

CONSTITUTIONAL-AND-PROCEDURAL LAW: APPOINTMENT/ ELECTION TO OFFICE AND DISMISSAL FROM OFFICE

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The procedure of appointing a person to certain position usually depends on several factors, among them: the form of government, historical type of the state, territorial organization, political regime, and others. Therefore, taking into consideration these factors the following four models of the organization of public service are generally recognized, namely: the French, German, British, and American models.

The French model provides a competitive system of the personnel selection for public service but it has a strictly centralized character. **The German model** is also based on the competitive principle of the personnel selection but it is, on the contrary, a decentralized one. **The British model** involves a combination of competitive principles in forming the membership of the government and public service; it is based on contract that is used in executive agencies. And **the American model** of the public service organization is based on an open competition to important positions.

The so-called system of qualification purposes is used for appointments of public servants and state officials. According to this system the replacement of positions is mostly based on the competitive principles. Competition serves as an effective method of evaluation of the candidates' business skills, professionalism, and moral qualities.

Besides a competitive principle of appointment to the position some countries provide non-competitive appointments to government positions. It means that there is no need for a person that is to be appointed to the position to pass certain professional exams. He/she is appointed by the order of the head of the office.

The procedure of appointment to the position consists of several stages. Let's consider them in details:

1) **the first stage** is used to inform the public on the available vacancy in state bodies and the requirements to applicants; it is provided by publishing such information in the official media of the state body that needs employers, including the official websites of state bodies;

2) **the second stage** includes the work of the applicants on the documents, submission of the application sets, and review of the latter by a competition commission;

3) **the third stage** is the competition itself that may be held in a form of a written/oral exam, test, or interview; the main task of the competition is to evaluate objectively the professional and personal qualities of an applicant, the level of his/her general and professional training, the ability to perform a certain amount of tasks in public service;

4) **the final fourth stage** consists of decision-making on the winner who will be appointed to the position.

A person is appointed to the position in public office by a special statement of the authorized body or by a contract. Under inauguration legislation of many countries a new civil servant takes an oath. In some countries the oath of a public servant is obligatory.

As far as the dismissal from the position is concerned most of scientists consider that the premature termination of powers is the most effective and at the same time the most radical way to influence the activities of the parliament, government, and president. The reasons for premature termination of powers include: 1) resignation by a personal statement; 2) demission; termination of citizenship; 3) breach of oath or violation of the laws of Ukraine; 4) death; 5) inability to perform duties.

Thus, the institution of premature termination of powers is an essential element of the system of checks and balances meant to prevent violations of constitutional laws.

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RIGHTS AND LEGAL INTERESTS PROTECTION IN THE PROCESS OF INTERROGATION AS A DEMOCRATIC INSTITUTE OF CRIMINAL PROCEDURE

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Ukraine proclaimed itself as a democratic state. This status can be confirmed only in the process of implementation of democratic norms in the sphere of criminal proceedings. Democracy requires clear and definite order in criminal prosecution and interrogation in particular. And this order was provided for by the Criminal Procedure Code of Ukraine in 2012 year, but there are some problematic aspects of its implementation.

Article 3 of the Constitution of Ukraine contains the general rule – human rights and freedoms and their guarantees determine the essence and guidelines of the