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The Supreme Court as a guarantor of ensuring the rights and freedoms of a person and a citizen

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Abstract

The relevance of the chosen topic lies in the fact that Ukraine has been aligning its legislation with that of the European Union since 2022. As part of this process, further improvement of the Supreme Court's activities is essential, as it serves as a guarantor of protecting the fundamental interests of every individual seeking judicial protection. The aim of the research is to review the processes of reforming the Supreme Court, taking into account the conducted Great Judicial Reform and the Eurointegration processes, as well as identifying proposals to increase public trust in the Supreme Court as the highest judicial body responsible for ensuring proper protection of rights and freedoms. The research methods used in the study include systemic-structural, comparative-legal, formal-legal, method of systematisation, as well as synthesis, analysis, and generalisation methods. The results of the study have shown that the Great Judicial Reform initiated in 2014 indicates

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that Ukraine is capable of considering European positive experience to enhance the overall compliance of Ukrainian legislation with European Union legislation while preserving its own age-old traditions in the field of justice and judiciary. It has been clarified that the key task of any transformations is to create conditions for the formation of an independent democratic rule of law state and all its branches of power – legislative, executive, and judicial. Thus, in a state aspiring to become legal, the court must be authoritative, independent, and should not be a bureaucratic institution but a real guarantor of citizens' rights protection. It has been determined that the prerequisites for the implementation of the Great Judicial Reform were: low level of public trust in the judiciary as a whole, and the Supreme Court of Ukraine in particular, the presence of political-state influence on judges, and corrupt aspects. The materials of this work can be used for drafting legislative proposals in the field of the judicial system as a whole and its individual organs

Keywords: judiciary; justice; proceedings; European integration; reformation; European Union

Introduction

Usually, it is the judiciary that enjoys and should enjoy special independence, as the legislative and executive branches of government often interact with each other. This can be explained, for example, by the fact that the Cabinet of Ministers of Ukraine, which is the highest body in the system of executive authorities, often exercises the right of legislative initiative, and the Verkhovna Rada of Ukraine, as the sole legislative body, considers and adopts acts submitted by the Government. The same cannot be said for the judiciary, which consists of courts of general jurisdiction and the Constitutional Court of Ukraine, which are the embodiment of justice and therefore should have a special and independent status.

The Constitution of Ukraine (1996), the main legislative act of Ukraine, stipulates that power in Ukraine is divided into legislative, executive, and judicial branches. Each of these branches of power is independent and should not interfere with each other. In addition, Article 8 of the Constitution of Ukraine (1996) stipulates that every person and citizen is guaranteed the right to apply to the courts to protect their constitutional rights and freedoms. In this regard, the judicial system of Ukraine has been constantly updated and reformed since independence. As a result, the approaches to the functioning of courts and the activities of judges of all judicial instances have changed. The latest major judicial reform, which began in 2015-2016 and is still ongoing, has shown significant progress and completely changed the existing legal regime in all judicial bodies of Ukraine. The Supreme Court of Ukraine has undergone special transformations, as it has undergone a full-fledged reorganisation and merger with the High Specialised Courts into a single body with separate Chambers within the structure of the new Supreme Court. Thus, the three-tier structure that was created instead of the four-tier structure became the embodiment of the structure of courts operating in most European countries (Chyzhmar *et al.*, 2016).

At the same time, an important aspect should still be the understanding of the legal status of the Supreme Court as a guarantor of human and civil rights and freedoms. That is why, in case of any transformations and/or changes in the judicial

system, the consequences of such an act should be aimed primarily at increasing the level of public confidence in the judicial system in general and the Supreme Court in particular. Thus, almost ten years have passed since the first tasks of the Great Judicial Reform were implemented, and therefore it is possible to draw certain conclusions and analyse the existing gaps and shortcomings in the activities of the Supreme Court. It is also possible to formulate proposals that may negatively affect the overall process of the administration of justice in Ukraine, thereby reducing the level of trust among the Ukrainian population in this institution.

The issues of ongoing reform of the judiciary in general and the Supreme Court in particular continue to be the most discussed in Ukraine. Thus, the academic community mainly focuses on the gradual implementation of measures and mechanisms to improve the status of all judicial institutions in the context of restoring confidence in the judiciary as a whole. Such things were mentioned in her study by N. Parkchomenko (2020), she also pointed out the need to further expand the powers of the Supreme Court in the field of ensuring the unity of judicial practice, the mandatory application of the Supreme Court's opinions, as well as the implementation of opportunities for derogation in the legal professional positions contained in such opinions.

Furthermore, the researchers systematically highlight the need to update the valid legislation in the field of justice and judicial proceedings through the prism of European integration and Ukraine's new status as a candidate for the European Union (EU). Taking into account the principles and requirements for the EU Member States, O. Perederiy (2022) drew attention in his study to the requirements of European partners to reform the system of selection of candidates for vacant judicial positions, which are proposed for implementation in the judicial system of Ukraine. It is also important to thoroughly study the professional opinions of the Venice Commission on enhancing the role and status of the highest court in the judicial system of Ukraine. A similar analysis of the study is characterised by the work of N. Demchyk (2023), which highlights the key aspects of judicial reform and recognises that such reform is characterised by dynamic aspects of continuous development in the context of economic, political, financial, or social changes that can raise the status of all judicial institutions without exception to a qualitatively new level of justice.

Another significant conclusion for the study is reflected in the article by M.V. Bazarnyk (2022), which states that the Ukrainian legislature is fully focused on further harmonisation of Ukrainian legislation with the EU legislation, which should have a positive impact on the foreign policy vector of the Ukrainian judicial system and the implementation of reforms to ensure the legal support of the functioning of all courts in Ukraine. In the study by L.O. Shapenko and M.V. Raychyk (2020), special attention is paid to the scientific understanding of the organisational principles of the judiciary in order to predict new vectors of development of the justice system and develop a further strategy for judicial reform, in particular, in terms of improving the efficiency of the functioning of general courts. The author examines the main characteristics of the principles of territoriality and specialisation as constitutional principles of the judiciary, which are fundamental for building a system of general courts.

However, it should be noted that the most crucial aspect – how the implementation of the Great Judicial Reform has influenced ensuring the legal status of the Supreme Court as a guarantor of the rights and freedoms of individuals and citizens – is not adequately addressed in the analysed

and existing scientific achievements. Therefore, the purpose of the research was to provide a legal characterisation of the processes of reforming the Supreme Court taking into account the conducted Great Judicial Reform and Eurointegration processes, as well as to identify gaps and shortcomings that reduce the effectiveness of the Supreme Court's activities in the context of fulfilling the important function of protecting the rights and interests of individuals and citizens.

Materials and Methods

The rationale for the choice of methods used is determined by the specifics of the research subject, namely, changes in the activities of guarantors of human and citizen rights and freedoms – the Supreme Court, through the prism of the Great Judicial Reform and the new status of Ukraine. Therefore, in the research process, a range of general scientific and specialised legal methods were used, allowing to reveal the research subject and achieve its goal. Among the general scientific methods, the following were used: methods of analysis and synthesis, generalisation. The basis of the research consists of a complex of specialised methods. These include methods such as systemic-structural, comparative-legal, formal-legal, method of systematisation, typical for scientific research in the field of law. These methods were applied in conjunction, contributing to the completeness, comprehensiveness, and objectivity of scientific enquiry, the justification, and consistency of formulated conclusions, the reliability of the obtained results.

Specifically, methods of analysis, synthesis, and generalisation were applied to disclose the text and determine structured points, identify key points, information, and conclusions related to improving the activities of the Supreme Court. Their use also contributed to the analysis of complex concepts, ideas, or information for understanding their structure, interrelationships, and important aspects. With the help of these methods, a general analysis of the Great Judicial Reform and its impact on the activities of the Supreme Court was conducted.

Using the systemic-structural method, the key prerequisites, or reasons for reviewing the basic approaches to justice and judicial practise in Ukraine, as well as the interrelation of reform and changes in political power and state structures, were characterised. Using the comparative-legal method, the main distinctive features in the organisational activities of the Supreme Court of Ukraine and the newly created Supreme Court were reflected. By using the formal-legal method, the main normative legal acts that became the basis for the implementation of the Great Judicial Reform were characterised. With the use of the method of systematisation, intermediate and main conclusions were formulated, as well as proposals for further improvement of the activities of the Supreme Court were determined.

In the process of revealing the topic and tasks of the research, a number of such normative legal acts in the field of judiciary and justice were used: Constitution of Ukraine (1996), Association No. 984_011 (2014), Law of Ukraine No. 1402-VIII (2016), Law of Ukraine No. 1401-VIII (2016), Decree of the President of Ukraine No. 64/2022 (2022).

Results and Discussion

The political and legal aspects and prerequisites of reforming the Supreme Court as a guarantor of rights and freedoms. Firstly, it is essential to start with the fact that after the declaration of independence of the Ukrainian state, there was an urgent need to change the existing mechanisms of state management and its

non-state institutions. One of the most important institutions entrusted with the duty of independent and impartial adjudication of disputes arising within the state and among its individual subjects is the courts of Ukraine, which constitute the judicial system. The contemporary period of state formation is characterised by the fact that all processes of reform are somehow provoked by changes in Ukraine's political narratives. It is precisely these political forces that were supposed to ensure the implementation of corresponding changes at the level of normative legal and sub-legal acts, including in the judiciary.

The establishment of Ukrainian statehood necessitated the search for new approaches to the protection of rights and legitimate interests of citizens using a qualitatively new level that would significantly differ from the system formed during the times of the Soviet Union. It is worth agreeing with the position of scholars O.Yu. Tatarov and A.V. Shevchyshen (2011), as well as O. Yara (2024), who noted that transformations in Ukraine's governmental institutions have been taking place since its independence. The main task of such transformations is to create conditions for the formation of an independent democratic rule of law state and all its branches of power – legislative, executive, and judicial. However, the realisation of this goal is impossible without strengthening the legal status of judicial bodies. In a state striving to become legal, the court must be authoritative and independent, representing not a bureaucratic institution but a real guarantee of citizens' rights protection. After the dissolution of the Soviet Union, the functions of the court in Ukraine partially changed, but the judicial system remained Soviet in its structure.

In addition to the position of scholars, it should be noted that any transformations, including those directly related to the realisation of rights and legitimate interests of individuals and citizens in their protection in judicial procedure, must be based on the constitutional provision that "the individual is the highest social value", and accordingly other aspects, such as changes in the political system, should take a secondary place. Therefore, when adopting any normative legal acts in the sphere of ensuring the activities of the judicial system as a whole, and its institutions in particular, it is necessary first and foremost to take into account that Ukraine is a state with democratic values declared in the Act of Declaration of Independence of Ukraine (Resolution of the Verkhovna Rada of the Ukrainian SSR No. 1427-XII… 1991). From this follows that any transformations should aim at increasing the level of trust of the population in the sense that the courts of Ukraine are guarantors of ensuring the rights and freedoms of individuals and citizens. However, the problem during those times was the unconditional orientation and dependence of Ukrainian legislators on political forces that had authority, including influence on the judicial system. This, in turn, indicated the interdependence of different branches of power and violated the principle of the independence of the judiciary.

T. Kazik (2023) pointed out in her research the reasons for the changes in political power in Ukraine and the destruction of the judicial system in Ukraine in 2010. The unsuccessful implementation of judicial reform in 2010 was a consequence of the complete dependence of the bodies of judicial self-government on political power. Thus, the judicial system was characterised by political narratives regarding the formation of the High Council of Justice, in addition to implicitly formulated grounds for holding judges accountable for disciplinary responsibility. All this ultimately led to the decline of an important component of

judges' activities – independence in carrying out their functions.

It is worth adding that since 2010, judicial activity at all levels, including in the Supreme Court of Ukraine, has faced constant problems related to the ignoring of important constitutional rights and interests of individuals and citizens. This can be explained by the presence of political influence on the then Supreme Court of Ukraine. After the overthrow of the regime with signs of blatant totalitarianism, the ignoring of constitutional values, and the final consolidation of Ukraine's European integration course, society predictably demanded the formation of a new independence from political will and fair judicial authority at all levels of its implementation. This issue was outlined by R.L. Sopilnyk (2017), who emphasised the necessity of a full restart of the judicial system and the guarantee of an important principle related to the right to a fair trial. This was also indicated by slogans after the Revolution of Dignity. An important conclusion to which the author drew attention in his research is that it is necessary to study judicial reform from the perspective of its impact on the legal consciousness of judges and to consider formal aspects. The same conclusion was reached by A.M. Kostenko (2020), adding that by leaving out an analysis of legal consciousness, a global problem can be provoked.

Another reason for implementing the Great Judicial Reform was the European integration actively pursued since 2014 and still ongoing.. The European integration and its correlation with the complete overhaul of the judicial system are actively researched by numerous legal theorists. For instance, G.O. Babenko (2022) pointed out that Ukraine's state policy after 2014 became exemplary and aimed at ensuring the formation of unified approaches in norm-setting, thus being based on European narratives. Thus, scholars highlighted the primary reason for the necessity of changes in the judicial system, which is Euro-integration. It is worth agreeing with L. Grytsaenko's (2004) position that in every historical period of changes and reforms in the judiciary system, certain gaps and shortcomings emerged, which in the future served as primary reasons for revising legislation regulating this sphere of social relations. The researcher also adds that effective justice should be the result of the development of thought and societal experience over many generations. Moreover, such justice should be carried out independently of political and governmental authorities by judicial bodies. That is, courts separately, and other bodies separately.

According to N. Kogut (2020), the key prerequisites or reasons for the necessity of implementing the Great Judicial Reform were: establishing a reliable mechanism for holding judges accountable for unjust decisions and corrupt legal violations; establishing reliable levers to guarantee the rights of participants in the judicial process; improving the system of enforcing judicial decisions; strengthening the independence of the judicial branch from other branches of power and officials; establishing a balanced relationship between the judicial and law enforcement branches of power; unifying judicial practise and establishing a reliable mechanism for overcoming legal gaps and conflicts; ensuring public access to the judiciary. As for the necessity of reforming the Supreme Court of Ukraine and changing approaches to its activities, the then Chief Justice of the Supreme Court of Ukraine indicated that the liquidation of the Supreme Court of Ukraine was dictated by the demands of the time, where slogans and calls like "cleanse the system by dismissing all judges" had been echoed for a long time (Yaroslav ROMANYUK: "We support…", 2016). The cleansing of the system and the dismissal of

judges of the Supreme Court of Ukraine, among other things, were associated with the existing facts of corruption in the courts, the dependence of judges on political elites, and so on. The events of the Euromaidan and the increased overall level of distrust of Ukrainian society towards state authorities and judicial bodies became reasons for a comprehensive renewal of the judicial system. Thus, it can be summarised that the political and legal aspects of reforming the Supreme Court are directly related to the need for a fundamental change in the existing judiciary system overall, the presence of corrupt manifestations, political or other governmental influences on judges, as well as with Eurointegration processes initiated immediately after the political upheaval in 2014.

Key provisions of the Great Judicial Reform and its impact on the Supreme Court. First and foremost, it should be noted that after the challenging times of the Euromaidan, Ukraine chose the Eurointegration path and the necessity for further improvement of the judicial system overall and the activities of the Supreme Court in particular within the framework of implementing the Great Judicial Reform. In 2016, the Verkhovna Rada of Ukraine adopted important legislative acts, such as Law of Ukraine No. 1401-VIII (2016) and Law of Ukraine No. 1402-VIII (2016), which contained radical transformations in the existing organisation of the judicial system. Preconditions for changes in certain constitutional provisions had long been ripe, and measures announced by the governing structures began to be gradually implemented in the aforementioned legislative acts. As noted by A.I. Orlenko (2023), judicial reform should not only be declarative but should also initiate the formation of an effective and accessible legal defence, which should satisfy the urgent and expected interests of various social strata of the population.

The Great Judicial Reform is characterised by its comprehensive nature. The drop in public trust in the judiciary to a critical level dictated and demanded appropriate actions. In this context, K. Dashkova and T. Kovaleva (2021) noted that orientation towards the European space, as well as the rebuilding of statehood in Ukraine, require changes in approaches to forming a lawful and fair judicial system in their decisions. Priority should be given to the protection of the rights and freedoms of individuals and citizens. In their opinion, Ukrainian citizens have lost faith in the fairness, balance, and legality of judicial decisions. In order to restore the corresponding level of trust of the Ukrainian population, systemic changes are necessary, as well as changes in the legal consciousness of both the judiciary apparatus and the civilian population of Ukraine.

Regarding the analysis of the main changes that would positively influence the level of trust in judges and the judiciary as a whole, it is worth mentioning some key changes. Firstly, a review of the constitutional powers of the Verkhovna Rada of Ukraine and the President of Ukraine regarding the sphere of justice through the prism of their compliance with international standards in the reformed system was carried out. Secondly, new approaches to the formation and activities of the entities (authorities) responsible for the selection and appointment of judges with high qualifications that meet European standards have been introduced. Thirdly, guarantees regarding the financing and protection of the professional interests of judges have been reviewed and strengthened (Kovalenko & Rubezhov, 2021).

It is worth agreeing with the position of Yu.S. Shemshuchenko (2017), who noted that the adopted changes open up real constitutional and legal possibilities for conducting a fundamental judicial reform in Ukraine, based on its own

experience and European standards of justice. The radical nature of the judicial system reform is quite successfully reflected in the example of the complete renewal of the Supreme Court of Ukraine. As a result of the reform, the Supreme Court of Ukraine was reorganised into the Supreme Court and a three-tier judicial system was created, which takes into account the requirements of the Venice Commission and a number of civil society organisations (Kuybida *et al.*, 2018). Scholars O.Z. Khotynska-Nor (2016) and Yu.V. Bedratyi (2022), critically analysing the provisions of the Great Judicial Reform, pointed out that there was not the application of gradual, as required by the conditions of the time, but rather radical to some extent evolutionary measures. They also noted the peculiar harmfulness of combining technologies and reforms with revolutionary methods, as such changes negatively affect the overall development of public opinion about the judiciary in general and the judiciary corps in particular. Such thoughts are quite debatable, as it was impossible to change the population's opinion about the high level of trust in the judiciary and judges by gradual methods.

One of the complex issues addressed by the working group of the Constitutional Commission was the issue of the court system. Representatives of the Supreme Court of Ukraine insisted on transitioning to a three-tier system (local courts – appellate courts – Supreme Court), as recommended by the Venice Commission. However, representatives (judges) of the Higher Specialised Courts disagreed with such a system, as in that case, they would be subject to liquidation. Regarding this, it is necessary to note that after the actual adoption of Law of Ukraine No. 1401-VIII (2016) and Law of Ukraine No. 1402-VIII (2016), an appeal was filed with the Constitutional Court of Ukraine by the judiciary regarding the constitutionality or unconstitutionality of the basic legislative changes and novelties. Thus, in the Dissenting Opinion of Judge Serhiy Holovaty in Case No. nb02d710-20 (2020), the constitutional provisions of legislative acts were determined. Although not all members of the Constitutional Court agreed with the above decision, it is necessary to mention the separate (divergent) opinion of Judge S. Holovaty, who rightly pointed out that the laws adopted clearly contradict the Constitution of Ukraine, thus recognising them as unconstitutional. In his opinion, the Supreme Court of Ukraine should not change its functions as the highest judicial institution and should continue to exercise its powers until its actual termination. Further, the judiciary will be exercised by the Supreme Court. He also noted that the Laws in question provide a full launch for the reorganisation of the higher specialised courts, as well as the Supreme Court of Ukraine, which becomes the sole judicial body under the name of the Supreme Court. In general, the judge noted that neither Law of Ukraine No. 1401-VIII nor Law of Ukraine No. 1402-VIII contain any grounds for the termination of the activities and liquidation of the Supreme Court of Ukraine and specialised courts. Moreover, the model proposed for implementation, in his opinion, does not correspond to the established legal procedure for liquidation and essentially introduces the transfer (delegation) of the liquidation function of one court to the judges of another court, which is a direct violation of Article 8, parts one and two of Article 55, as well as parts one, five, and six of Article 126 of the Constitution of Ukraine (point 1.2).

Nevertheless, over the past eight years, Ukraine has had a new judicial system, which is generally positively perceived by the public and has significantly increased the overall level of trust in the Supreme Court as a guarantor of the protection of human and citizen rights and

freedoms. Thus, since 2014, the legislative body of Ukraine has adopted a number of important changes in the field of justice and judicial proceedings aimed at building an independent and European-oriented judicial system in accordance with the basic principle of the rule of law and increasing the independence of the judicial system. The most significant changes have been experienced by the Supreme Court of Ukraine itself, undergoing a restructuring process and becoming the Supreme Court with the following structure: Grand Chamber of the Supreme Court; Cassation Administrative Court; Cassation Economic Court; Cassation Criminal Court; Cassation Civil Court. Such a structure is in line with the structure of Supreme Courts of European states.

Eurointegration and shortcomings that negatively affect the provision of the activity of the Supreme Court regarding the protection of human and citizen rights and freedoms. Eurointegration processes in Ukraine essentially began with the declaration of independence of Ukraine. However, their global development and implementation occurred after the signing of Association No. 984_011 (2014). The Association Agreement, which entered into full force in September 2017, became a landmark event in the relations between Ukraine and the European Union. Its volume is about 1200 pages, which, among other things, sets out certain requirements for reforms in the judiciary and the judicial system sector.

On February 24, 2022, by Decree of the President of Ukraine No. 64/2022, a state of martial law was introduced due to the full-scale invasion by the Russian Federation (Decree of the President of Ukraine No. 64/2022…, 2022). These events prompted a review and acceleration of Ukraine's Eurointegration processes. Therefore, on June 23, 2022, Ukraine received the official status of a candidate country for membership in the European Union. This was decided by the European Parliament's Resolution on the candidate status of Ukraine, the Republic of Moldova, and Georgia. This document mentions further cooperation and economic integration of Ukrainian legislation with EU legislation. Thus, one of the key requirements of the European Union to the Ukrainian community in terms of candidacy is the implementation of an important block – reforming the normative and organisational principles regarding the capacity of the judicial authority to ensure adequate protection of human and citizen rights and freedoms. It should also be understood that this reform is the most long-term and complex in its implementation. Therefore, in a state that aspires to full membership in the European Union, attention should be paid specifically to the organisational and legal problem of conducting judicial reform (European Parliament Resolution No. 2022/2716(RSP)…, 2022).

Possible agreement can be reached with the position of A. Sybiha (Andriy Sybiha – on EU membership…, 2022), who noted that Ukraine's new status completely changes the vectors of Ukraine's internal and external policies. However, it is necessary to consider that the implementation and adoption of institutional criteria should take into account not only the incorporation of the "acquis communautaire" into Ukrainian national legislation but also effective implementation, including concerning relevant judicial or administrative structures, as noted by V.S. Bilovol and A.O. Bilenko (2020). Considering the Association Agreement, according to M.V. Bazarnyk's position (2022), the requirements in the field of justice are divided into two groups or sectors. The first consists of requirements of a systemic nature, which reflect the Copenhagen criteria. These requirements do not have clear formulations or instructions for achieving the desired result. The

other requirements have more clearly expressed instructions or mechanisms for implementing European standards in the field of justice.

The Venice Commission always emphasises that Ukraine has problems with systematic institutional instability in the legal system. Because the reform of the judicial system accelerates each time the political narratives of Ukraine change. Such actions cannot be justified and are entirely safe for society, which can negatively affect the level of society's trust in the judicial authorities. In this context, it is worth agreeing with I. Kaminska (2020), who pointed out that the failure to adhere to the principle of sustainable development of the legal field leads to the fact that society loses the real opportunity to establish an effective mechanism for implementing the idea of sustainable development, and the state is discredited as an institution of economic development and ensuring social justice.

By choosing the Eurointegration course, Ukraine has begun to apply the principles of effective democratic institutions, strengthening judicial power, and generally improving its efficiency, as noted by V.L. Kachuriner and A. Pakhlevanzade (2022). Therefore, it is important to carry out any reform, including improving the activities of the Supreme Court based on the principles of the rule of law, democracy, and full independence. It is important to note that in difficult conditions of military aggression against Ukraine and the actions of the legal regime of martial law, judges of the Supreme Court pay special attention to ensuring that any reforms related to their activities are consistent with the basic values of Ukraine that have been gained over years of independence. Therefore, it is important to approach further changes in the activities of the Supreme Court rationally through the prism of adapting Ukrainian legislation to EU legislation.

However, there are a number of problems that may negatively affect the activities of the Supreme Court, thereby undermining its legal status. In particular, the following are actively discussed: the expediency of the existence of commercial jurisdiction and the need to join the civil one; the expediency of the existence of appellate courts as part of the Supreme Court and the need to create a separate panel; the need to review mechanisms to reduce the number of judges of the Grand Chamber of the Supreme Court, as well as the need to create new specialised courts, such as an investment court (Constant reforms without…, 2023). It should be noted that respondents still confirm the thesis about the low level of public trust in the Supreme Court. According to the Chairman of the Supreme Court S. Kravchenko (Both the number of cases…, 2024), Ukrainian society continues to perceive negatively all branches of government, including the entire judicial system. Another negative aspect is that the mass media mainly publish negative aspects of the Supreme Court's activities, which contributes to further exacerbating the situation. In addition, there has been an increase in cases with resonant aspects, mostly related to corruption and corrupt practises.

Therefore, there is an objective need for further development of mechanisms that ensure the proper implementation by the Supreme Court of its powers to protect the rights and freedoms of individuals and citizens, namely: granting the Plenum of the Supreme Court the right to legislative initiative; introducing a special mechanism that will allow the Plenum of the Supreme Court to provide generalisations and explanations based on judicial practise, not just individual decisions; providing the opportunity for the Plenum of the Supreme Court to provide explanations regarding the application of legal norms; increasing the level of legal responsibility and means of ensuring

it for interference and influence on the Supreme Court; increasing the level of social security for judges to stimulate high standards of their activities and reduce the possibility of pressure from external factors.

Conclusions

The Great Judicial Reform, initiated in 2014, has been indicating for almost a decade that Ukraine is capable of incorporating European best practises to enhance overall compliance of Ukrainian legislation with that of the European Union, while preserving its own legal traditions in the sphere of justice and judiciary. However, a problematic aspect remains the low level of trust among the population in the activities of the Supreme Court as the guarantor of human rights and freedoms.

The political and legal aspects of reforming the Supreme Court are directly related to the necessity of fundamentally changing the existing judicial system as a whole, the presence of corrupt practises, and political or other state influences on judges, as well as the European integration processes initiated immediately after the political upheaval in 2014. The Verkhovna Rada of Ukraine has adopted a number of important changes in the field of justice and judiciary aimed at building an independent and European-oriented judicial system in accordance with the fundamental principle of the rule of law and increasing the degree of independence of the judiciary. As a result of the reorganisation, the most significant changes concerned the Supreme Court of Ukraine, which has the following structure: The Grand Chamber of the Supreme Court, the Cassation Administrative Court, the Cassation Commercial Court, the Cassation Criminal Court, and the Cassation Civil Court.

Despite Ukraine going through challenging times, it is important to maintain the Euro-integration direction in the sphere of justice and judiciary. Specifically regarding the Supreme Court, it is necessary to introduce some changes, among which granting the right of legislative initiative to the Plenum of the Supreme Court can be highlighted. It is important to establish a special mechanism that will allow the Plenum of the Supreme Court to provide generalisations and explanations based on judicial practise, rather than individual decisions only. It is necessary to empower the Plenum of the Supreme Court to provide explanations on the application of legal norms. Additionally, increasing the level of legal responsibility and means of ensuring it for interference with and influence on the Supreme Court, as well as increasing the level of social security for judges to stimulate high standards of their activities and reduce the possibility of pressure from external factors, are important. Further research may include a comparative analysis of the proposed changes to the Supreme Court and how these changes intersect with various aspects of human rights.

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Conflict of Interest

None.

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Верховний Суд як гарант забезпечення прав та свобод людини і громадянина

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Анотація

Актуальність обраної тематики полягає у тому, що Україна з 2022 року приводить своє законодавство у відповідність до законодавства Європейського Союзу. А частиною такого процесу є подальше удосконалення діяльності Верховного Суду, як гаранта забезпечення основних інтересів кожної людини, що звертається до суду за захистом. Метою дослідження виступає огляд процесів реформування Верховного Суду з урахуванням проведеної Великої судової реформи та євроінтеграційних процесів, а також визначення пропозицій з підвищення довіри населення до Верховного Суду, як найвищого судового органу, покликаного забезпечувати належний захист прав і свобод. Методи дослідження, що були використані в роботі: системно-структурний, порівняльно-правовий, формально-юридичний, метод систематизації, а також методи синтезу, аналізу та узагальнення. Результатами дослідження встановлено, що розпочата у 2014 році Велика судова реформа, вказує на те, що Україна є спроможною враховувати європейський позитивний досвід задля підвищення загального рівня відповідності українського законодавства законодавству Європейського Союзу та зберігати власні вікові традиції у сфері правосуддя та судочинства. З'ясовано, що ключове завдання будь-яких перетворень, полягає у створення умов для формування незалежної демократичної правової держави та всіх її гілок влади – законодавчої, виконавчої та судової. Так, у державі, що прагне стати правовою, суд має бути авторитетним, незалежним, в ньому повинна знайти відображення не бюрократична установа, а реальний гарант захисту прав громадян. Визначено, що передумовами для здійснення Великої судової реформи стали: низький рівень довіри населення до судових органів в цілому, та Верховного Суду України, зокрема, наявність політико-державницького впливу на суддів та корупційні аспекти. Матеріали цієї роботи можуть бути використані для опрацювання законопроєктів у сфері судової системи в цілому та окремого її органу

Ключові слова: судова влада; правосуддя; судочинство; євроінтеграція; реформування; Європейський Союз