ensures everyone the right to a fair trial and respect for other rights and freedoms guaranteed by the Constitution and laws of Ukraine, as well as international agreements, the binding nature of which was approved by the Verkhovna Rada of Ukraine (Law of Ukraine "On the Judiciary and the Status of Judges", 2016).

The result of justice activities is expressed in court decisions. To analyze the effectiveness of economic costs aimed at achieving the efficiency of state and legal phenomena, you need a quantitative analysis that helps to express the effectiveness of achieving goals. Evaluation of the effectiveness of judicial activity involves the analysis of not only qualitative but also quantitative indicators (Martianova, 2018).

Thus, O. Ivanchenko emphasizes that the system of criteria for evaluating the effectiveness of the judiciary in the provision of judicial services should be as follows: quality of court decisions, accessibility of administrative courts, timeliness of administrative jurisdiction, professionalism of judges and court staff, level of public confidence to the court (Ivanchenko, 2017). This position can be considered but does not take into account an integrated approach to the concept of performance from an economic point of view. We consider it necessary to single out the following criteria for assessing the economic effectiveness of justice through the evaluation of the efficiency of justice through:

1. indicator of training and professional development of a judge;
2. the canceled and changed decisions on appeal due to erroneous application of the rules of substantive and procedural law;
3. public assessment of the efficiency of the

judiciary through the indicator of public confidence to the judiciary;

4. international level of evaluation of the efficiency of justice - the number of decisions of the European Court of Human Rights in cases of violations of the provisions of the Convention in Ukraine.

According to the State Judicial Administration, the percentage of decisions of local courts canceled and changed on appeal, for example, in criminal proceedings in 2018 - 1.14% (Statistical data of the State Judicial Administration of Ukraine, 2019), and in 2020 - 9.56% (Statistical data of the State Judicial Administration of Ukraine, 2020), on civil litigation in 2018 - 3.54% (Statistical data of the State Judicial Administration of Ukraine, 2019), and in 2019 - 4.35% (Statistical data of the State Judicial Administration of Ukraine, 2020). In total, the percentage of decisions of local courts canceled and changed on appeal is 2.31% in 2018 (Statistical data of the State Judicial Administration of Ukraine, 2019) and 2.71% in 2020 (Statistical data of the State Judicial Administration of Ukraine, 2020). Statistics confirm the growth of the percentage of canceled and changed decisions for the period 2018 - 2020 by 0.4%, including due to the incompetence of the judge, as a result - the judge makes illegal decisions.

The most common reason for cancelling or changing court decisions is incorrect application of substantive law, including ambiguous interpretation of the law, or the application of non-applicable law, violation of procedural law, which led to an illegal decision (Analysis of the state of justice in economic cases, 2021). Let's compare the indicators of the number of local court decisions canceled and changed on appeal with the indicators of training and professional development of a judges.

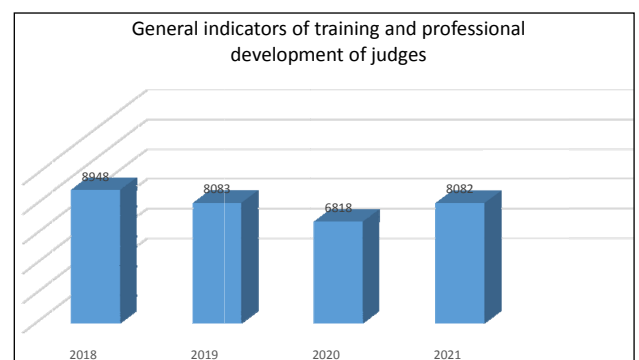


Fig. 1: General indicators of judges' training

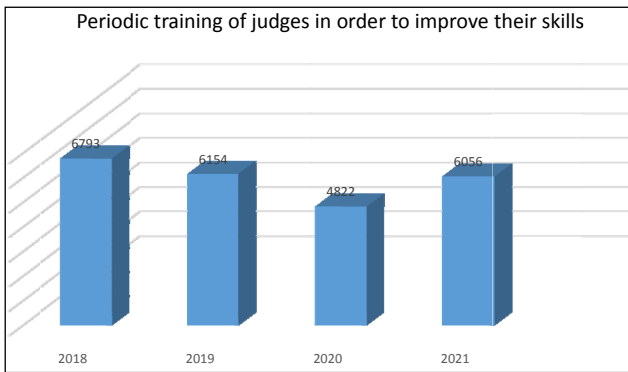


Fig. 2: Periodic training for professional development

Source: The source was formed according to the Information and Analytical Report on the activities of the National School of Judges of Ukraine (Information and analytical report on the activities of the National School of Judges of Ukraine, 2019; 2020; 2021).

Analyzing the indicators of Fig. 1 for 2018-2021, we confirm a significant decrease in training indicators in 2021, compared to 2018 by 860 people. According to Fig. 2, we can state a decrease in the level of professional development in 2021, compared to 2018 by 737 people. Statistically, the number of court decisions in 2020 is 2,558,536 (Information and analytical report on the activities of the National School of Judges of Ukraine, 2019), while the number of canceled and changed by the courts of appeal verdicts, decisions, rulings is 69,254 (Information and analytical report on the activities of the National School of Judges of Ukraine, 2019), which is 2.71% of the total decisions made. Considering the above indicators, we propose statistical grouping on the interdependence of indicators of training of judges and the number of decisions of local courts canceled on appeal:

Table 1: Statistical grouping on the interdependence of indicators of training of judges and the number of decisions of local courts canceled on appeal

Years	Indicators of judges' training (T)	Number of local court decisions canceled on appeal (D)
2018	8948	64830
2019	8083	85128
2020	6818	69254

Source: Compiled and calculated according to statistical reporting (Information and analytical report on the activities of the National School of Judges of Ukraine, 2019, 2020; Statistical data of the State Judicial Administration of Ukraine, 2019, 2020).

Judicial training is a factor, the number of canceled decisions is a result. We will perform calculations according to the following formula:

$$h = \frac{x(\max) - x(\min)}{n}$$

where n is the width of the interval (number of groups); $x(\max) - x(\min)$ – the largest and smallest value of the sign; h – group interval levels.

Perform calculations:

$$h(T) = \frac{8948 - 6818}{2} = 1065$$

$$h(D) = \frac{-85128 - 64830}{3} = 6766$$

Table 2: Statistical grouping on the interdependence of indicators of training of judges (T) and the number of decisions of local courts canceled on appeal (D)

T	D			Total	Functional connection
	64830-71596	71596-78362	78362-85128		
6818-7883		I		1	Functional connection
7883-8948	I		I	2	
Total	1		2	3	

Interdependence confirms that with the quantitative increase in training, the likelihood of making illegal decisions by judges decreases. According to Tables 1 and 2, statistical grouping on the interdependence of indicators of training of judges (T) and the number of decisions of local courts canceled on appeal (D), the level of training and professional development of judges is significantly reduced, and the number of canceled and changed decisions on appeal is significantly increasing. We have reason to claim, according to statistical interdependence, that the number of canceled and changed decisions of the first instance is directly proportional to the level of training and professional development of judges. Accordingly, subject to systematic training and professional development of judges, there is an extremely minimal probability of making an illegal decision, and therefore, there are no grounds for canceling and changing the court decision.

The consequence of the canceled and changed decisions of the first instance on appeal is a decrease in the level of public confidence to the judiciary. According to the Razumkov Center, among those who participated in court proceedings (February 2019) as a plaintiff, defendant, victim, witness, or expert, 53.4% said that the court's decision was lawful and fair, 21.0 % do not consider it legal and fair (another 14.2% do not know this decision, and 12.8% said they find it difficult to answer this question). 77.7% of respondents reported distrust to the judiciary, and 11.4% trusted. 69.7% of respondents do not trust to local courts, 14.0% trust them, 64.9% do not trust the Supreme Court, 17.5% trust them, 61.7% of citizens do not trust the Constitutional Court, 18.6% trust to the Constitutional Court (Tsentrazumkova, 2019).

For maximum objectivity, we used a wider time period and statistical material, in particular: according to the United States Agency for International Development's (USAID) "New Justice" Program, the level of trust in the judiciary was 5% in 2015, in 2018 year - 16%, in 2019 - 17%, and in 2021 - 10% (The United States Agency for International Development's, 2021). Thus, according to the following indicators of statistical grouping, it is possible to determine the dependence of the level of public confidence to the judiciary on the number of canceled and changed decisions of the first instance on appeal.

Table 3: The dependence of the level of public confidence to the judiciary on the number of canceled and changed decisions of the first instance on appeal

Years	D % (the number of canceled and changed decisions)	C % (the level of public confidence to the judiciary)
2015	3.5%	5%
2018	2.31%	16%
2019	2.93%	17%

Source: Compiled and calculated according to statistical reporting (The United States Agency for International Development's, 2021; Statistical data of the State Judicial Administration of Ukraine, 2015; Statistical data of the State Judicial Administration of Ukraine, 2019).

Perform calculations:

$$h(D) = \frac{-3,5 - 2,31}{2} = 0,595$$

$$h(C) = \frac{-17 - 5}{3} = 4$$

Table 4: Statistical grouping on the level of public confidence to the judiciary (C) and the number of canceled and changed decisions of the first instance on appeal (D)

D %	C %			Functional connection
	5-9	9-13	13-17	
2,31-2,905	I			1
2,905-3,5	I	I		2
Total	2	1	3	

The above Table 4, statistical grouping on the level of public confidence to the judiciary (C) and the number of canceled and changed decisions of the first instance on appeal (D) means that with the increase in the number of canceled and changed decisions of the first instance on appeal, the level of public confidence to the judiciary decreases. Let's move on to the last criterion for assessing the efficiency of justice - the international level - the number of decisions of the European Court of Human Rights (hereinafter - the ECHR) in cases of violations of Ukraine's provisions of the Convention. The functioning of the ECHR as a supranational mechanism for the protection of rights and freedoms can be applied by any citizen if all national remedies have been exhausted.

Thus, Article 55 of the Constitution of Ukraine guarantees the right of everyone, after using all national remedies, to apply for protection of their rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant (The Constitution of Ukraine, 1996). According to Article 35 § 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"), the Court may only deal with a case after all domestic remedies have been exhausted, in accordance with generally accepted principles of international law (Convention for the Protection of Human Rights..., 1998).

The purpose of the exhaustion of remedies in the State concerned is to prevent the alleged violation of the Convention, i.e. it means that a person may apply to the ECHR only after a cassation instance.

It follows that the judicial system of any country must be efficiency in avoiding an increase in the number of application to the ECHR. The ECHR may also emphasize or oblige the state to provide or improve, create new means of protection of rights, which is an integral part of the implementation of the system of efficiency justice (for example, pilot decisions *Xenides-Arestis v. Turkey*).

As of October 31, 2021, Ukraine ranked third in the number of cases pending before the European Court of Human Rights (Information Department..., 2020). As of December 8, 2020, the ECHR adopted 1,659 decisions on violations of the provisions of the Convention by Ukraine (excluding cases on which a friendly settlement was reached) (Violations by Article and by State, 2021). According to statistics, 109 decisions (Annual Report European Court of Human Rights of 2019, 2019) were made in 2019 concerning Ukraine, of which 109 decisions recognized Ukraine’s violation of the Convention, in 2020 the ECHR issued 82 decisions (Annual Report European Court of Human Rights of 2020, 2020) concerning Ukraine, of which 82 decisions recognized Ukraine’s violation of the Convention. In 2021, 197 decisions (Annual Report European Court of Human Rights of 2021, 2021) were made concerning Ukraine, of which 194 decisions recognized Ukraine’s violation of the Convention.

Table 5: The dependence of the number of canceled and changed decisions of the first instance on appeal and the number of decisions of the European Court of Human Rights against Ukraine

Years	The number of decisions of the ECHR against Ukraine (A)	The number of canceled and changed decisions of the first instance on appeal (D)
2018	86	64830
2019	109	85128
2020	82	69254

Source: Compiled and calculated according to statistical reporting (Annual Report European Court of Human Rights of 2018, 2018; Annual Report European Court of Human Rights of 2019, 2019; Statistical data of the State Judicial Administration of Ukraine, 2019; Statistical data of the State Judicial Administration of Ukraine, 2020).

Perform calculations:

$$h(A) = \frac{-109 - 82}{2} = 13,5$$

$$h(D) = \frac{85128 - 64830}{3} = 6766$$

The number of court decisions of the European Court of Human Rights against Ukraine in 2020 is 82, and in 2021 - 194. The very fact of increasing decisions against Ukraine means that the state must pay compensation, which means that it suffers material losses from the state budget. The following indicators of statistical grouping can determine the dependence of the number of canceled and changed decisions of the first instance on appeal and the number of decisions of the European Court of Human Rights against Ukraine.

Table 6: Statistical grouping on the number of canceled and changed decisions of the first instance on appeal (D) and the number of decisions of the European Court of Human Rights against Ukraine (A)

A %	D %			Functional connection
	64830-71596	71596-78362	78362-85128	
82-95,5	1			1
95,5-109	1		1	2
Total	2		1	3

The above Table 6, statistical grouping on the number of canceled and changed decisions of the first instance on appeal (D) and the number of decisions of the European Court of Human Rights against Ukraine (A) means that the number of canceled and changed decisions of the first instance on appeal affects the number of ECHR decisions against Ukraine.

DISCUSSION

Summarizing the above, we can note that the indicators of the efficiency of justice are interdependent, namely:

1. with the increase of qualification and level of training of a judge, the number of canceled and changed court decisions and the number of decisions of the ECHR against Ukraine decreases;
2. increasing the number of canceled and changed court decisions - reduces the level of public confidence to the judiciary;
3. raising the indicators of canceled and

changed court decisions - increases the number of decisions of the ECHR in cases of violations of the provisions of the Convention by Ukraine;

4. the higher the level of professional development and the level of training of judges, the smaller the number of ECHR decisions against Ukraine.

Graph the causal relationship (Fig. 3):

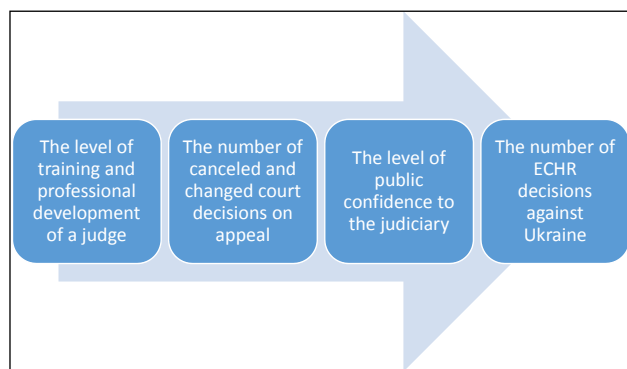


Fig. 3: The indicators of the efficiency of justice

Therefore, to avoid an increase in the number of ECHR decisions against Ukraine, it is necessary to raise the level of training and professional development of judges, reduce the number of canceled and changed court decisions on appeal and increase public confidence to the judiciary. With such a system of relationships, we will be able to achieve efficiency in an effective justice system.

Based on the above, the concept of “economic efficiency of justice” we can consider in 3 dimensions: (1) legislative (functioning of laws, quality of legislation, absence of conflicts and gaps in legislation), (2) procedural (the quality of court decisions, the current application of substantive and procedural law in the court decision, the level of training and professional development of judges, the level of public confidence to the judiciary and the number of ECHR decisions against Ukraine), (3) organizational (material, technical, human resources).

Based on the above, we emphasize the reasons that affect the efficiency of the judiciary to ensure human and civil rights and freedoms, they can be divided into objective (related to external conditions that do not depend on anyone’s will) and subjective (conditions specific to a particular entity).

Objective reasons include: (1) historical features of the development of the Ukrainian state in general and the judiciary in particular; (2) economic, political and ideological; (3) the condition of legislation and its implementation; (4) certainty and achievability of the purpose of the judiciary; (5) the organization and functioning of the judiciary on the basis of an appropriate system of principles and in the prescribed forms; (6) the existence of conditions for the functioning of the judiciary (resources, deadlines, executors).

CONCLUSION

The efficiency of justice depends on the choice of criteria and indicators needed for evaluation. Justice and economic preconditions create the basis for the unity of implementation of aspects of the efficiency of the judiciary. In our opinion, the indicators that characterize the results of justice as one of the functions of the judiciary most clearly reflect the level of efficiency of the judiciary in ensuring human and civil rights and freedoms, being expressed in the ratio of the number of court decisions to the number of court decisions that contain material and procedural errors.

Consequently, the elements of the organization of justice are related to the functioning of the economic system and are its logical continuation. The goal of economic efficiency is aimed not only at the activities of the judiciary, which considers relevant cases, but also at the entire economic mechanism. Thus, the category of the judiciary is a broader concept than justice, as it should perform in society not only the function of administering justice, but also other functions to improve the efficiency of the judiciary and court system.

The importance of creating and implementing criteria and indicators of the efficiency of justice in combination with economic components contributes to the adjustment of indicators of justice and finding ways to improve the economic performance indicators of justice. Developing the indicators (the level of training and professional development of a judge, the number of canceled and changed decisions on appeal, the level of public confidence to the judiciary and the number of European Court of Human Rights decisions against Ukraine), we can argue that the systematic effective impact on the entire system of these indicators.

Therefore, to avoid an increase in the number of decisions of the European Court of Human Rights against Ukraine, it is necessary to increase the training and professional development of a judge, reduce the number of canceled and changed decisions on appeal and increase public confidence to the judiciary. By influencing at least one of the indicators of the efficiency of justice, it is possible to achieve effectiveness in the system of efficiency justice.

Undoubtedly, the main points of contact between the interaction of justice and the economic system in the plane of comparison indicate the functioning of the interdependent influence of concepts. Efficiency justice is impossible without economic development, and the economic system cannot function without efficiency justice.

REFERENCES

- Analysis of the state of justice in economic cases. 2021. Commercial Court of Cassation within the Supreme Court. Retrieved from https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/Analiz_KGS_I_pivr_2021.pdf
- Annual Report European Court of Human Rights of 2018. (2018). Retrieved from https://www.echr.coe.int/Documents/Annual_report_2018_ENG.pdf.
- Annual Report European Court of Human Rights of 2019. (2019). Retrieved from https://www.echr.coe.int/Documents/Annual_report_2019_ENG.pdf.
- Annual Report European Court of Human Rights of 2020. (2020). Retrieved from https://www.echr.com.ua/wp-content/uploads/2021/02/ECHR_Annual_report_2020_ENG.pdf.
- Annual Report European Court of Human Rights of 2021. (2021). Retrieved from https://www.echr.coe.int/Documents/Annual_report_2021_ENG.pdf.
- Cherep, A.V. and Strilets, Ye.M. 2013. Efficiency as an economic category. *E-Journal "Effective Economics"*. Retrieved from <http://www.economy.nayka.com.ua/?op=1&z=1727>
- Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950. 1998. *Official Gazette of Ukraine of April 16*, 13: 270.
- European and international standards in the field of justice, 2015. Retrieved from https://newjustice.org.ua/wp-content/uploads/2018/05/EU_Standarts_book_web-1.pdf
- Hutsaliuk, O., Koval, V., Tsimoshynska, O., Koval, M. and Skyba, H. 2020. Risk management of forming enterprises integration corporate strategy. *TEM J.*, 9(4): 1514-1523.
- Information and analytical report on the activities of the National School of Judges of Ukraine. 2019. Retrieved from <http://www.nsj.gov.ua/files/1581495276%D0%86%D0%90%D0%97%D0%A8%D0%A1%D0%A3%202019.pdf>
- Information and analytical report on the activities of the National School of Judges of Ukraine. (2020). Retrieved from <http://www.nsj.gov.ua/files/1610459398%D0%86%D0%90%D0%97%D0%97%202020.pdf>
- Information and analytical report on the activities of the National School of Judges of Ukraine. 2021. Retrieved from <http://www.nsj.gov.ua/files/164139117105.01.%20%D0%86%D0%90%D0%97%D0%9D%D0%A8%D0%A1%D0%A3%20%D1%83%202021.pdf>
- Information Department of the Office of the Verkhovna Rada of Ukraine. 2020. Problems of Ukraine's implementation of the decisions of the European Court of Human Rights were discussed during the hearings in the Committee on Legal Policy. Retrieved from https://www.rada.gov.ua/news/news_kom/200762.html
- Ivanchenko, O. 2017. The system of criteria for evaluating the effectiveness of the duty of judges for the duration of the ship's services. *Business, Government and Law*, 11: 225-230.
- Kyreiev, S.I. 2009. Economic efficiency. Encyclopedia of Modern Ukraine. Retrieved from https://esu.com.ua/search_articles.php?id=18769
- Law of Ukraine "On the Judiciary and the Status of Judges". 2016. Retrieved from <https://zakon.rada.gov.ua/laws/show/1402-19#Text>
- Martianova, S.M. 2018. Factors in the effectiveness of the judiciary in ensuring the rights and freedoms of man and citizen. *Journal of Kyiv University of Law*, 2: 96-101.
- Mochernyi, S.V. 2000. *Fundamentals of economic knowledge*. Kyiv: Academy, pp. 303.
- Nikonenko, M.S. 2003. *Economic analysis*. Kyiv: Nauka, pp. 679.
- Oliinyk, O., Bilan, Y., Mishchuk, H., Akimov, O. and Vasa, L. 2021. The impact of migration of highly skilled workers on the country's competitiveness and economic growth. *Montenegrin J. Econ.*, 17(3): 7-19.
- Poklonskyi, S.T. and Mukhopadov, V.H. 2001. *Economics of the enterprise*. Kyiv: Victor, pp. 178.
- Quality of Public Administration. 2017. A Toolbox for Practitioners Luxembourg: Publications Office of the European Union. Retrieved from <https://ec.europa.eu/esf/BlobServlet?docId=18586&langId=en>.
- Shcherbaniuk, O.V. and Bzova, L.H. 2020. Current Challenges and Current Problems of Judicial Reform in Ukraine: Proceedings of the IV International. scientific-practical conference. Kyiv: VAITE Publishing House, pp. 356.
- Statistical data of the State Judicial Administration of Ukraine. 2019. Review of data on the state of justice in 2019. Retrieved from https://court.gov.ua/userfiles/media/new_folder_for_uploads/main_site/ogl_2019.pdf
- Statistical data of the State Judicial Administration of Ukraine. 2020. Review of data on the state of justice in 2020.

- Retrieved from https://court.gov.ua/userfiles/media/new_folder_for_uploads/main_site/ogl_2020.pdf
- Statistical data of the State Judicial Administration of Ukraine. 2015. Review of data on the state of justice in 2015. Retrieved from https://court.gov.ua/userfiles/ogliad_2015.pdf
- The Constitution of Ukraine. 1996. *Bulletin of the Verkhovna Rada of Ukraine (VVR)*, 30, Art. 141
- The United States Agency for International Development's (USAID), 2021. Justice Sector Reform Program. Survey on trust in the judiciary, judicial independence and accountability, perception of corruption and willingness to report its manifestations. Retrieved from https://newjustice.org.ua/wp-content/uploads/2021/06/2021_Surveys_Presentation_ROL060221_UKR-1.pdf
- Tsentr Razumkova. 2019. Report on the results of the study "Attitudes of Ukrainian citizens to the judiciary". Retrieved from <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/stavlennia-gromadian-ukrainy-do-sudovoi-systemy>
- Tsihotskiy, A.V. 1997. *Theoretical problems of the effectiveness of justice in civil cases*. Novosibirsk: Nauka.
- Violations by Article and by State. 2021. European Court of Human Rights. Retrieved from https://echr.coe.int/Documents/Stats_violation_1959_2021_ENG.pdf.

