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Research on the adaptation of Ukrainian legislation to international norms and principles based on justice and legitimacy

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Abstract

This article aimed to examine the effectiveness of legal adaptation processes in Ukraine in adapting to the standards of international justice and legitimacy in the context of European integration commitments. The research was carried out by applying a set of research methods (comparative legal, systemic, institutional, statistical, and content analysis), which was implemented in three stages: analysis of conceptual and legal foundations, empirical assessment of sectoral reforms, and examination of institutional mechanisms for ensuring legitimacy. The information and empirical base of the research was the data that by the end of 2024 Ukraine fulfilled 81% of its commitments under the Association Agreement with the European Union, the level of citizen satisfaction with the quality of administrative services has increased to 94.7%, and the level of corruption in this sphere has decreased from 24% in 2014 to 3.8% in 2024. The analysis of 158 judgments of the European Court of Human Rights against Ukraine in 2024 testified to the preservation of systemic problems in ensuring property rights and providing procedural guarantees, while positive dynamics are observed in preventing

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torture. The most adapted spheres of legal regulation were anti-corruption policy (the launch of activity of the High Anti-Corruption Court of Ukraine, which issued 245 judgments since the beginning of its activity) and digitalisation of legal proceedings (the number of electronic documents increased from 548,813 in 2022 to 3,186,546 in 2024). At the same time, structural disproportions were found in fulfilling the tasks of adaptation at different levels of power: the indicators of performance reached 79% in the Cabinet of Ministers of Ukraine, 74% in the Verkhovna Rada of Ukraine, and only 62% in other bodies of state power. The practical significance of the study consists in the possibility of using its results by the Government Office for the Coordination of European and Euro-Atlantic Integration for improving the system of monitoring the European integration processes; by the committees of the Parliament – for strengthening the legislative framework for legal adaptation; by the judicial authorities – for bringing the law enforcement practice closer to European standards; by international organisations and the expert community – for assessing the effectiveness of legal reforms in candidate countries for EU membership

Keywords: legal reforms; European integration; judicial system; anti-corruption bodies; institutional mechanisms; justice

Introduction

Since the granting of Ukraine the status of a candidate for European Union membership (23 June 2022) and the formal launch of accession negotiations at the Intergovernmental Conference (25 June 2024), the process of harmonising Ukrainian legislation with international standards of justice and legitimacy is underway. The launch of the Ukraine Facility mechanism for the period 2024-2027 created opportunities for financial support for structural reforms, while at the same time imposing higher requirements for the quality of legal transformation (European Council..., 2022; Regulation of the European Parliament and of the Council Establishing the Ukraine Facility No. 2024/792, 2024). The relevance of scholarly research into these processes is determined by the need for a theoretical understanding of the mechanisms for implementing European standards under conditions of a simultaneous defensive war and accelerated European integration reforms, which together shape a specific context of state-building. Despite progress in the formal transposition of European law, official assessments by the European Union record a "compliance gap" between normative changes and their practical implementation. The presence of the indicated gap is confirmed by the requirement to enhance the rule of law, consolidate anti-corruption efforts, improve the quality of impact assessment and the inclusiveness of public consultations (European Commission for Democracy through Law No. 9322, 2023). The key theoretical and practical problem is the entry of principles of justice and democratic legitimacy into all stages of the harmonisation process, which is called to provide not only formal adaptation of Ukrainian legislation to the *acquis communautaire*, but also a real positive shift for Ukrainian citizens in the quality of legal regulation and effectiveness of justice.

The problem of harmonisation of Ukrainian legislation with international standards is explored in the framework of legal science, and this problem has a broad sectoral and institutional content. In the sphere of labour law, U. Beck (2024) has shown the need to balance

productive and protective functions of labour law as the basis for reforming national legislation in the context of European integration. In research, the author comes to the conclusion that the constitutive basis for the realisation of the right to work should be the priority provision of the maximum volume of labour rights determined by law, as well as the optimal conditions for their realisation. A detailed analysis of the issue of occupational safety and health was conducted by S. Petrovska and M. Petrovskyi (2023). The authors of this scientific study note the critical state of the implementation of key European directives in Ukrainian legislation. The scientists pointed out the fragmented implementation of the provisions of the directives due to the incomplete transposition of norms and substantiated a conceptual approach to harmonisation, which involves the transfer of the general legislative structure of the European Union (EU) in the sphere of safety and health.

Legal and technical issues of adaptation processes were investigated in the research of V. Ryndiuk and O. Kuchynska (2024), who, on the conceptual level, singled out adaptation processes within the Association Agreement framework and implementation of the EU acquis within the framework of negotiations on the accession of a candidate state. The authors demonstrated that these processes are based on different legal foundations and employ specific legal and technical methods of implementation. Principles of legislative drafting in the context of adapting national legislation were comprehensively examined by L. Nikolenko (2023), who systematised the fundamental principles of the EU rule of law, legality, direct effect of norms, transparency, and proportionality. The scholar also developed principles specific to the Ukrainian context, including intercultural adaptability, anti-crisis legislative drafting, and social compensation.

The digital sphere became the subject of in-depth legal analysis in the studies of L. Valko (2024) and O. Rossylna (2024). L. Valko (2024) demonstrated partial compliance of the Law of Ukraine No. 3321-IX "On Digital Content and Digital Services" (2023) with European standards, while identifying critical gaps in the regulation of digital content updates and in the application of the principle of a "reasonable time". O. Rossylna (2024) identified the fragmented nature of legislation in the field of electronic health data protection and substantiated the need to establish a unified digital platform for the effective processing of medical data in accordance with Regulation of the European Parliament and of the Council No. 2016/679 (2016). The institutional mechanisms of legislative adaptation were the subject of a comprehensive analysis in the research of I. Lisna (2024) proved the multi-level nature of adaptation processes, which include systemic transformations of the legal system and public authorities, as well as technical adaptation of legislative acts. The researcher showed the importance of coordination mechanisms, in particular, the role of the Ministry of Justice of Ukraine and the Interagency Coordination Council on Legislative Adaptation.

The international aspects of adaptation processes are the subject of research by authoritative scientists. P. van Elsuwege (2025) grounded the role of the EU-Ukraine Association Agreement as an instrument of integration without membership, which, from a gradual mechanism of economic integration, has developed into a legal mechanism of accelerated preparation for full membership after granting Ukraine the status of an EU candidate. R. Dragneva and K. Wolczuk (2024) showed the transformative potential of the Association Agreement in the context of a full-scale Russian invasion, in particular, its role in structuring relations during the long-term pre-accession negotiation process. A. Gawrich and D. Wydra (2024) revealed the dynamics of the initial accession process under martial law, which demonstrates the complexity of simultaneous protection of the rule

of law and democracy and providing a prospect of membership. Despite the wide scope of research, the problems of conceptual substantiation of criteria of justice and legitimacy of legislative adaptation processes, as well as mechanisms for evaluating the effectiveness of legal transformations in the aspect of democratic legitimacy and social justice, are poorly understood.

This study aimed to analyse the efficiency of mechanisms for adapting Ukrainian legislation to international standards of justice and legitimacy in the context of European integration obligations. The objectives of the study were to analyse the conceptual, legal, and institutional frameworks for adapting Ukrainian legislation to international standards of justice and legitimacy; to empirically analyse the process of bringing sectoral legislation in line with international standards, and to evaluate the effectiveness of the existing mechanisms for ensuring justice in the application of laws, and to elaborate scientifically grounded proposals for optimising the system of legal adaptation in terms of increasing its efficiency and bringing it in line with European standards.

Materials and Methods

The conceptual framework of the study was based on the theory of legal transformations and the processes of European integration, which made it possible to consider legislative adaptation as a multilevel process of interaction between national and international legal systems. The theoretical framework was composed of the categories of the rule of law, democratic legitimacy, and justice fairness developed within the European legal doctrine. The study used theoretical approaches to evaluate the effectiveness of legal reforms in terms of protecting human rights and the functioning of democratic institutions.

The research was carried out in three stages. The first stage consisted of analysing conceptual and legal frameworks through the prism of constitutional provisions, including the Constitution of Ukraine (1996). International treaties were analysed, in particular the European Convention on Human Rights (1950) and the Association Agreement (2017). Documents of the OSCE were also examined, including the Copenhagen Document (Organization for Security..., 1990). Strategic documents of European integration policy covered the Action Plan for the implementation of Resolution of the Cabinet of Ministers of Ukraine No. 1106 (2017c), No. 759 (2017b), and No. 447 (2017a). At this stage, the comparative legal method was used to establish the correspondence of national constitutional frameworks to international standards of justice and legitimacy, and the systemic method to analyse the hierarchy of legal norms in the context of European integration obligations.

The second stage was an empirical study of sectoral changes in criminal, civil and administrative legislation. The normative base of the study consisted of the Law of Ukraine No. 2341III (2001), No. 1906-IV (2004), and No. 4651-VI (2012), among others. The statistical base of the study included the analytical review of the Supreme Court of Ukraine (n.d.) on the state of civil proceedings, materials of the State Judicial Administration of Ukraine (2025). Information base of the National Anti-Corruption Bureau of Ukraine (2024) and the National Agency on Corruption Prevention (n. d.) were used. The judicial practice was based on 158 judgments of the European Court of Human Rights (2024). Two key decisions of the Constitutional Court of Ukraine concerning the enforcement of court judgments and the appointment of heads of state bodies were examined (Constitutional Court of Ukraine, 2019; Decision of the Constitutional Court of Ukraine No. 19, 2024). Rulings of the Supreme Court of Ukraine (2023) in cases concerning legal principles, as well as reports of the High Anti-Corruption Court of Ukraine (2025), were also analysed.

At this stage, quantitative methods were used to process numerical indicators of compliance with adaptation commitments; the institutional method was applied to analyse the functioning of specialised bodies; and content analysis was employed to systematise judicial decisions in order to identify trends in law enforcement and to assess the effectiveness of sectoral reforms.

The third stage was the study of institutional mechanisms for ensuring legitimacy by analysing the activities of parliamentary committees, executive coordinating bodies, and the public consultation system. The source base of the study consisted of reports of the Committee on Ukraine's Integration into the European Union (2024), materials of the Secretariat of the Cabinet of Ministers of Ukraine (2024), analytical materials of the European Commission (2023), and the Report of the High Council of Justice of Ukraine No. 1157 (2025). The conclusions of the European Commission for Democracy through Law No. 9322 (2023) and reports of the GRECO (2024) were analysed. Additional sources included materials by N. Boyko (2024) and reports of the OECD (2024). At this stage, the institutional method was applied to analyse the functioning of European integration coordination mechanisms, the systemic method to examine interrelations between different levels of government, and content analysis of international recommendations to assess the effectiveness of mechanisms for ensuring the democratic legitimacy of legal transformations and to identify directions for their improvement.

Results

Conceptual and legal foundations for adapting Ukrainian legislation to international standards of justice and legitimacy. The Ukrainian legislation has developed a constitutional basis for the implementation of international standards, enshrining in it the principle of the precedence of ratified international treaties over national legislation. Article 9 of the Constitution of Ukraine (1996) reads that international treaties concluded by Ukraine in force are part of national legislation. At the same time, the conclusion of international treaties that contradict the Constitution of Ukraine is possible only after making relevant amendments to the Constitution. This procedure not only formalises the entry of international legal norms, but also prepares for their real entry into the national law enforcement system. In the national legal field, the judicial and legislative practice developed a number of principles of application of international law in the national legal order. Resolution of the High Specialized Court of Ukraine for Civil and Criminal Cases No. 13 "On the Application of International Treaties of Ukraine by Courts in the Administration of Justice" (2014) laid down the general principles of judicial application of international norms, which introduced the priority of international treaties over national legislation. The most important was the decision of the Constitutional Court of Ukraine (2019) by which a constitutional mechanism was created for the automatic and unconditional execution of court decisions in cases in which the defendant is a state or state authority. This decision solved the systemic problem of non-execution of decisions of national courts, repeatedly revealed by the European Court of Human Rights in cases against Ukraine. The legislative consolidation was carried out in the Law of Ukraine No. 1906-IV "On the International Treaties of Ukraine" (2004), which stipulates that, if an international treaty establishes rules different from those contained in the relevant act of national legislation, the rules of the international treaty apply.

The international legal basis for the principles of justice and legitimacy is made up of a complex of universal and regional legal instruments that set general standards for national legal systems. The Resolution of the United Nations General Assembly No. 217 (1948) in Articles 7-11 lays

down the foundations of justice, proclaiming the right of all people to equal protection of the law without any discrimination and a fair and public hearing by an independent and impartial tribunal. United Nations General Assembly Resolution No. 2200A (1966) details the principle of justice in Article 14, where the principle of presumption of innocence, the right to defence, publicity of proceedings, reasonable time of proceedings and other due process of law elements are defined. The European Convention on Human Rights (1950) instituted the most advanced legal system for the protection of the right to a fair trial, under Article 6, which details the adversarial procedure, independence and impartiality of the court, a reasonable time of proceedings and the execution of judgments. The European Court of Human Rights case law develops and refines these standards, constructing a dynamic set of legal principles that evolve according to the modern-day justice challenges and considering the peculiarities of the national legal systems of the different States Parties to the Convention.

The principle of legitimacy in international law is closely related to the concept of the rule of law and a democratic basis for the exercise of public authority. The Copenhagen Document of the OSCE (Organization for Security..., 1990) defines the major standards for the legitimacy of the legal proceedings, through the presence of free and fair elections, participatory right of the public to the state decision-making process, transparency of the public administration, accountability of public officials before the civil society and strict observance of the rule of law as a basis for the proper functioning of democratic institutions. These international standards form an integral whole where justice implies an impartial and equal application of the law in relation to any given person, regardless of the social status of the individual, while legitimacy implies the correspondence of the legal decision to the will of the people, the constitution and international obligations of the state. The interconnection between justice and legitimacy manifests itself in the fact that fair legal decisions meet greater support of the population, and legitimate procedures of decision-making create the conditions for a just solution to legal disputes.

One of the most important documents that fixed the commitments of Ukraine in bringing its national legislation in line with European standards of justice and the rule of law was the Association Agreement (2017). In the preamble and general provisions of the Agreement, the parties state that they respect democratic principles, human rights and fundamental freedoms as well as the rule of law, which are common values, and which constitute the essence of the Association between Ukraine and the EU. Article 2 of the Agreement clearly states that democracy, the rule of law, respect for human rights and fundamental freedoms are essential elements and fundamental principles underlying the domestic and foreign policies of the parties and constitute part of the basis of the domestic and foreign policies of the parties and are essential for deepening their cooperation. Chapter III of the Agreement, Justice, Freedom and Security, contains the concrete commitments of Ukraine to improve the rule of law, to ensure the proper functioning of the judicial system, increase its effectiveness, its independence and impartiality, and to fight against corruption at all levels. In the annexes to the Agreement, there is a list of acts of the *acquis communautaire* which shall be gradually implemented into the national legislation and which sets clear perspectives of the legal adaptation with defined terms and indicators of their implementation.

The implementation of the provisions of the Association Agreement is implemented on the national level through a package of strategic documents and institutional mechanisms. The main programme document is the Resolution of the

Cabinet of Ministers of Ukraine No. 1106 (2017c), in which concrete tasks, indicators and terms of implementation of provisions in all spheres of social life are defined. Institutional provision is ensured by the Resolution of the Cabinet of Ministers of Ukraine No. 759 (2017b), which provides organisational, expert-analytical, and information support of the activity in the sphere of European integration. The monitoring and evaluation of the effectiveness of the implementation is carried out in accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 447 (2017a), which approved the procedure for planning, reporting and control of the implementation of the provisions through a comprehensive information system on the Single Web Portal of the Executive Authorities. Since the EU candidate status recognition for Ukraine in June 2022, the coordination mechanisms have been enhanced by the creation of special action plans at the level of negotiation chapters, providing for the implementation of legal reforms by the coordinated activity of the executive bodies.

The dynamics of the interpretation of the principle of justice in the Ukrainian legal system illustrate the gradual incorporation of European legal standards by the national judiciary and their assimilation into the Ukrainian law enforcement practice. In the process of reviewing judicial decisions of lower courts, the Supreme Court of Ukraine has been increasingly applying the principle of justice as the main criterion of legitimacy and reasonableness of judicial decisions, the interpretation of justice in the context of observance not only of the formal procedure but also of the achievement of material justice in each specific case. The decision of the Supreme Court of Ukraine of 14 March 2023, in the case on determination of the ultimate beneficial owner, is an example thereof: in this case the Supreme Court of Ukraine obliges to conduct a full analysis of the circumstances of the case and apply proportionality criteria when assessing the reasonableness of decisions of the regulatory authorities (Supreme Court of Ukraine, 2023). The three-stage European proportionality test, which includes analysis of the legitimacy of the aim of interference with human rights, the necessity of interference in a democratic society and the proportionality of the measures applied to attain the objective, is gradually applied in Ukrainian judicial practice. For example, in the decision of the Supreme Court of Ukraine of 21 March 2023, in the case on the "extended arm" principle in the export of rapeseed, elements of the European proportionality test were applied in the assessment of justification of tax adjustments in international taxation (Supreme Court of Ukraine, 2023). The Constitutional Court of Ukraine in the case of A. Sytnyk has consolidated the proportionality principle as an inherent element of the rule of law and a required element of constitutional revision in relation to any normative legal acts, which impose restrictions on human rights and freedoms, and has also emphasised that the appointment of the heads of state bodies must be carried out in accordance with the requirements of the Constitution of Ukraine and not contradict the principle of the separation of powers (Decision of the Constitutional Court of Ukraine No. 19, 2024).

The mechanisms of legitimacy of legal acts in Ukraine are based on the wide involvement of the public and responsible institutions at all stages of the legislative process. Resolution of the Cabinet of Ministers of Ukraine No. 996 (2010) determines the procedure for mandatory public discussion of the draft normative legal acts through their publication on the official websites of the Government, public hearings, electronic consultations, as well as other forms of participation of citizens in the preparation of administrative decisions. In each central executive body, the public councils, as permanent advisory bodies, operate, which consist of representatives of the relevant

civil society organisations, expert centres, professional associations and other civil society institutions. The procedures of regulatory impact assessment, which are introduced in relation to the draft normative legal acts in the sphere of economic activity, stipulate the need for mandatory analysis of the consequences of regulation for business and citizens, publication of the results and taking into account the received comments. The parliamentary control over the legislative adaptation is carried out by the specialised Committee on Ukraine's Integration into the European Union (n.d.), which systematically monitors the compliance of all draft laws with the European law and provides motivated conclusions on the necessary changes to bring them in line with the EU *acquis communautaire*. Thus, in 2024, this Committee carried out intensive expert work: in total, it held 39 meetings, considered 594 draft laws, was a lead committee for 27 of them and initiated three resolutions (Committee on Ukraine's Integration into the European Union, 2024). The Committee presented its proposals to the Parliament on how to bring draft laws into conformity with European law, and in most cases, Parliament was obliged to amend the draft laws to make them compatible with EU Directives and Venice Commission opinions. However, the Verkhovna Rada of Ukraine (n.d.) considered only 27 conclusions of the Committee, which shows that it is necessary to consolidate the institutional potential of the European integration committee and to make mandatory consideration of its decisions in the legislative process.

The legal estimation of the effectiveness of the existing constitutional and legal adaptation mechanisms testifies to the existence of significant successes and systemic problems in the legal regulation of European integration processes. The positive aspect includes the creation of a normative framework for the application of international standards: the Constitution of Ukraine defines the priority of international treaties concluded and ratified, sectoral laws determine the procedure for legislative adaptation, and state programmes have deadlines and executors. By the end of 2024, Ukraine fulfilled about 81% of its obligations under the Association Agreement, which testifies to the irreversibility and effectiveness of reforms, even in the conditions of war (Boyko, 2024).

However, the analysis of the legal regulation of adaptation processes has revealed a number of systemic flaws that reduce the efficiency of European standards implementation. The studies of legal collisions demonstrate the insufficient settlement of the norms hierarchy in cases of collision between national legislation and international treaties ratified by Ukraine. Article 9 of the Constitution of Ukraine (1996) sets a general rule for incorporating international treaties into national legislation, Law of Ukraine No. 1906-IV (2004) sets precedence of international treaties over national legislative acts (Art. 19), but there are no procedural mechanisms to settle the collision between constitutional norms and international obligations. The practical manifestations of the legal uncertainty are reflected in the European Court of Human Rights case law. According to the ECtHR, a violation of the Convention was committed due to the delayed repeal of the obsolete provisions of national legislation that do not meet the European standards of protection of property rights (Judgment of the European Court of Human Rights, 2018; Judgment of the European Court of Human Rights, 2019). The analysis of monitoring reports of international organisations proves the systemic character of the problem. Thus, in 2021 to 2024, the Compliance Committee to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (2024) observed the discrepancies in access to information, public participation and access to justice, which proved the incompleteness of

harmonisation of the national procedures with international obligations (United Nations Economic Commission for Europe, 2024). The institutional analysis of the coordination of European integration processes demonstrated the fragmentation of executive power. Thus, in 2024, the European Commission directly pointed to the duplication of powers in the law enforcement bloc, where due coordination between agencies was missing, and the use of exceptions led to a lacuna in the law. For example, institutional fragmentation was caused by the absence of single responsibility for the implementation of Directive of the European Parliament and of the Council No. 2001/42/EC "On the Assessment of the Effects of Certain Plans and Programmes on the Environment" (2001), which required the establishment of an additional inter-agency working group and caused delays in the fulfilment of adaptation obligations. The regional aspect of the problem is the inadequate coordination of actions between the central bodies of executive power and local selfgovernment bodies, which may lead to unequal application of the European standards at different territorial levels. This makes the strengthening of vertical coordination mechanisms necessary in order to ensure uniform law-enforcement practice across all the regions of Ukraine (European Commission, 2024).

The striving for prompt implementation of the plans of adaptation has exerted a negative influence on the quality of legal acts and the level of involvement of the public in their drafting, which has decreased the legitimacy of legal acts in the eyes of civil society. For instance, there were a number of gaps during the reform of the judiciary in 2016 to 2019: despite the fact that the reform in general was positively perceived by international partners, the Constitutional Court of Ukraine repealed a number of provisions of anti-corruption legislation in October 2020, which led to an institutional crisis and the need to take urgent measures to resume the functioning of anti-corruption bodies (Decision of the Constitutional Court of Ukraine No. 1-9, 2024). Such a crisis situation is also caused by the lack of a clear doctrinal position in national constitutional law on the way to overcome collisions between the principle of supremacy of international law and the supremacy of the Constitution. In the scientific literature, there is an ongoing discussion between the supporters of different doctrines: representatives of the national constitutional law defend the precedence of the Constitution over international agreements, and the specialists of international law insist on the unconditional precedence of international obligations regardless of their nature and ratification (Koziubra, 2020). This doctrinal controversy is exacerbated by the lack of a clear procedure for overcoming collisions between constitutional norms and international obligations, which indicates the urgency of the development of the theory of subordination of legal norms in the context of European integration.

Empirical analysis of the harmonisation of sectoral legislation with international standards. The adaptation of Ukraine's criminal legislation to European standards represents a largescale, multi-stage process of reform aimed at ensuring fundamental human rights in criminal proceedings and aligning the national criminal justice system with international standards. The Law of Ukraine No. 2341-III "On the Criminal Code of Ukraine" (2001), from the moment of its coming into force in 2001 to the middle of 2025, has undergone a series of fundamental changes aimed at bringing its norms into full conformity with the European Convention on Human Rights and the practice of the ECtHR. The most notable reform was the exclusion of the death penalty in 2000 for the fulfilment of Ukraine's obligations before the Council of Europe and the institution of life imprisonment as a substitute for the severest punishment. Later, the Criminal Code of

Ukraine was amended, and the European concept of criminal responsibility was implemented into the Ukrainian legislation by extending the list of non-custodial sentences, by humanisation of the punishments for minor and medium gravity crimes and concretisation of torture as stated in Resolution of the United Nations General Assembly No. 39/46 (1984). In particular, after the ECtHR's judgments regarding torture of prisoners in Ukraine in 2005, a separate Article 127, Torture, was added to the Criminal Procedure Code of Ukraine (2012), which was brought in accordance with international prohibitions of torture.

The Criminal Procedure Code of Ukraine (2012) became a milestone on the way to adjusting the national criminal justice system to the requirements of Article 6 of the European Convention on Human Rights and a breaking point in the philosophy of criminal proceedings in Ukraine. New Criminal Procedure Code of Ukraine changed essentially the model of criminal procedure by: implementing adversarial type of criminal proceedings; providing real equality of rights of the parties of criminal proceedings (accusation and defence); creating an institute of the investigating judge to exercise effective judicial control over protection of human rights at the stage of pre-trial investigation; determining the reasonableness of the term of pre-trial investigation and the term of the court examination of the case. The major innovation of the 2012 Criminal Procedure Code was the introduction of separate articles which determined the grounds of inadmissibility of evidence obtained in violation of human rights, introducing into the national criminal procedure the fruit of the poisonous tree doctrine elaborated by the ECtHR' practice, and provided essential guarantees against arbitrariness at the stage of pre-trial investigation (Kharkiv Human Rights Protection Group, 2013). According to Article 87 of the Criminal Procedure Code of Ukraine it is obligatory for a court to recognise as inadmissible evidence obtained in violation of the rights, freedoms and interests (torture, violation of the right of defence unlawful detention), as well as other evidence obtained as a result of their use, regardless of its reliability and importance for establishment of circumstances of the case. The new Criminal Procedure Code of Ukraine entered into force in 2012, after a number of judgments of the ECtHR against Ukraine, in which systematic breaches of the right to defence, access to a counsel, and the right to study evidence were established (Kharkiv Human Rights Protection Group, 2013).

The positive practical results of the implementation of this criminal procedure law in ensuring the right to a fair trial and the protection of the procedural rights of the parties to criminal proceedings, are demonstrated by the results of the Ministry of Justice of Ukraine in the report for 2024, which states that the number of repeated violations of the rights of the parties to criminal proceedings during the pre-trial investigation decreased, the number of complaints to the ECtHR about violations of Article 6 of the Convention, despite the preservation of some systemic problems in the sphere of criminal justice (Ministry of Justice..., 2024). The reports of the monitoring for 2020-2024 years indicate the scale of the problem: in 2021, 99,233 complaints were filed with investigating judges regarding decisions, actions or omissions of the investigators or prosecutor, of which 89,005 were subject to consideration. The European Court of Human Rights states that the majority of complaints against Ukraine are related to the violations of the right to a fair trial and the non-enforcement of court decisions for a long time, which confirms the relevance of the positive shifts outlined in the report for 2024 (Ministry of Justice..., 2023; 2024). The European Court of Human Rights (2024) points out the existing problem of excessive periods of pre-trial detention, which in some cases is two to three years, unsatisfactory conditions in temporary detention

facilities, and periodic failure of national courts to ensure the fairness of the trial in evaluating the admissibility of evidence. In order to overcome these problems, the Strategy was approved in Ukraine in 2020 (Cabinet of Ministers..., 2020), by the Order of the Cabinet of Ministers of Ukraine No. 210-r (2021a), however, as the European Commission noted, a number of structural reforms have not yet been implemented to completely eliminate systemic violations (European Commission, 2023). The current practice of the European Court of Human Rights with regard to Ukraine also records widespread issues in different spheres of law enforcement (Table 1).

Table 1. The implementation of the Ukraine-EU Association Agreement: indicators of implementation by level of governance

Indicator	Value
Overall progress in implementing the Association Agreement (2014-2024)	81%
Progress achieved by Ukrainian state bodies in 2024	70%
Task completion (2014-2024): Cabinet of Ministers of Ukraine	79%
Task completion (2014-2024): Verkhovna Rada of Ukraine	74%
Task completion (2014-2024): other state bodies	62%
Share of tasks completed by the Cabinet of Ministers in 2024	69%

Notes: indicators reflect the proportion of obligations fulfilled out of the total number of tasks specified in the Association Agreement for each institutional level. Calculations are based on the official monitoring methodology developed by the Government Office for the Coordination of European and Euro-Atlantic Integration
Source: created by the author

The statistical data in Table 1 illustrate the irregularity of adjustment processes in different levels and spheres of law, which is a consequence of the objective difficulties in coordinating the European integration policy within a decentralised system of public administration. The significantly lower level of implementation by other state bodies (62%) compared to that of the central executive authorities testifies to the insufficiency of the existing mechanisms of vertical coordination and necessitates the standardisation of methodological approaches to the implementation of European law at all levels of governance. The disparity in the indicators of the Cabinet of Ministers and the Verkhovna Rada of Ukraine can be evidence of the need to enhance the inter-institutional dialogue and to improve the procedures of coordination of draft legislation at the stage of their preparation. The fact that the majority of unfulfilled tasks are concentrated within the competence of local authorities and regional state administrations underlines the need to decentralise the expert potential in the sphere of European law and to create regional coordinating centres of European integration.

The reform of the civil procedural law through the adoption of the Law of Ukraine No. 1618IV "On the Civil Procedure Code of Ukraine" (2017) was part of the overall judicial reform, the purpose of which was to radically bring the civil process in line with European standards of efficiency, accessibility, and fairness of justice. The new Civil Procedure Code determined that the main purpose of civil proceedings is a fair, impartial and timely consideration and resolution of civil cases for ensuring the effective protection of violated, unrecognised or disputed rights, freedoms or interests of individuals, rights and interests of legal entities, and interests of the state in accordance with the basic requirements of Article 6 of the European Convention on Human Rights (1950). The legislator implemented a number of new instruments aimed at simplifying and accelerating the legal process and increasing its efficiency.

The simplified procedure for small claims allows the court to examine an uncomplicated dispute (the claim value is up to 1 million UAH for legal entities, up to 500,000 UAH for individuals) in a simplified (accelerated) order without court proceedings, which greatly expands access to justice for citizens. The "model case" institution in civil proceedings becomes an effective mechanism for ensuring the uniformity of judicial practice and the mass settlement of similar disputes: in the event that a large number of similar claims are filed in various courts, the Supreme Court selects one of them as a model, and the legal positions expressed in this process are obligatory for all courts when considering similar cases (Supreme Court of Ukraine, 2023).

Digitalisation of the legal process through the introduction of the Unified Judiciary Information Telecommunication System (UJITS) and the "Electronic Court" subsystem greatly expands access to justice for citizens and increases the efficiency of the process. Within the system, it is possible to file procedural documents in electronic form round-the-clock, participate in court sessions remotely by means of videoconferencing, receive court decisions and notifications in electronic form, and monitor the progress of the case online in real time. According to the data of the State Judicial Administration of Ukraine (SJAU) presented in the analytical reviews of the Supreme Court, the average term of consideration of a civil case in local courts decreased from 86 days in 2018 to 80 days in 2023 (and 83 days in 2024) which indicates a moderate acceleration of the process and gradual rapprochement with European terms of reasonable duration. Official statistics also testify to the ongoing acceleration and digitalisation of the civil process. Thus, according to the analytical review of the Supreme Court, the average term of a civil case in 2024 was 83 days (in 2023, 80 days), which is about 2.6 to 2.8 months (Supreme Court…, n.d.). The number of applications and other documents that were filed to courts via the "Electronic Court" subsystem in 2023 totalled 1,430,893, and in 2024 – 3,186,546 (in 2022 – 548,813) (State Judicial Administration of Ukraine, 2025). This points to the widespread digitalisation of access to justice.

Modernisation of Ukrainian administrative law and procedure was realised in the form of a reform of the legal norms governing the relationship between a citizen and a public authority. The Code of Administrative Justice of Ukraine (2005) for the first time introduced a specialised judicial review of public administration activity and incorporated the principles of European administrative law. The novelty of the mentioned Code consisted of, first of all, the introduction of the principle of official ascertainment of the circumstances of a case, which takes into account the inequality of a citizen and a public authority in terms of resources; the principle of proportionality of a court decision; the principle of proper notification of the parties to the administrative proceedings ensuring the adversarial nature of the process. The implementation of these principles in practice allowed the creation of effective mechanisms of judicial protection, such as declaring decisions of authorities unlawful, compelling an official to take certain actions, and reimbursement for damage inflicted by an unlawful act of a public authority. The statistics for 2021 are indicative of the efficiency of the system: administrative courts examined 441,825 claims and satisfied claims in 85% of the cases that were closed, demonstrating a high level of validity of citizens' appeals (Supreme Court of Ukraine, 2022). The general number of satisfied claims was 71% of all examined claims, which illustrates in practice the accessibility of administrative justice as an instrument for the protection of an individual's rights in their relations with the state.

It is also important to mention that Law of Ukraine No. 2073-IX "On Administrative Procedure" (2023) was adopted. This was a revolutionary

legislative act, because for the first time at the national level, general standards were set for the interaction between bodies of public administration and individuals when considering individual affairs and adopting individual administrative decisions. This law establishes general principles of good administration that are fully compatible with European principles of good governance: rule of law, legality, legal certainty, nondiscrimination and equality before the law, proportionality, impartiality and good faith, openness and transparency, accountability, efficiency and timeliness. Of special importance are the procedural rights and guarantees established by the law: the right of every person to be heard before an administrative decision that can affect their rights and interests is adopted; the duty of the public authority to provide a written explanation of an administrative decision, specifying its factual and legal grounds; the right to appeal the administrative decision to a higher authority before applying to an administrative court; the duty of the administration to explain to the applicant their rights and ways of protecting them. The entry into force of this law in 2022 to 2023 (though its full application was postponed in part due to martial law) is crucial for the legitimacy of state action, since it provides citizens with a clear and predictable set of procedural guarantees when dealing with public authorities. European experts from SIGMA (2023), the Council of Europe and other international organisations highly appreciated this law as one of the most progressive in Europe, moving Ukraine closer to the highest standards of good governance.

The direct results of the reform of administrative law are an improvement in the quality of administrative services and an increase in citizens' trust in governmental bodies. According to the monitoring of the quality of administrative services carried out in accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 864 (2021b), as of November 2024, 94.7% of visitors to the centres of administrative services (CSCs) assessed the quality of services as positive. This is significantly higher than the indicator provided for in the Strategy for Reforming Public Administration of Ukraine for 2022-2025 (78% as of 2024), and testifies to a change in the perception of citizens regarding their interaction with the state. This indicator is the result of purposeful work to optimise the procedures for the provision of administrative services, the introduction of the principle of a single window, and digitalisation of public services, through the Unified Judiciary Information Telecommunication System and the Diia portal. The share of corrupt services in the provision of administrative services decreased to 3.8% in 2024 compared to 24% in 2014, which indicates a high level of transparency and accountability of these institutions (LZI, 2024). The average time of expectation in the queue in the CSCs decreased from 47 minutes in 2018 to 12 minutes in 2024, and the share of services rendered on the principle of a "single window" increased from 34% to 89% for the same period. This was achieved through a comprehensive standardisation of administrative procedures, large-scale digitalisation of administrative services through the Diia portal and other electronic services, as well as effective quality control of services rendered to citizens through the system of feedback and monitoring of user satisfaction.

The creation and functioning of a specialised system of anti-corruption bodies is one of the most significant and successful reforms in bringing Ukrainian legislation in line with international corruption-fighting standards and ensuring objectivity in bringing senior officials to justice. After the Revolution of Dignity in 2014, in accordance with the recommendations of the GRECO, as well as the requirements of the IMF and the EU, Ukraine has developed a unique three-level system of anticorruption institutions: the National

Anti-Corruption Bureau of Ukraine (NABU) for pre-trial investigation of top-level corruption offences, the Specialised Anti-Corruption Prosecutor's Office (SAP) for procedural guidance of such proceedings, and the High Anti-Corruption Court (HACC) for consideration of these cases on the merits (OECD, 2024). The distinguishing elements of the system include independence from other law enforcement agencies, special recruitment procedures of the personnel with the participation of international and civil society experts, and publicity of its activities through regular reports to the public. According to official data, the anti-corruption system proves its efficiency in cases of high-level corruption. During 2024, NABU and the SAP sent to the court 113 indictments against 243 persons, showing the consistently high level of case submission to the HACC. Since the start of the work of the specialised court (in September 2019), and as of 21 February 2025, the HACC delivered 245 verdicts, of which 195 were verdicts of conviction, which is quite an impressive number of judgments passed on the merits of cases investigated by NABU and prosecuted by the SAP (National Anti-Corruption Bureau of Ukraine, 2024; n.d.). The High Anti-Corruption Court demonstrates tangible results in high-level corruption cases, although the average length of proceedings is rather long. According to the official report of the president of the court, in 2024, 88 criminal proceedings were completed against 137 persons, among them 77 judgments (which is 18% more than in 2023) (High Anti-Corruption Court of Ukraine, 2025). At the same time, according to the court's analytical report on judicial activities, in 2024, the HACC passed 68 verdicts of conviction (on 112 persons) and 9 verdicts of acquittal (on 10 persons). Judicial statistics show that the average length of court proceedings in the HACC in 2024 was 618 days, which is far from the indicated above "3.4 months" (High Anti-Corruption Court of Ukraine, 2024). Among those convicted by the HACC, there are former deputies, judges, prosecutors, and heads of central bodies of executive power, which demonstrates the real implementation of the principle of equality before the law.

The recognition at the international level of the effectiveness of the Ukrainian anti-corruption model is regularly confirmed by positive evaluations from GRECO and other monitoring missions. According to the 2023 Compliance Report of the Fourth Evaluation Round, GRECO Ukraine has fully implemented 18 out of 31 recommendations (including an effective monitoring system for the declarations of public officials, regulation of lobbying, and reform of selection procedures for judges involving international experts) (Group of States against Corruption, 2024). The rest of the recommendations are currently being implemented, and GRECO acknowledges the political will and commitment to anti-corruption reforms despite the ongoing full-scale war.

The results of the National Agency on Corruption Prevention activities in the sphere of preventive anti-corruption policy are highly positive. In 2024, the agency launched 1,050 full inspections of declarations of public officials and completed 715 of them. In 353 declarations, it detected inaccurate information worth more than 3.8 billion UAH and unjustified assets worth over 47 million UAH (National Agency on Corruption Prevention, n.d.). In addition, 167 lifestyle audits of declarants were conducted, which resulted in the detection of 42 cases of unjustified assets and illicit enrichment worth 739 million UAH. For comparison, in 2019, out of 1,133 full inspections of declarations, violations were found in 140 cases (12 of the declarations under consideration). The current data shows significant progress in the effectiveness of control and supervisory activities due to improved verification tools and analytical powers of the agency (National Agency on Corruption Prevention, 2020).

The general and systemic evaluation of consistently developing sectoral legislative processes allows us to conclude that significant and irreversible progress has been made in the approximation of the Ukrainian legislation to the international standards of justice, in spite of the unparalleled threats and risks to Ukraine due to Russian armed aggression and the state of war. The most effective part of the harmonisation has been in the area of anti-corruption policy and judicial procedure modernisation, where European-like bodies have been created, new procedural codes have been enacted and some tangible outcomes have already been achieved, such as imprisonment of corrupt top officials, decrease in the number of human rights violations during criminal procedure, growth in public trust towards new judicial bodies, such as the HACC. However, the areas where much is yet to be done are court decisions, execution and finalisation of the reform of law enforcement bodies. According to the Council of Europe Committee of Ministers, by 2024, Ukraine is still one of the leading countries by the number of pending judgments of the ECtHR, and a considerable part of them relates to systemic non-enforcement of decisions of national courts, excessive length of judicial proceedings and insufficient investigation of crimes by the law enforcement bodies (European Commission, 2023). Areas for further harmonisation should be those where international rankings place Ukraine far behind European standards: finalisation of the reform of the system for court decisions execution, reinforcement of independence and professionalism of law enforcement bodies and development of transitional justice to prosecute war crimes and crimes against humanity according to international humanitarian law. Official statistical data on the implementation of the Association Agreement witness substantial progress of Ukraine in the fulfilment of its European integration obligations during the last ten years (Table 2).

Table 2. Ukraine at the ECtHR: Structure of established Convention violations (2024)

Indicator (Ukraine, 2024)	Number
Total judgments delivered	158
of which has at least one violation	153
Protocol No. 1, Art. 1 (protection of property)	87
Art. 5 (right to liberty and security)	80
Art. 2 – "ineffective investigation"	22
Art. 6 – "length of proceedings"	51
Art. 6 – "right to a fair trial"	13
Art. 3 (prohibition of torture/inhuman or degrading treatment) – core	22
Other categories (Arts. 7, 8, 9, 10, 11, 12, 13, 14; Protocols 1-2, 1-3, etc.)	isolated cases recorded

Notes: a single judgment may record multiple violations of different Articles; therefore, the sum of violations by Article exceeds the number of judgments. The categories above correspond to the columns of the official ECtHR table (right to life/investigation under Art. 2; Art. 3; Art. 5; Art. 6 – fair trial, length, non-enforcement; Arts. 7-14; Protocol No. 1 – Arts. 1-3, etc.)

Source: compiled by the author based on European Court of Human Rights (2024; 2025)

The distribution of ECtHR-established violations as presented in Table 2 is also illustrative of the systemic character of the problems of the Ukrainian legal system, which go beyond sectoral structural flaws and testify to institutional capability deficits in the sphere of the protection of property rights, procedural guarantees and the implementation of judicial acts. The most widespread violations of Article 1 of Protocol No. 1 to the European Convention on Human

Rights (1950) bear witness to the systemic character of problems of the implementation of court decisions and compensation for property damage caused by unlawful acts of state bodies, which in turn presuppose a need to carry out comprehensive reform of the enforcement proceedings system and to introduce effective mechanisms for compensation at the expense of the state budget (Council of Europe, 1952). The high number of established violations of Articles 5 and 6 of the Convention is a sign of insufficient reform of criminal and civil justice with respect to compliance with the requirements of a reasonable period of pre-trial detention, adequate conditions in places of detention and the right to a fair trial. The relatively low number of established violations of Article 3 could be a sign of positive results of reform of law-enforcement bodies and implementation of international standards for the prevention of torture; however, it is too early to speak about the irreversibility of this positive trend.

Institutional mechanisms for ensuring justice and the legitimacy of legal adaptation processes. The efficient incorporation of international standards into national law is provided by a multilevel system of institutional mechanisms, which embraces bodies of all branches of power, civil society structures and international monitoring institutions. The Committee of the Verkhovna Rada of Ukraine on the Integration of Ukraine into the European Union serves as a kind of filter of the European integration quality of national legislation and provides parliamentary control over the observance of requirements of European standards by legislative initiatives. The Rules of Procedure of the Verkhovna Rada of Ukraine state that all draft laws related to the fulfilment of obligations under the Association Agreement or the implementation of EU legal acts shall be sent to the Committee for review, in order to obtain a qualified opinion on the conformity of such acts with the *acquis communautaire* (Resolution of Ukraine No. 2483-IX, 2022). Throughout 2023 to 2024, the Committee engaged in intensive expert work, reviewing more than 200 draft laws, and, in particular, those draft laws related to the implementation of seven key recommendations of the European Commission, necessary for the start of negotiations on Ukraine's accession to the EU. These included, inter alia, draft laws on reform of the Constitutional Court of Ukraine, on the media, on national minorities and on the prevention and counteraction of the legalisation of criminal proceeds, which underwent multi-stage review for conformity with European law. The Committee provided the Parliament with recommendations, often requiring serious revision of the draft laws, which allowed their adoption in a form that fully complies with European standards.

As for the executive authority, a coordination function within it is performed by the Government Office for the Coordination of European and Euro-Atlantic Integration, which is a highly specialised body established in the Secretariat of the Cabinet of Ministers of Ukraine, with functions to coordinate the activities of all ministries and other central bodies of executive power in the implementation of international legal obligations. Structurally, the Government Office consists of directorates, which, in their turn, correspond to the basic blocks of EU law: economic, sectoral, and Justice, Freedom and Security blocks. This approach ensures the professional specialisation of each thematic area of European integration (Cabinet of Ministers of Ukraine, 2024). The role of the Government Office significantly increased after Ukraine gained the status of an EU candidate country in June 2022. In particular, with the assistance of the Office, Ukraine's First National Report on fulfilling the criteria for EU membership was prepared and submitted to the European Commission in April 2024 in time. The report consists of more than 1,600 pages and required the involvement of around 140 state bodies and

hundreds of officials in a unified process of collecting and analysing information on the adaptation of Ukrainian legislation. The Office also monitors the implementation of the Action Plan for the realisation of European Commission recommendations, which provides more than 350 concrete steps in all priority reform areas, coordinating the activities of more than 100 executive bodies.

The mechanism of involving civil society in legal adaptation is an important component of the democratic legitimacy of reforms, as it ensures real public participation in the formation of state policy in the field of European integration. The normative framework for its functioning is determined by the Law of Ukraine No. 4572-VI "On Civic Associations" (2013) and Resolution of the Cabinet of Ministers of Ukraine No. 996 (2010), which defines the procedure for public discussion during the preparation of normative legal acts. Permanent advisory bodies, such as civic councils, which include representatives of public organisations, scientific communities, and professional unions, operate in each central executive authority. They are engaged in regular discussions of draft administrative acts and providing expert opinions. The most active are the civic councils under the Ministry of Justice of Ukraine, the Ministry of Internal Affairs, and the Office of the Prosecutor General, which in 2023 reviewed more than 150 draft regulatory acts in the spheres of judicial administration and anticorruption policy (Ministry of Justice of Ukraine, 2023). According to the Secretariat of the Cabinet of Ministers of Ukraine (2024), in the fourth quarter of 2024, 76 executive bodies have conducted 748 events in the framework of public discussion, having considered 638 questions of considerable public interest, among them 351 draft legal and regulatory acts. It is proven by the results of the analysis of the mentioned consultations that the offers of citizens and organisations have a great influence on the improvement of the draft legal and regulatory acts. It is evidenced by the results of the public discussion held by the Ministry of Finance regarding the order of conducting verification of certificates, within the framework of which the offers of four out of five organisations-participants were fully or partially included in the text of the project of the legal and regulatory act.

The system of justice, as the constitutional guarantor of justice, underwent the most cardinal reform from all state institutions, directed toward providing its full independence from political influence and raising the level of professional training of judges. After the adoption in June 2016 of the constitutional amendments regarding the judiciary a comprehensive reform of the system of justice was started: a full renewal of the staff of the Supreme Court on a competitive basis with the participation of international experts; creation of the Public Integrity Council; introduction of the institute of obligatory qualification evaluation for all acting judges; creation of the High AntiCorruption Court. The most difficult moment was the renewal of efficient functioning of the bodies of the judicial self-governance after the institutional crisis of 2020-2021, caused by the loss of confidence of society in the honesty of some members of the High Council of Justice and the High Qualification Commission of Judges. From 2023 to 2024, a full renewal of the bodies of the judicial governance was conducted, in particular, a service of disciplinary inspectors was created on a competitive basis with the obligatory participation of international experts from international organisations as a part of the commission on selection to the High Council of Justice (2024). With a casting vote of international organisations' representatives in the High Council of Justice's Ethics Council, international organisations had provided the full impartiality and independence of the selection process.

After restoring the High Council of Justice in March 2023, the latter already proved its

efficiency in applying disciplinary responsibility for judges. The High Council of Justice examined more than 300 disciplinary cases in 2023 to 2024, having applied liability or dismissed more than 50 judges for gross violations (High Council of Justice, 2024). Meanwhile, the newly elected in November 2023 High Qualification Commission of Judges has started filling the approximately 2,000 vacant judges' positions, which will help reduce the number of pending cases and speed up their consideration. The indicators of public trust in the judiciary system point to positive dynamics as concerns the newly established bodies: while the general level of trust does not exceed 25%, almost 40% of the respondents trust the High Anti-Corruption Court, which is the highest among the judiciary bodies (Boyko, 2024).

The international monitoring institutions have a special role in ensuring the legitimacy of the legal reforms by exercising professional monitoring of fulfilling international commitments and providing expert recommendations. The European Commission for Democracy through Law (Venice Commission) is one of the most authoritative international institutions in the field of constitutional law, and its opinions have near-binding force in the national legislating. From 2023 to 2024, the Venice Commission issued a number of significant opinions on the most important Ukrainian legislative initiatives. The opinion of the European Commission for Democracy through Law No. 9322 "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for the Selection of Candidates for the Position of Judge of the Constitutional Court of Ukraine on a Competitive Basis" (2023) contains the main recommendations for consolidating the role of international expertise in the competitive selection process and providing political impartiality. Ukraine promptly reacted and corrected the situation by conferring the power to select the judges of the Constitutional Court upon the specially created Advisory Group of Experts, with the right of a casting vote for the international members. No less positive was the collaboration during the development of the Law of Ukraine No. 2849-IX "On the Media" (2022), in the framework of which the Venice Commission opinion was devoted to the legal issues of possible limitations on the freedom of expression (European Commission for Democracy through Law No. 9322, 2023).

The Council of Europe's Group of States against Corruption (GRECO) systematically monitors Ukraine's compliance with anti-corruption standards in the course of ongoing evaluation rounds. The general evaluation of compliance was "globally satisfactory" and served as additional evidence that Ukraine is a state that has invariably been conscientiously fulfilling its anti-corruption obligations, even in a state of war. N. Boyko (2024) pointed out the positive dynamics of indicators of democratic governance in Ukraine, the stability of democratic institutions, and the high activity of civil society. The efficiency of the mechanisms of implementation of international recommendations is testified by the statistical data on their inclusion in the legislative process. Thus, the analysis of 156 laws enacted in the period 2020 to 2024, in terms of their approximation to European law, revealed that 84% of the recommendations of international organisations had been taken into account, which testifies to the high degree of inclusion of European standards into national legislation (European Commission, 2023). According to the information of the Committee of Ministers of the Council of Europe, Ukraine, in the period 2021 to 2024, introduced about 85 judgments of the ECtHR through relevant laws and individual measures (Ministry of Justice of Ukraine, 2024). The systematic character of the implementation of recommendations is ensured by national plans of action with fixed deadlines, spheres of responsibility, and evaluation criteria.

On the strength of a thorough analysis of the operation of the existing institutional mechanisms, it seems justified to formulate a set of evidence-based recommendations for their systemic improvement in order to enhance the efficiency of providing justice and legitimacy to the processes of legal adaptation. Firstly, it is necessary to enhance the institutional potential of euro-integration coordination bodies, in particular, by transforming the existing Government Office for European Integration into a full-fledged central executive body. The same applies to the institutionalisation of civil society's participation, given that the Law "On Public Consultations" has already been adopted, and it will enter into force six months after the termination or cancellation of the state of war. It would also be useful to create a permanent high-level Civil Society Platform on European Integration under the Cabinet of Ministers of Ukraine to provide a constant dialogue between the state and civil society in the implementation of European standards and coordinate the activities of various nongovernmental organisations in the Euro-integration process. Secondly, in order to ensure objectivity in law enforcement, specialised structural subdivisions should be created in the judicial, prosecutor's and police bodies to implement international best practices, in particular, a separate department in the Office of the Prosecutor General for investigating war crimes, the introduction in all regions of Ukraine of the posts of deputies to the heads of regional state administrations for euro-integration and significant strengthening of parliamentary control by expanding the powers of the relevant Committee of the Verkhovna Rada.

A crucial condition for the effectiveness of all of the above-mentioned measures is to preserve and further strengthen the real independence of all institutions and persons responsible for ensuring justice in the legal sphere: courts of all instances, anti-corruption bodies, the Ombudsman, bodies of judicial governance, and heads of law enforcement agencies. To achieve this, it is necessary to consolidate at the legislative level the permanent participation of international experts and authoritative representatives of civil society in all personnel selection processes for these bodies on a permanent basis. It is also necessary to provide legal guarantees from political encroachment through the complication of the procedures for the dismissal of the heads of key anti-corruption bodies, the constitutionally guaranteed independence of the budget of the judiciary, as well as the creation of an effective system for the protection of anti-corruption officials from prosecution and political pressure.

Discussion

The findings of this research confirm a high level of adaptation of the national legislation to international standards of justice and legitimacy, which is confirmed by European research on the effectiveness of conditionality mechanisms in the protection of the rule of law within the European Union. A. Pérez (2024) argues that the Regulation of the European Parliament and of the Council No. 2020/2092 (2020) on a general regime of conditionality for the protection of the Union budget has become an important legal instrument for protecting the financial interests of the EU and proper public finance management in case of violations of the rule of law. The finding that 81% of the obligations under the Association Agreement have been implemented coincides with the conclusions of A. Pérez on the practical effectiveness of conditionality mechanisms, although the researcher points to the risks of exceeding powers and undermining trust among the EU Member States. Similar concerns are expressed by C. Fasone and M. Simoncini (2024), who state that the intensive application of conditional funding may entail uncertain legal consequences, given the significant political discretion in the application

of conditionality mechanisms. The structural imbalance between different levels of government in Ukraine (79% for the Cabinet of Ministers and 62% for other state bodies), which was identified during the study, corresponds to the coordination problems between different levels of government in the EU that these researchers speak of.

The phenomenon of the institutional stability of the Ukrainian legal system in the context of martial law, found in the course of the research, is also confirmed by European integration studies. S. Makaradze (2025) notes that the level of support of the EU Member States to ensure the rule of law in the Council of the EU has fixed the existing stable coalitions among the EU Western countries and more diversified attitudes of the newest Eastern EU countries. The results of this study, which confirms the pace of non-stop European integration reforms in Ukraine, even in war conditions, confirm the conclusion of S. Makaradze about the importance of political pragmatism in the Member States' position concerning the rule of law. In her turn, A. Hoxhaj (2024) generalised the outcomes of the Russian invasion on the EU enlargement policy and the expedited assignment of the candidate status to Georgia, Moldova and Ukraine. The ability of Ukraine to keep the pace of European integration reforms in war conditions proves the position of A. Hoxhaj, concerning the feasibility of a two-phase accession, by joining the EU single market within 5 years and full membership within 10 years, provided that there is a continued respect for the EU's fundamental values.

The theoretical comprehension of the adaptation processes is continued in the scientific study of modern researchers. O. Balanuca (2024) notes that the adaptation of Ukrainian legislation to EU law is characterised by a rather progressive nature, but it needs a profound implementation, institutional strength and control over the application of the adapted norms. The author stresses the sectoral character of these processes, the imperfections of implementation of the adapted norms, due to the lack of control mechanisms, which corresponds to the results of the research about the structural disproportion of the different levels of governance (79% of the implementation at the level of the Cabinet of Ministers and 62% in other bodies of state power). T. Humeniuk (2025) stresses the complex nature of the integration procedures, aimed at ensuring the effective functioning of democratic institutions and strengthening the rule of law. The author stresses the imperfection of the legal framework and difficulties in the sphere of legal support, which is partly confirmed by the results of this research concerning the need to strengthen the coordinating mechanisms at the different levels of governance.

The debate on the effectiveness of legal reforms in candidate countries has also been discussed by N. Hogic (2024), who questions the EU's efforts to promote the rule of law in the Western Balkans. According to N. Hogic, the policy shortcomings in judicial independence, parliamentary oversight, and monitoring and control of corruption hinder the candidate countries from successfully adopting the rule-of-law standards. Unlike the Western Balkans, the results of this study reveal more effective adoption of the Ukrainian legal system, particularly in the anti-corruption policy field. The creation and functioning of the HACC, which has delivered 245 decisions since its creation, speaks against N. Hogic's conclusion on the lack of attention to the judicial system and its performance. At the same time, N. Hogic's suggestions on "surgically targeted" measures in digitalisation, environmental policy, education, and poverty reduction are confirmed by the successful Ukrainian judicial digitalisation, in particular, the number of electronic documents increasing from 548,813 (2022) to 3,186,546 (2024).

The influence of media attention and public support on the enforcement of international court decisions has been discussed by J. Reis and

M. Garz (2024). The authors claim a causal relationship between the extent of media attention to the European Court of Human Rights rulings and the implementation of its decisions. The results of this study, which demonstrate an increase in public trust towards the High Anti-Corruption Court (40% in comparison with the generally low trust towards the judiciary (25%)), confirm the authors' conclusion about the crucial role of public support in enforcing the effectiveness of legal institutions. S. Dothan (2024) continues this line of thought from the perspective of social network analysis, arguing that the structure of the network around international courts matters for the enforcement of international courts' rulings and initiation of social change. The public consultation system's efficiency in Ukraine, where out of the five organisations that submitted their proposals, four were entirely or partially accepted, reflects the practical application of S. Dothan's (2024) theoretical conception of the role of network structures in underpinning the empowerment of courts to promote social change.

Proportionality and standards of review in times of crisis are dealt with by P. Ondřejek and F. Horák (2024), who assert that the proportionality analysis should also be applied during times of crisis, while adjusting each element of the conventional framework to the precautionary principle. The results of the study concerning the practical ability of the Ukrainian judicial system to apply the European proportionality test in the cases related to the "extended arm" principle in the rapeseed export illustrate the practical application of the theoretical recommendations of these authors. J. Letwin (2023) theoretically grounds the three core components of the ECtHR proportionality doctrine on indirect utilitarianism, thus providing a better understanding of the relationship between moral rights and convention rights, resistance to compromise, and the public interest. The results of the study, which have demonstrated a decrease in the violations of the procedural rights, while the situation with the execution of the judicial decisions remains problematic, reflect the trade-offs analysed by J. Letwin (2023) in the framework of the proportionality doctrine.

The particularity of cultural property in the case law of the European Court of Human Rights is explored by K. Campbell (2024), who demonstrates how the ECtHR does acknowledge that cultural property is a special type of property and considers its particular character when adjudicating. Even though the research was not focused on cultural rights, out of 158 judgments of the ECtHR against Ukraine in 2024, 87 violations of property rights were found, which might include cultural rights and thus require a more detailed study in the light of K. Campbell's (2024) conclusion about the balanced approach of the ECtHR in cases related to the right to peaceful enjoyment of possessions.

The technological dimension of judicial reform is scrutinised by M. Fabri (2024), who looks at the steps and stages in the implementation of information and communication technologies in the European judiciary during the last twenty-five years. The findings on the successful digitalisation of the Ukrainian judiciary through the implementation of the Unified Judiciary Information Telecommunication System corroborate M. Fabri's conclusions regarding the importance of pragmatic and orchestrated approaches, beginning with manageable, feasible projects. Against this backdrop, M. Fabri's (2024) caveat on the importance of engaging judges and court staff in the design and piloting of applications seems to be supported by the relatively swift uptake of digital systems by Ukrainian courts. F. Inchausti (2023) further reinforces this argument by exploring the new EU rules for digitalisation of judicial cooperation and access to justice, arguing that a "digital by default" approach is paramount. The outcomes of Ukrainian judicial digitalisation are aligned with the European path characterised by this author.

On the European front, the evolution of administrative procedural law is being investigated by G. Cananea and L. Parona (2024), who point to the wide proliferation of administrative procedure acts across most of the EU Member States. The legislative step of Ukraine in adopting Law of Ukraine No. 2073-IX (2023), assessed by SIGMA experts (2023) as one of the most progressive in Europe, corroborates the conclusions of these authors concerning the journey of administrative law from noncodification to laying down a common basis. M. Eliantonio and Y. Marique (2024) provide an overview of comparative administrative law in Europe, highlighting four distinct types of comparative legal scholarship and key research trends. The findings on improvements in the quality of administrative services in Ukraine (94.7% positive assessments from CSCs visitors) illustrate the practical implementation of the theoretical approaches analysed by these authors.

The importance of public participation in European governance is emphasised by S. Oberthür *et al*. (2025), who assess the quality of mandatory public involvement in EU national energy and climate plans of Member States. The dynamics of the public consultation system in Ukraine (748 events during the fourth quarter of 2024 by 76 executive bodies) also relate to best practices referred to by these authors. This line of argument is further pursued by R. Neumann *et al*. (2025), who look at citizens' involvement in the EU public consultation processes, which varies from low and unstable, even for politically salient policy issues. A relatively higher degree of public involvement in Ukraine could signify the greater efficiency of national mechanisms for involving civil society compared to their European counterparts.

The role of judicial councils as a mechanism for ensuring judicial independence is explored by R. Aarli and A. Sanders (2023), who analyse the origins, competencies, and composition of such bodies in European countries. The reform of judicial self-governing bodies in Ukraine, through the complete institutional renewal of the High Council of Justice and the High Qualification Commission of Judges with mandatory participation of international experts, reflects the European trends analysed by these authors. The uniqueness of the Ukrainian model lies in the combination of international oversight with the national characteristics of the legal system.

The experience of specialised anti-corruption agencies is examined by J. Xu and J. Xu (2024) using the example of Hong Kong, who demonstrate that the absence of public support from other authorities creates opportunities for anti-corruption agencies to establish operational independence. Ukrainian three-tier system of anti-corruption bodies (NABU, SAP and HACC), which has high public confidence, confirms the conclusions of these authors on the importance of differentiated public support in ensuring the independence of anti-corruption bodies. Their research shows that potential institutional threats from an unpopular regime can actually consolidate the authority and independence of anti-corruption bodies.

The practical significance of the Ukrainian experience in adapting legislation to international standards of fairness and legitimacy under extreme conditions of martial law is confirmed by the results of the study. The revealed patterns of relationship between fairness and legitimacy of legal decisions, institutional sustainability of the legal system and efficiency of mechanisms of public participation in their adoption lay a solid foundation for further development of the rule of law in Ukraine. At the same time, the need to overcome persistent structural problems, in particular, in the enforcement of court decisions and protection of property rights, requires systemic solutions based on best European practices and recommendations of international organisations.

The research results have direct practical significance for Ukrainian authorities in forming and

implementing European integration policy. The Government Office for the Coordination of European and Euro-Atlantic Integration can use the developed methodology for evaluating the effectiveness of adaptation processes to improve the monitoring system for fulfilling the commitments under the Association Agreement with the European Union and preparing annual reports on the state of European integration. The proposed criteria for balancing fairness and legitimacy in legal transformations are a methodological basis for developing standardised procedures for evaluating the quality of European integration legislation before its submission to the Verkhovna Rada of Ukraine. The revealed structural disproportions between different levels of the executive power in fulfilling the tasks of adaptation are an analytical basis for revising the distribution of powers between the central and local authorities in order to improve coordination of European reforms at the regional level.

The research results are of particular importance for the Ukrainian judicial system in further approximation of national legal practice to European standards of fair trial. The Supreme Court of Ukraine can utilise the conceptualised principles of applying the proportionality test and criteria of reasonableness in judicial decisions to develop consistent case law in matters requiring a balance between national legal traditions and international obligations. The High Council of Justice and the High Qualification Commission of Judges may use the elaborated criteria for ensuring judicial independence for improving the procedures for the selection, evaluation and disciplinary responsibility of judges in accordance with the conclusions of the Venice Commission. The elaborated methodology for assessing the efficiency of specialised judicial bodies may be used as an analytical tool for assessing the effectiveness of the High Anti-Corruption Court and as grounds for creating other specialised courts in the spheres of economic and administrative justice.

Conclusions

The analysis of the processes of legislative adaptation of Ukraine to the international standards and principles of fairness and legitimacy in the context of obligations on European integration has shown the complex nature of legal transformations and the complete fulfilment of the research objectives. The analysis of the conceptual and legal framework, the empirical assessment of sectoral reforms, and the analysis of institutional mechanisms for ensuring fairness and legitimacy made it possible to get a full picture of the adaptation processes in the national legal system. The three-stage analysis has shown the strong constitutional framework for the implementation of international standards, which is represented by the priority of the ratified international treaties and a developed system of coordination mechanisms for the implementation of the EU Association Agreement. The empirical analysis of sectoral legislation has shown the positive dynamics of criminal, civil and administrative legislation due to the introduction of an adversarial model of criminal proceedings, digitalisation of court procedures and the creation of an effective system of counteraction to corruption. The analysis of institutional mechanisms has demonstrated the existence and functioning of a multi-level system for ensuring legitimacy at the levels of parliament, the executive authorities, civil society and international organisations. The quantitative results showed that by the end of 2024, 81% of the Association Agreement's commitments had been fulfilled; citizens' satisfaction with the quality of administrative services had increased to 94.7%; and corruption in this sphere had decreased from 24% in 2014 to 3.8% in 2024. The systematic analysis of European Court of Human Rights case law revealed a positive trend in the reduction of procedural rights violations, while challenges remain in the enforcement of court decisions and the protection of property rights. Special attention was paid to the phenomenon

of legal resilience of the legal system in the context of martial law, which showed how democratic mechanisms are able to perform effectively in extraordinary conditions.

The results of the study conceptualised the legal adaptation process as a multilevel transformation, which combines the legal-technical (legislative harmonisation) component with institutional and socio-political (legitimacy ensuring) components. The study proved the interdependence of fairness and legitimacy in legal decisions to be the key factor for successful adaptation, which deepened the understanding of the mechanisms of legal transformation in modern democracies. Future research perspectives concern the elaboration of the methodologies for the evaluation of socio-economic consequences of the legal reforms for different groups of society; the analysis of post-conflict mechanisms for the restoration of legal institutions; and the elaboration of a complex model for the evaluation of long-term resilience of the adaptation in transitional societies in the conditions of geopolitical instability.

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Дослідження адаптації українського законодавства до міжнародних норм і принципів які базуються на справедливості і легітимності

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Анотація

Метою дослідження було вивчення рівня ефективності адаптаційних процесів у правовій системі України щодо імплементації міжнародних стандартів справедливості та легітимності в рамках євроінтеграційних зобов'язань. Дослідження проводилося на основі комплексного підходу з використанням порівняльно-правового, системного, інституційного, статистичного методів та контент-аналізу через триетапний аналіз концептуально-правових засад, емпіричну оцінку галузевих реформ та дослідження інституційних механізмів забезпечення легітимності. Вихідними даними дослідження слугували такі показники як 81 % виконання Україною зобов'язань за Угодою про асоціацію з Європейським Союзом станом на кінець 2024 року при одночасному зростанні задоволеності громадян якістю адміністративних послуг до 94,7 % та зниженні рівня корупції в цій сфері з 24 % у 2014 році до 3,8 % у 2024 році. Аналіз 158 рішень Європейського суду з прав людини проти України за 2024 рік виявив збереження системних проблем із захистом майнових прав та забезпеченням процедурних гарантій при позитивній динаміці у сфері запобігання катуванням. Найуспішнішими сферами правової адаптації виявилися антикорупційна політика через створення Вищого антикорупційного суду, який виніс 245 вироків від початку роботи, та цифровізація судочинства з зростанням кількості електронних документів з 548 813 у 2022 році до 3 186 546 у 2024 році. Паралельно виявлено структурні дисбаланси у виконанні адаптаційних завдань між різними рівнями влади, де показники Кабінету Міністрів становили 79 %, Верховної Ради 74 %, а інших державних органів лише 62 %. Практичне значення дослідження полягає у можливості використання його результатів Урядовим офісом координації європейської та євроатлантичної інтеграції для вдосконалення системи моніторингу євроінтеграційних процесів, парламентськими комітетами для покращення законодавчого забезпечення адаптації права, судовими органами для наближення правозастосовної практики до європейських стандартів, а також міжнародними організаціями та експертним середовищем для оцінки ефективності правових реформ у країнах-кандидатах на членство в ЄС

Ключові слова: правові реформи; євроінтеграція; судова система; антикорупційні органи; інституційні механізми; правосуддя