

action».<sup>5</sup> In addition to bribery and nepotism which is the opposite of good, fair administration, which are coercive forces element to name the Polish government as well, which is why it is necessary to transform administrative procedures, in particular the Code of Administrative Procedure flourish «(...) both in terms of active participation of the parties in the proceedings as the issue of timeliness, which requires a code of good administration as the need for changes in the structure and the functioning of the administration - the predictability and stability of action rules».<sup>6</sup> Competence explain their decisions by the administration are in the Code of Good Administrative Behaviour in terms of the refusal to disclose documents and refusal to provide the information that is in the refusal must be included facts and legal basis of the decision adopted, individual arguments and reasons on which the decision taken. We can point out the importance of the information currently stage decision-making process that attempts to hide from the addressees of decisions. Transparency and openness effectively equates one typical feature of Weber adopted by the administration, which is an important part of protecting the anonymity of an official from the vengeance of the environment.

Good public administration is a challenge not only for society but also for people who exercise authority. European Code of Good Administrative develops guidelines Charter of Fundamental Rights relating to the principles of good administration and implementation of imagination used for good administration.

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### **EUROPEAN LAW OFFICIALS**

Area of law in which intensive research processes law is clerical, which includes both the provisions of the labor law and administrative law. One of the problems dealt with in this branch of law is the problem of the internationalization of civil service. This problem relates to the four planes. These are: the sources of international law issues clerical, issues of Polish Foreign Service, the question of clerical force in the European Union, as well as the issue of models operating in other international organizations.

Law clerical developed in the shadow of modern public administration, and administrative law. According to Z. Duniewskiej its origins should be positioned in France, associating them with the French Revolution and the Declaration of the

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5. J. Świątkiewicz, Good administration as the right of a citizen, Warsaw 2002, p. 9

6. A. Zoll, Right to good administration, Lodz 1998, p. 3

Rights of Man and of the Citizen of 1789 year.<sup>7</sup> Formerly, the law was considered to clerical administrative law today is classified as part of the labor law. The concept of civil service related to the concept of public service or as claims J.Stelina with the concept of service state.<sup>8</sup> These concepts are equated with the legal situation of persons who are employed on the basis of different legal relationships. However, note that the officer is not just a person working in servicer or administrative authority, but also a person who works in a bank and the person working in the public services. To properly characterize the notion of civil service should exit the presentation of his subject. However, his determination, or the location of it in the legal system seems to be a difficult task. The reason for this is, among other things, that the idea of civil service is a product doctrine.<sup>9</sup> Since the right of clerical closely associated with the right officials J. Stelina writes that his object clerical labor relations (which are persons occupying official positions) and the relationship *urzędniczymi* closely related to labor relations. The adoption of such criteria makes the right clerical includes persons employed in clerical positions in government, the local government and other government offices. Speaking about the characteristics and nature of clerical labor relations should be indicated on issues relating to employment bases, the terms of employment of the entity, determine the employing entity, party autonomy, stability of employment, employee availability, responsibilities, accountability workers, as well as the settlement of disputes with respect work.<sup>10</sup> Law clerical plagued with several problems today. It is difficult to indicate the future of this subsystem law taking into account the difficulty of specifying the tradycji.<sup>11</sup>

Important problems for civil service are its features. J. Stelina points to two - organizational function (the most important is to create optimal conditions for implementation of the tasks of the state by the professional bureaucratic apparatus) and protective function (consisting in securing suitable employment status, social and civil servants). What emotions are constantly raises a problem of sources of law clerical. It is a subject often addressed in the literature.

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7. Z. Duniewska, Right administrative- introduction, [in:] The system of administrative law. Volume I. Institutions of administrative law, R. Hauser, Z. Niewiadomski, A. Sparrow (ed.), Warsaw 2010, p. 69.

8. J. Stelina Law, clerical, Warsaw 2009, p. 2

9. For more on the concept of civil service and its subject, see. J. Stelina, Positioning System civil service (in :) The problems of employment in the modern labor system. The jubilee book on 55 years of research and teaching, Professor Vladimir Piotrowski, ed. Z. Niedbała, M. Skąpski, Poznan 2009, p. 199-211.

10. More J. Stelin, Law clerical, Warsaw 2009, p. 18-26

11. Cf. T. Górczyńska, Civil Service in Poland - Problems with tradition, the problems of the future, [in:] J. Supernat (ed.) Between tradition and the future in the science of administrative law Jubilee Book Dedicated to Professor John Bociowi, Wrocław 2009, p. 189 and n.

Model of civil service of the European Union is recognized as one of the most interesting models which operate on the world.<sup>12</sup> Pay attention to the way of creation of its structure in the context of changes in the European idea. They were the fruit of the experience of the European Communities. Important complication is the goal that should meet the clerical EU law. The biggest impact on the current model of European law had a clerical commissioner for administration N. Kinock. It is certain accretions and historical conditions underlying its organization initiated in March 2000.<sup>13</sup> Important reforms first basic differences between the two systems in force in the European Union brought to a method for establishing an employment relationship. And so in the case of officials takes place on the appointment, while other employees enter into a contract of employment. Important reforms first basic differences between the two systems in force in the European Union brought to a method for establishing an employment relationship. And so in the case of officials takes place on the appointment, while other employees enter into a contract of employment. European officials were divided into five groups, which were designated - A, B, C, D, and a special group of LA (the so-called. Language group). The groups meet, it can be a kind of classification, eg. A5 - here each a letter and - digital assigned to the appropriate position<sup>1</sup>. That which among other things has a European civil service law is a system of penalties to be applied if required by the interests of the service (fines can be used both to one official as well as the group), as well as additives and benefits. EU officials are persons appointed to this position, while passing through a number of existing procedures. These are the people who perform clerical functions of all the institutions. E. Ura also distinguished members of the Commission, referred to as commissioners. Currently, the Commission has 27 Commissioners. They shall be appointed for five years and committed to action in the interest of the entire EU.<sup>14</sup> The Commission also has a secondary camera. It is composed of persons exercising expert such translators. Within the civil service of the European Union also specifies the issues of human resource management in this regard and the issue of recruitment, probationary period, the issue of promotion, termination of employment, conditions of employment, rights and duties which are incumbent on officials or disciplinary provisions and measures to review the decisions of officials. Civil service model is undoubtedly a complex model. In principle, it is a model of reference, and as this should be used in

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12. More information on the existing models in the world see. Civil Service Collective work in some democratic countries, Warsaw 1995.

13. For more, see. , The author, Civil Service in the Institutions of the European Union, "Civil Service", 2003., No. 6, p. 37 and n.

14. The current list of personal Commissioners and their activities is available on the website [http://ec.europa.eu/commission\\_2010-2014/index\\_pl.htm](http://ec.europa.eu/commission_2010-2014/index_pl.htm), available from 03.01.2012 r.

different countries of the European Union. Its mission is to serve. In addition, inspired solutions, which are valid in individual Member States. This complexity and multiplicity of sources became his strengths.

It seems impossible to identify a single model for the international civil service. One of the reasons is certainly the multitude of problems within the subsystem law. However, as a national and European law as clerical has one goal. It is the service performed in a fair, effective and independent. Certainly, the connecting element here is a human. It was he who ensures the quality of clerical activities. He has also, through the applicable regulations or due to the possibility of promotion can develop professionally to better perform their duties.

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### **РОЛЬ ЗАХИСНИКА В КРИМІНАЛЬНОМУ ПРОЦЕСІ**

В кримінальному процесі виділяють такі сторони: сторону обвинування і сторону захисту. Кожні з цих сторін (обвинувачення і захист) наділені рівними процесуальними правами. Як захисники підозрюваних, обвинувачених допускаються особи, які мають свідоцтво про право на заняття адвокатською діяльністю. За згодою підсудного допускаються близькі родичі, опікуни або піклувальники.

Враховуючи складність кримінального процесу, а також те, що обвинувачений, який не обізнаний в питаннях права, може опинитися в нерівному положенні (щодо встановлення істини і юридичного тлумачення інкримінуючого йому діяння) в порівнянні з представниками органів досудового розслідування. Відсутність в процесі захисника не тільки ускладнює, але і нерідко зводить нанівець значення захисту. Нереальним стає і рівність прав учасників судового розгляду [2, с. 45].

Одним із істотних недоліків кримінально-процесуальної діяльності суб'єктів є зневажання функцією захисту, і як наслідок цього, захоплення обвинувальним ухилом. Непоодинокі випадки, коли заради «показників» грубо порушувались законність, права особи в ході розслідування. Комплексне дослідження функції захисту, належна реалізація її суб'єктами буде сприяти встановленню об'єктивної істини в кримінальних справах, зміцненню законності. Надання захиснику широких прав не може заважати, і не заважає здійсненню завдань кримінального судочинства.