

THE RULE OF LAW IN UKRAINE IN THE CONTEXT OF EUROPEAN INTEGRATION AND POST-WAR DEVELOPMENT

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Abstract: *This study is devoted to revealing the current state of the development of the law-based state in Ukraine in the context of war and Euro-Atlantic integration, as well as a comprehensive analysis of the pressing issues that arise in this process. In the context of a full-scale armed invasion by an aggressor state and ongoing European integration processes, the study analyses current issues related to the protection of human rights, the development of public administration and the activities of civil society in Ukraine as key components of the law-based state. The conclusion is made about the need for strict adherence to the Constitution of Ukraine when introducing restrictive measures on human rights under the legal regime of martial law, the need to carry out a series of institutional reforms to effectively ensure the protection of human rights, reduce the level of corruption within the state, and achieve overall compliance of the public administration system with the fundamental values of the European Union.*

Keywords: *law-based state, rule of law, human rights, democratic values, public administration, civil society, legal culture.*

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Introduction

The development of the law-based state is a dynamic process that is constantly influenced by various socio-political factors, as well as the need to respond to certain extraordinary challenges. In the context of state-building in Ukraine, this process is particularly dynamic due to our country's rapid progress in European integration, which is also taking place under the special conditions of martial law. The full-scale armed invasion of Ukraine by the aggressor state, which started in February 2022, on the one hand, posed a serious threat to state sovereignty, territorial integrity and statehood in general, and on the other hand, mobilised the population of Ukraine, civil society and the state to repel the enemy's armed aggression and gave a significant socio-political impetus to the European integration processes. In June 2022, Ukraine acquired the status of a European Union (hereinafter – the EU) membership candidate¹, while also receiving a number of tasks from the European Commission, the fulfilment of which will determine the further course towards full membership in the EU². In December 2023, the European Council adopted a conclusion on the opening of negotiations with Ukraine on EU accession³.

In connection with the above events, over the past few years, the vector of domestic scientific discussion on statehood in Ukraine has been determined not only by the traditional European and Euro-Atlantic integration of recent years, but also by the theme of war. As of today, the country continues to wage a fierce struggle against the enemy, while at the same time working to reform certain state authorities and bring domestic legislation closer to EU standards. Another important item on the current agenda is overcoming the consequences of the war, which requires due attention for strategic planning of the further process of state building. Therefore, research into the current problems of developing the law-based state in Ukraine in light of the challenges outlined above is extremely important from a prognostic point of view and requires analysis and synthesis for a comprehensive understanding.

¹ *European Council Conclusions*. Official website of the European Council, Council of the European Union. 2022. Available at:

<https://www.consilium.europa.eu/en/press/press-releases/2022/06/24/european-council-conclusions-23-24-june-2022/>

² *Opinion on Ukraine's application for membership of the European Union*. Official website of the European Commission. 2022. Available at:

https://enlargement.ec.europa.eu/opinion-ukraines-application-membership-european-union_en

³ *European Council Conclusions*. Official website of the European Council, Council of the European Union. 2023. Available at:

<https://www.consilium.europa.eu/media/68967/europeancouncilconclusions-14-15-12-2023-en.pdf>

Theoretical basis

The scientific discourse on the development of the law-based state in Ukraine is marked by increased attention to contemporary challenges related to full-scale armed aggression against our state and, at the same time, the active process of accession to the European Union.

The literature on this subject notes that Ukraine's Euro-Atlantic integration means "the movement of the state towards the standards of real, functioning democracy and a civilised, socially oriented market economy, from partnership and cooperation to political association and economic integration and, as a result, to guaranteed secure development"⁴.

Analysing the preconditions for granting Ukraine EU candidate status, R. Petrov and C. Hillion note that Russian aggression has paradoxically contributed to the realisation of Ukrainians' long-awaited dream of pursuing an official course towards EU membership⁵. This, in turn, necessitated the search for an appropriate balance within the state between active European integration and repelling the enemy's armed aggression. P. Horinov notes in this regard that "legal reforms aimed at harmonisation with EU norms and standards must also take into account the need to adapt to the conditions of martial law, ensuring legal security and the protection of citizens' rights"⁶.

A key aspect of the development of the law-based state in the context of European integration is the need to adapt the legal values of the European Union at the state and public levels, among which the rule of law, respect for and protection of human rights and fundamental freedoms, legality, etc. lead. According to S. Kelba, further research into the rule of law is extremely important for Ukraine's path to political and economic European integration⁷.

S. Rabinovych considers the triad of "democracy", "human rights" and "the rule of law" values as terminological designations of the spheres of legal standardisation and as forms and symbolic means of building the legal

⁴ O.G. Danylian, O.P. Dzoban, *Natsionalna bezpeka v konteksti yevroatlantychnoi intehratsii Ukrainy: filosofska refleksiiia*. The Bulletin of Yaroslav Mudryi National Law University, 2020, 1(44), p. 16.

⁵ R. Petrov, C. Hillion, "Accession through war" - Ukraine's road to the EU. *Common Market Law Review*, 2022, 59, p. 1290.

⁶ P. Horinov, *Yevropeiska intehratsiia Ukrainy: pravovyi vymir i stratehii vprovadzhenia*. Polityka ta pravo v umovakh dii voiennoho stanu: poshuk rishen: proceedings of the International scientific conference. Kyiv: Publishing house of Mykhailo Dragomanov UDU, 2024, p. 47-51.

⁷ S. Kelba, *Mizhnarodni standarty ta doktrynalne pozuminnia pravovladdia, yak osnova formuvannia demokratychnoi ukrainskoi derzhavy*. Scientific and Information Bulletin of Ivan-Frankivsk University named after King Danylo Halytskyi: Journal, Law Series, 2024, 17(29), p. 73.

identity of the EU and its legal field⁸. O. Kotukha notes that in current conditions, three levels of rule of law are emerging: national, supranational and global. While the first level is already widely implemented in many countries, the second (European Union level) had only developed in Europe by the beginning of the 21st century and has the potential to spread to other regions⁹. Accordingly, studying the dynamics of the development of the law-based state in the context of integration processes is important in view of the gradual expansion of the EU's law and order.

An important factor affecting the existence of the Ukrainian state and the development of statehood in Ukraine is social instability caused by the rearrangement of spheres of influence in the world, economic crises, political confrontation, and a pandemic that has affected virtually all countries regardless of their level of socio-economic development. In our opinion, at the beginning of the 21st century, social instability and social turbulence have become trends of our time¹⁰. Therefore, in such conditions, states must pay special attention to strategic planning, risk prediction, and the development of computer and mathematical models for forecasting possible dangers and means of neutralising them¹¹.

The problem of statehood development in Ukraine is exacerbated by the active military actions of the aggressor state and the resulting legal regime of martial law. This, in turn, leads to the forced restriction of human rights in order to counter threats and protect state sovereignty and territorial integrity. Taking these circumstances into account, some authors (V. Derbak and others) argue that "in the context of the Russian Federation's military invasion of Ukraine, preserving Ukraine's unity is a prerequisite for its continued existence as a sovereign and independent state, the basis of which is precisely the unity of the legal environment (the basic principle of the rule of law)"¹².

No less important is the preparation for the future stage of post-war reconstruction, which will require the prompt legislative restoration of currently restricted rights and freedoms, as well as the further process of

⁸ S. P. Rabinovych, O. V. Tomina, *Yevropeiska intehratsiia i pravoliudynni markery kulturno-pravovoi identychnosti Ukrainy: sotsiologichnyi pidkhid*. Journal of the National Academy of Legal Sciences of Ukraine, 2024, 2(31), p. 88.

⁹ O.S. Kotukha, *Ideia panuvannia prava abo pravovoi derzhavy v umovakh hlobalizatsii*. Legal Scientific Electronic Journal, 2023, 3, p. 42.

¹⁰ O.G. Danilyan, O.P. Dzeban, Y.Y. Kalynovskyi, *Social instability as a global trend of the modern world*. Cogito, 2022, 14 (3), p. 142.

¹¹ O. Danilyan, O. Dzeban, Y. Kalynovskyi, M. Saltanov, *Value aspects of the safe existence of social systems in an unstable world*. Cogito, 2023, 15 (4), p. 65.

¹² V.I. Derbak, A.P. Derbak, *Pryntsyp yednosti – osnova pobudovy demokratychnoi derzhavy: filozofski ta pravovi zasady*. Electronic scientific bulletin "Analytical and Comparative Jurisprudence", 2023, p. 28-29.

improving the public administration system in order to acquire full EU membership. In this regard, it is important to take into account the position of N. Kleshchenko, according to which the key challenges facing law-making in the post-war period include (1) setting priorities against the backdrop of a lack of resources; (2) optimising law-making activities with a view to regulating legal relations between the state and citizens in the context of post-war reconstruction¹³.

The purpose of this article is to outline the issues that should form the basis for the further European integration of our state and for its reconstruction and development as a law-based state in the post-war period.

Results and Discussion

The principle of the rule of law is one of the fundamental values on which the European Union is based, alongside values such as democracy, equality, respect for human rights and human dignity (Article 2 of the EU Treaty)¹⁴. The fundamental nature of this principle is also emphasised in the preamble to the North Atlantic Treaty¹⁵. These fundamental provisions not only give greater weight to the issue of developing the law-based state in Ukraine, but also determine the further vector of state-building towards strict adherence to the values of the Euro-Atlantic space.

For the purposes of this study, a law-based state is understood to be a state in which the powers of the authorities are limited by law and the process of governance itself is mediated by law. Fundamental rights and freedoms are protected from encroachment by the state by the constitution as an act of constituent power that sets the limits of the powers of public authorities. Having been the subject of many doctrinal studies in the works of Western scholars, the concept of the law-based state is characteristic mainly of the continental legal system, where it has historically found its embodiment. A conceptual overview of the understanding of the law-based state was provided in the European Commission's 2011 report "For Democracy through Law" on the rule of law. In particular, the German concept of "Rechtsstaat" defined the rejection of an absolutist state, and protection from absolutist power was entrusted to the legislative branch; the French concept of "Etat de droit" viewed the state as the guarantor of

¹³ N.O. Kleshchenko, *Pravotvorcha diialnist u povoiennyi period: vyklyky ta perspektyvy*. Almanac of Law, 2022, 13, p. 232.

¹⁴ *Consolidated version of the Treaty on European Union*. Official Journal of the European Union. 2012. Available at:

https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF.

¹⁵ *The North Atlantic Treaty (Washington D.C. – 4 April 1949)*. Official website of the North Atlantic Treaty Organization. 1949. Available at:

https://www.nato.int/cps/en/natohq/official_texts_17120.htm.

"fundamental rights enshrined in the Constitution against the legislator"¹⁶. The principle of the rule of law, or pravovladdia (the latter, according to S. Holovaty, is the most accurate rendering of the essence of the English concept 'the rule of law')¹⁷ is characteristic of its origin in the Anglo-Saxon legal system, but in today's conditions it is undoubtedly a universal principle, as evidenced, among other things, by the adoption of the above-mentioned report of the Venice Commission, as well as its subsequent adoption in 2016 of the expanded report "The Rule of Law Checklist"¹⁸. Accordingly, in this text, the concepts of the law-based state and the rule of law will be used synonymously to refer to the limitation of state power by law, the comprehensive protection of fundamental human rights and freedoms, legality, access to justice, etc.

In modern domestic scientific works, considerable attention is paid to the implementation of the ideas of the law-based state and the rule of law. The components of the law-based state include: "the certainty of the content and direction of the state's activities in terms of human rights and freedoms and their guarantees; the affirmation and enforcement of human rights and freedoms as the main duty of the state; the state's responsibility to the individual for its activities; the subordination of public and state life in Ukraine to the principle of the rule of law; the supreme legal force of the Constitution of Ukraine...", etc.¹⁹. According to R. Lutsky, the principle of the rule of law, being the basis of the law-based state, requires the harmonious compliance of normative acts and law enforcement practice not only with the letter of the law, but also with the ideas of justice, the highest values of human rights, human dignity and the spirit of law in general²⁰. As S. Kelba notes, the principle of the rule of law must be directed primarily at the individual and is intended to reflect the place and role of law in the state and society, the relationship between law and the state, law and politics, law

¹⁶ *Yevropeiska komisiia «Za demokratiiu cherez pravo»*. 2016, p. 18. Available at: <https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule%20of%20Law%20checklist%20UKR.pdf>

¹⁷ S. Holovaty, *Vymiriuvaty, zdavalosia b, nezmirennne*. *Mirylo verkhovenstva prava (pravovladdia) natsionalnoho rivnia: praktyka Ukrainy*, 2021, p. 11. Available at: https://ccu.gov.ua/sites/default/files/golovaty_s._mirylo_verhovenstva_prava_2021_2.pdf.

¹⁸ *Mirylo pravovladdia*. *Yevropeiska komisiia «Za demokratiiu cherez pravo»*, 2016. Available at: <https://www.venice.coe.int/images/SITE%20IMAGES/Publications/Rule%20of%20Law%20checklist%20UKR.pdf>

¹⁹ O. Scrypniuk, O. Scrypniuk, *Demokratychna, sotsialna, pravova derzhava v konteksti natsionalnoi idei Ukrainy*. *Law of Ukraine*, 2021, 2, p. 61.

²⁰ R.P. Lutskyi, *Verkhovenstvo prava ta pravoporiadok v krainakh Yevropeiskoho Soiuzu*. *Scientific and Information Bulletin of Ivan-Frankivsk University named after King Danylo Halytskyi: Journal, Law Series*, 2023, 16(28), p. 44-45.

and economics, law and morality, as well as the relationship between law and customs²¹.

German lawyer P. Müller-Graff argues that the core of the European concept of the rule of law is the guarantee of fundamental human rights and their protection by independent courts from encroachment²².

Kh. Markovych notes that the basis of the law-based state should be universal human values, democratic principles (in particular, guaranteeing the priority of human rights over the rights of the state), and a rational combination of the interests of the individual, society and the state, taking into account the principle of recognising the human being as the highest social value²³. Based on these statements, it seems reasonable to argue that "an important methodological basis for an adequate understanding of the principle of the rule of law is to take into account the axiological aspects of both its perception and the understanding of the rule of law itself as an axiological component of the national legal system"²⁴.

Therefore, it follows from the above that a comprehensive analysis of the problems of developing the law-based state is impossible without analysing its individual components – ensuring and protecting human rights, an effective system of public administration (in particular, in the context of its reform in the current conditions of European integration) and the role of civil society in promoting and protecting democratic values. The context of the study of these components is unique, as it takes into account the current state of development of social and state-legal relations in the context of a full-scale armed invasion, the active phase of European integration processes, and the need to prepare for future post-war recovery processes. Let us consider these components separately by group.

Current issues of human rights protection in the modern realities of martial law and European integration

As mentioned earlier, human dignity, freedom, equality and respect for human rights are fundamental values of the European Union. Accordingly, the current process of Ukraine's integration into the EU must be carried out

²¹ S. Kelba, *Mizhnarodni standarty ta doktrynalne pozuminnia pravovladdia, yak osnova formuvannia demokratychnoi ukrainskoi derzhavy*. Scientific and Information Bulletin of Ivan-Frankivsk University named after King Danylo Halytskyi: Journal, Law Series, 2024, 17(29), p. 73.

²² P. Müller-Graff, *The rule of law in European integration: roots, functions, challenges*. Kyiv-Mohyla law and politics journal, 2018, 4, p. 3.

²³ Kh. Markovych, *Pravova ideolohiia yak mekhanizm konstruiuvannia pravovoi derzhavy*. Legal Scientific Electronic Journal, 2021, 4, p. 52.

²⁴ A.M. Kuchuk, *Pravovladdia: aksiolohichni aspekt*. Realii ta perspektyvy rozbudovy pravovoi derzhavy v Ukraini ta sviti: proceedings of the VI International Scientific Practical Conference. Sumy, 2023, p. 26.

taking into account these principles, strict adherence to which is a prerequisite for membership in the union. Article 6 of the EU Treaty provides for the recognition at EU level of the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the EU. The latter also has the legal force of the founding treaties of the European Union. In addition, the fundamental rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the Convention) and which constitute the common constitutional traditions of the Member States also belong to the fundamental principles of EU law.

Since Ukraine has ratified the Convention, which is therefore part of national legislation, compliance with its provisions, in addition to being mandatory in view of the international obligations of the state, directly affects compliance with one of the requirements for future EU membership. However, compliance with the provisions of the Convention during wartime has its own peculiarities: according to Article 15 of the Convention, "in time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law"²⁵. Accordingly, with the start of a full-scale armed invasion of Ukraine by the aggressor state, the authorised state bodies notified the Council of Europe of their derogation from a number of obligations under the Convention (Articles 8-11, 13, 14, 16 of the Convention, Article 2 of Protocol 4 to the Convention)²⁶. This list was updated during the period of martial law by diplomatic notes to the General Secretariat of the Council of Europe each time the legal regime was extended by relevant decrees of the President of Ukraine²⁷.

This gives grounds to assert that Ukraine is undergoing a special stage in the development of the law-based state, characterised by the introduction of extraordinary measures involving restrictions on human rights in order to protect state sovereignty and territorial integrity. Such measures are undoubtedly aimed at achieving a legitimate purpose and are necessary to protect democracy, but they must be proportionate and cannot contradict

²⁵ *European Convention on Human Rights*. Official website of the Verkhovna Rada of Ukraine. 2021. Available at: https://zakon.rada.gov.ua/laws/show/995_004#Text

²⁶ Note verbale No. 31011/32-017-3 from the Permanent Representation of Ukraine to the Council of Europe (1 March 2022). Available at: <https://rm.coe.int/1680a5bobo>

²⁷ *Reservations and Declarations for Treaty No.005 - Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 005)*. Council of Europe Portal. 2025. Available at:

<https://www.coe.int/en/web/Conventions/full-list?module=declarations-by-treaty&numSte=005&codeNature=10&codePays=U>

fundamental human rights, from which no derogation is permitted. In view of this, state authorities must comply with all requirements regarding the legality of restrictions on human rights and take into account the existence of absolute rights that are not subject to such restrictions²⁸. Key in this context is the role of the judiciary, which is called upon to exercise judicial control over certain restrictions on human rights and to prevent the use of disproportionate measures by public authorities.

In one of the first decisions of the Constitutional Court of Ukraine after the start of the full-scale armed invasion (the case on enhanced social protection for military personnel), Justice V. Lemak aptly described in a separate (concurring) opinion the specifics of the balance between the protection of human rights and the restrictions imposed during the period of martial law: "During wartime, it is unacceptable to sharply contrast public (state) interests and relevant constitutional values, on the one hand, with respect for individual human rights, on the other, as was often the case in peacetime. During wartime, the perception that the public interest (e.g., defence, national security) accumulates individual human rights and freedoms should be most evident. For example, restrictions on the movement of citizens (curfews, checkpoints) or even the seizure of citizens' property for defence purposes are aimed at protecting the most fundamental human rights and freedoms – the right to life, dignity and freedom (e.g. protection from the activities of enemy sabotage and subversive groups). This approach is confirmed not only theoretically, but also by the harsh realities of the defensive war in Ukraine"²⁹. The Justice also emphasised that the arbitrariness of civil or military authorities cannot be justified by defence needs, and that "no act and no decision, even during wartime, is beyond judicial control and, therefore, beyond the rule of law."

A striking example of judicial control over the protection of rights and freedoms enshrined in the Constitution under the legal regime of martial law is the decision of the Constitutional Court of Ukraine of 18 July 2024 in the case concerning guarantees of judicial control over the observance of the rights of persons held in custody³⁰. This case concerned the consideration

²⁸ M.V. Korniienko, *Zabezpechennia prav liudyny v ekstraordynarnykh umovakh: propedevtychnyi aspekt*. Realii ta perspektyvy rozbudovy pravovoi derzhavy v Ukraini ta sviti: proceedings of the V International Scientific Practical Conference. Sumy, 2022, p. 51. Available at: <https://repository.sspu.edu.ua/server/api/core/bitstreams/90d183df-43fb-4c7d-b781-75a1143ce7ca/content>

²⁹ *Constitutional Court of Ukraine*, Okrema (zbizhna) dumka suddi Konstytutsiinoho Sudu Ukrainy Lemaka V. V. stosovno Rishennia Konstytutsiinoho Sudu Ukrainy (sprava pro posyleni sotsialnyi zakhyst viiskovosluzhbovtziv). 2022. Available at: <https://zakon.rada.gov.ua/laws/show/na01d710-22#n2>

³⁰ *Constitutional Court of Ukraine*. Rishennia Konstytutsiinoho Sudu Ukrainy (Druhyi senat) vid 18.07.2024 №8-r(II)/2024 (sprava pro harantii sudovoho kontroliu za

of a constitutional complaint regarding the inconsistency with the Constitution of Ukraine of the provisions of part 6 of Article 615 of the Criminal Procedure Code of Ukraine, which provided that in the event of "the expiry of the term of the court ruling on detention and the impossibility of the court considering the issue of extending the term of detention in accordance with the procedure established by this Code, the preventive measure in the form of detention shall be considered extended until the relevant issue is resolved by the court, but for no more than two months"³¹. This provision was introduced into criminal procedural law in response to the conditions of the legal regime of martial law and constituted a departure from certain obligations under international human rights treaties. The Constitutional Court of Ukraine ruled that this provision was inconsistent with the constitutional right to judicial protection (Article 55(1) of the Constitution of Ukraine), the right to liberty and personal inviolability (Article 29(1) of the Constitution) and the right of the accused to defence (Article 63(2) of the Constitution), since the decision on extending the term of detention as a preventive measure was to be made without the participation of a court. At the same time, the Constitutional Court noted that a departure from some of Ukraine's international human rights obligations does not mean that legislative restrictions incompatible with the Constitution of Ukraine can be introduced.

This decision of the Constitutional Court was based on the principle of the rule of law, which requires the authorities to strictly observe human rights, the principle of legality and the exercise of judicial control by independent courts. In addition, the decision contains references to historical legal documents that made a huge contribution to the formation of the basis of the principle of the rule of law and legal protection of human rights – Magna Carta (1215), Habeas Corpus Act (1679). This demonstrates the prioritisation of the principle of the rule of law in the practice of the constitutional jurisdiction body (whose decisions are final and binding) under the legal regime of martial law, with its characteristic restrictions on certain rights and freedoms in order to counteract armed aggression by the enemy.

The overall state of human rights guarantees and protection in Ukraine in the context of war and European integration was analysed in the latest European Commission Report within the framework of the 2024 European Union Enlargement Package (hereinafter referred to as the Report). The

dotrymanniam prav osib, yakykh utrymuiut pid vartoiu). 2024. Available at: <https://zakon.rada.gov.ua/laws/show/v008p710-24#Text>

³¹ *Kryminalnyi protsesualnyi kodeks Ukrainy: Zakon vid 13.04.2012 № 4651-VI*, Official Website of the Verkhovna Rada of Ukraine. 2012. Available at: <https://zakon.rada.gov.ua/laws/show/4651-17#n7178>

Report notes that the overall situation regarding fundamental human rights in Ukraine is satisfactory: the state generally adheres to the principle of respect for human rights and demonstrates its commitment to protecting them and harmonising its legislation with the requirements of EU law (EU *acquis*), despite the restrictions imposed by the war and the legal regime of martial law. At the same time, the Report emphasises that the authorities in Ukraine must constantly analyse the nature and scope of such restrictions and, where the security situation allows, consider their abolition in order to comply with the principle of proportionality of such restrictions³².

As noted above, strict compliance with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms is one of the requirements for full membership in the European Union and continued membership thereafter. Accordingly, the European Commission paid due attention to the overall state of Ukraine's compliance with the Convention and the statistics on applications against Ukraine submitted to the European Court of Human Rights and the number of decisions adopted on them. Thus, as of 1 September 2024, a total of more than 8,000 applications were pending before the ECHR. Between 16 June 2022 and 1 September 2024, the Court examined 524 cases, in which 310 violations of the Convention were found. According to the Report, these violations mainly concerned the protection of private property, the right to a fair trial, the prohibition of torture, etc. As of the date of publication of the Report (30 October 2024), 616 cases were under enhanced supervision by the Committee of Ministers of the Council of Europe, most of which concerned issues related to unlawful arrests, length of detention, violation of the right to life, ill-treatment by law enforcement agencies, poor conditions of detention and lack of adequate medical treatment, as well as excessive length of criminal and civil proceedings, lack of effective legal remedies, etc. In view of this, the European Commission has recommended that the structural and systemic problems identified by the ECHR in the areas of the judicial system, law enforcement and human rights be addressed and that the decisions of the ECHR be implemented systematically and in a timely manner³³.

³² *Commission staff working document: Ukraine 2024 Report*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. 2024, p. 36. Available at: https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50e0eac14da1_en?filename=Ukraine%20Report%202024.pdf

³³ *Commission staff working document: Ukraine 2024 Report*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. 2024, p. 36-37. Available at:

Among other things, the Report also points to cases of alleged persecution and intimidation of journalists, including illegal surveillance; expresses concern about torture and ill-treatment in Ukraine's prison system, as well as problems of gender-based violence, which requires more decisive measures to be taken in view of the ongoing war; the need to review the concept of the state-run telethon in the context of the free exchange of views among the population³⁴, etc. In addition to recommendations in specific areas, the European Commission emphasises the need for the legislative and executive branches of Ukraine to take measures to improve the legal regulation of these issues, which require gradual implementation. In this regard, it is worth agreeing with O. Nelin's opinion that in the current geopolitical conditions, human rights require not so much additional declarations as the development of real mechanisms to ensure the fundamental rights, freedoms and duties of individuals and citizens³⁵.

As we noted earlier, the mechanism for protecting human rights during military conflict often proves to be insufficiently effective due to widespread instability caused by aggression and territorial occupation. Therefore, in conditions of martial law, it becomes necessary for the state to create new, reliable mechanisms for protecting human rights. These mechanisms should include provisions for compensation for property damage caused by conflict-related attacks, mandatory documentation of human rights violations, and the prosecution of perpetrators, in particular for crimes such as genocide, war crimes, and crimes against humanity³⁶. This thesis is particularly relevant in light of the European Commission's recommendations on the need to develop a strategy in Ukraine for the

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf

³⁴ *Commission staff working document: Ukraine 2024 Report*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. 2024, p. 36-40. Available at: https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf

³⁵ O.I. Nelin, *Prava liudyny i hromadianyna yak determinanta natsionalnoho derzhavotvorennya*. Legal Ukraine, 2020, 7, p. 10. Available at: http://www.irbis-nbu.gov.ua/cgi-bin/irbis_nbu/cgiirbis_64.exe?I21DBN=LINK&P21DBN=UJRN&Z21ID=&S21REF=10&S21CNR=20&S21STN=1&S21FMT=ASP_meta&C21COM=S&2_S21P03=FILA=&2_S21STR=urykr_2020_7_3.

³⁶ O. Danilyan, O. Dzeban, J. Mansilla Sepúlveda, Y. Kalynovskyi, O. Andrushchenko, *Protection of human rights in Ukraine under martial law*. Revista Notas Históricas y Geográficas. 2024, 33, p. 482. Available at:

<https://www.revistanotashistoricasygeograficas.cl/index.php/nhyg/article/view/626/719>

restoration of all rights and freedoms that are currently subject to restrictions after the abolition of the legal regime of martial law³⁷.

This indicates a significant amount of legislative and law enforcement work that lies ahead for the state authorities in Ukraine to ensure and protect human rights and fundamental freedoms, both in the current conditions of war and in the perspective of post-war recovery. Effective implementation of this work is impossible without an effective system of public administration based on the principles of integrity, legality, zero tolerance for corruption and, most importantly, the principle of the rule of law, which should mediate the process of regulating social relations. Below, we will consider the main challenges that arise in the context of reforming state authorities in view of the intensification of European integration processes.

Current issues in reforming the public administration system in Ukraine in the context of the current legal regime of martial law and European integration

The development of the law-based state in Ukraine on the path to European Union membership requires the improvement of the system of state authorities to bring it into line with European standards. This process is complex and time-consuming due to a number of objective factors, foremost among which is the current security situation in the country. According to P. Horinov, an important aspect of European integration development is the stimulation of internal reforms necessary for EU membership (strengthening the rule of law, fighting corruption, decentralising power, optimising tax and customs policies, etc.)³⁸. It is important to understand that the transformation of the state's legal system, according to O. Perederiy, is conditioned by the consideration of constitutional provisions regarding the state's European integration course when developing and adopting normative acts, which in turn will contribute

³⁷ *Commission staff working document: Ukraine 2024 Report*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. 2024, p. 36. Available at:

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50e0eac14da1_en?filename=Ukraine%20Report%202024.pdf

³⁸ P. Horinov, *Yevropeiska intehratsiia Ukrainy: pravovyi vymir i stratehii vprovadzhenia*. Polityka ta pravo v umovakh dii voiennoho stanu: poshuk rishen: proceedings of the International scientific conference. Kyiv: Publishing house of Mykhailo Dragomanov UDU, 2024, p. 47-51. Available at:

<https://enpuir.npu.edu.ua/bitstream/handle/123456789/44822/Polityka%20ta%20opravo%20v%20umovakh%20dii%20voiennoho%20stanu.pdf?sequence=1&isAllowed=y>

to the development of closer political, economic and humanitarian relations between Ukraine and EU member states³⁹.

Domestic literature highlights a number of areas for ensuring the rule of law in Ukraine, which are also relevant in the context of our state's progress towards the European Union. These include, in particular: ensuring access to justice, ensuring fair adjudication by an impartial and independent court, guarantees of an effective procedure for selecting candidates for judicial positions, the existence of a clear mechanism for holding judges accountable for failure to perform or improper performance of their duties, overcoming corruption, etc.⁴⁰. In its conclusion of 17 June 2022 on Ukraine's application for EU membership, which recommended that Ukraine be granted candidate status, the European Commission outlined a number of measures that are mandatory for our country's further progress in the field of European integration. These included, among other things: the adoption and implementation of legislation on the competitive selection procedure for judges to the Constitutional Court of Ukraine, the completion of integrity checks on candidates for positions in the High Council of Justice and the selection of candidates for the High Qualification Commission of Judges of Ukraine, continuing the fight against corruption, completing the reform of the legal framework for the protection of the rights of national minorities, etc.⁴¹.

Some of these requirements involved the adoption of relevant laws (regulating the competitive selection procedure for candidates for positions as judges of the Constitutional Court of Ukraine, adopting a relevant law on national minorities taking into account the conclusions of the Venice Commission, etc.), while others involved the adoption of decisions, in particular regarding the appointment of the head of the Specialised Anti-Corruption Prosecutor's Office and the director of the National Anti-Corruption Bureau, as well as members of the High Council of Justice, based on the results of relevant competitions. At the same time, other requirements (e.g., effective fight against corruption) are long-term and require parallel legislative improvement of these processes for their proper

³⁹ O.S. Perederiy, *Tendentsii transformatsii zakonodavchykh zasad yevropeiskoi intehratsii Ukrainy na suchasnomu etapi*. Journal of Kyiv University of Law, 2020, 1, p. 67. Available at: <https://chasprava.com.ua/index.php/journal/article/view/257/242>

⁴⁰ R.P. Lutskyi, O.M. Kalenok, M.Z. Lytsur, *Konstytutsiine zakriplennia verkhovenstva prava yak osnovy rozbudovy Ukrainiskoi derzhavy: istorychni vytoky ta praktyka realizatsii*. Scientific and Information Bulletin of Ivan-Frankivsk University named after King Danylo Halytskyi, 2024, 17(29), p. 91-92.

⁴¹ *Opinion on Ukraine's application for membership of the European Union*. Official website of the European Commission. 2022, p. 20-21. Available at: https://enlargement.ec.europa.eu/opinion-ukraines-application-membership-european-union_en

implementation (e.g., adoption of amendments to the Criminal Procedure Code of Ukraine regarding single-judge consideration of cases in the High Anti-Corruption Court to expedite justice, amendments to the Code aimed at preventing the evasion of criminal liability for corruption offences due to shortcomings in procedural legislation, increasing the staff of the NABU and SAPO to improve the effectiveness of corruption investigations, etc.).

The European Commission's Report within the framework of the 2024 European Union Enlargement Package notes that, in general, constitutional and legislative guarantees of judicial independence exist in Ukraine, but certain shortcomings still exist both at the legislative level and in practice. In particular, the Report provides recommendations on improving the independence, impartiality and accountability of the justice system in Ukraine by the newly formed judicial authorities⁴²; making further efforts to ensure the unity of judicial practice among all instances⁴³.

With regard to the implementation of judicial reform in the context of European integration processes, it should be noted that the criterion for its effectiveness is ensuring citizens' access to justice, ensuring the right to a fair court decision and guaranteeing the real independence of judges⁴⁴. In doctrine and, in particular, in the decisions of the European Court of Justice, two aspects of judicial independence are highlighted: external (the autonomous exercise of the court's functions without subordination to any other body; rules that clearly define the grounds for bringing judges to disciplinary responsibility, appealing decisions of disciplinary bodies, etc.) and internal (impartiality, objectivity in the administration of justice)⁴⁵. The implementation of these principles in practice is a complex process that requires not only structural and systemic changes at the institutional level,

⁴² *Commission staff working document: Ukraine 2024 Report*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. 2024, p. 29. Available at:

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf,

⁴³ *European Commission*. Commission staff working document: Ukraine 2024 Report. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. URL:

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf

⁴⁴ V.L. Kachuriner, A. Pakhlevanzade, *Analiz yevropeiskoho dosvidu ta yevropeyskykh standartiv shchodo orhanizatsii sudovoi vlady v Ukraini*. Legal Scientific Electronic Journal, 2022, 9, p. 560. Available at: http://lsej.org.ua/9_2022/137.pdf

⁴⁵ T.V. Komarova, *Tsinnosti Yevropeiskoho Soiuzu yak oriientyr dlia pravovoi systemy Ukrainy*. Problems of Legality, Special, 2024, p. 69-70. Available at: https://www.researchgate.net/publication/387546947_EU_Values_as_a_Guide_for_Ukrainian_Legal_System.

but also shifts in public perception of the need for such changes. It is the prevalence of legal and democratic values in society that can contribute to progress in this area, as will be discussed later. According to N. Demchyk, if judicial reform is successful in the context outlined above, the judiciary should become a key element of the principle of the rule of law in Ukraine, which in turn will form the basis for the process of social change on the path to Ukraine's membership in the EU⁴⁶.

According to the European Commission, the fight against corruption in Ukraine is not standing still and is gradually improving. The above-mentioned Report notes that during the last reporting period, the number of indictments and court decisions in cases of corruption crimes reached its highest level since the establishment of key anti-corruption institutions⁴⁷. Effective anti-corruption efforts are perhaps the most important guarantee of the formation of a highly developed law-based state in which the principles of legality, equality of rights, and the absence of any unjustified privileges in the exercise of rights prevail. Corruption in the public administration system is a significant obstacle to the implementation of the principle of the rule of law, ranging from violations of basic human rights in the sphere of good governance and justice to negative social manifestations, such as legal nihilism.

The institution of elections as a fundamental component of a democratic state should be noted separately. According to the Constitution of Ukraine and current legislation, the legal regime of martial law prohibits the holding of elections while it is in force (which is also reflected in the European Commission's Report in section 2.1.1 "Democracy"). These restrictions are intended to ensure the continuity of the powers of elected authorities in Ukraine, given the significant threat to the constitutional order, state sovereignty and territorial integrity. Nevertheless, the parliament is working consistently to improve the provisions of the Electoral Code with a view to holding post-war elections⁴⁸.

⁴⁶ N.P. Demchyk, *Sudova reforma v umovakh yevrointehratsiinykh protsesiv*. New Ukrainian Law, 2023, 5, p. 75. Available at:

<http://newukrainianlaw.in.ua/index.php/journal/article/view/545/494>

⁴⁷ Commission staff working document: Ukraine 2024 Report. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. URL:

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf (Last accessed: 02.05.2025).

⁴⁸ Commission staff working document: Ukraine 2024 Report. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. URL:

The final issue that should be addressed in the context of the development of the public administration system in Ukraine is the system of multi-level governance – national, regional and local. The European Commission draws attention to the need to develop a transparent mechanism for financing the needs of sub-national authorities for recovery, reconstruction and modernisation in accordance with the Ukraine Facility plan. With regard to the growing number of local military administrations, it is noted that the criteria for their creation should be defined at the level of law, and the replacement of local self-government bodies by such administrations should be considered an exceptional measure and, if possible, alternative security measures should be sought⁴⁹.

Summarising the analysis of the problems of public administration development in Ukraine in the current conditions, it should be noted that the process of reforming state authorities and improving management processes continues despite the difficult security situation in the country and shows moderate progress. The further development of these processes (their quality and pace) will directly influence the pace of our country's movement towards EU membership. Accordingly, a consistent systematic approach to eradicating negative factors in the system of state authorities, such as corruption, timocracy, nepotism, disregard for legal norms, etc., is extremely important. In this regard, it is worth mentioning the areas for improvement in strategic public administration that should contribute to the effective allocation of public resources and monitoring of their implementation:

- development of a legal framework for improving strategic public administration in the context of European integration;
- improving the quality of monitoring the implementation of strategic documents;
- streamlining the powers of public authorities and ensuring systematic interaction between them;
- streamlining the optimisation of organisational support for strategic public administration;

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf (Last accessed: 02.05.2025).

⁴⁹ Commission staff working document: Ukraine 2024 Report. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. URL:

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf (Last accessed: 02.05.2025).

- developing organisational measures that will contribute to improving strategic public administration in terms of European integration⁵⁰.

Current problems in the functioning of civil society in Ukraine in the current realities of martial law and European integration

The development of the law-based state is impossible without the active participation of civil society in this process. Restricting the state apparatus by law (the principle of the rule of law) is designed to protect the political community from unauthorised encroachments by state bodies and to guarantee the rights and freedoms necessary for the harmonious coexistence of people in society. Accordingly, encroachments on fundamental rights and freedoms and the abuse of power by authorised bodies often provoke resistance, primarily from representatives of civil society, who defend the political system enshrined in the Constitution and the legislation adopted on its basis. This is due, firstly, to the constituent power of the people as the sole source of state power and, secondly, to the controlling role of civil society in relation to the actions and decisions of those in power. In this regard, O. Kotukha rightly notes that through universal suffrage, citizens have the opportunity to control the authorities and, if necessary, correct the actions of its bodies, thereby playing a balancing role in the system of checks and balances inherent to a law-based state⁵¹.

Civil society institutions in Ukraine play a fairly active supervisory role with regard to policies, decisions and measures developed and approved by the legislative, executive and judicial branches of government, thereby strengthening the accountability of these bodies and encouraging them to be more transparent in their activities. Since the Revolution of Dignity, at the heart of which was civil society striving for Ukraine's European vector of development, the public sector has had a significant impact, in particular on the reform of the judiciary, the creation of a new system of anti-corruption institutions and the implementation of a number of organisational and regulatory measures aimed at overcoming systemic corruption in Ukraine. Constant public control over the actions of government bodies can minimise the risks of secret decisions on matters of public importance, shadow

⁵⁰ Ya. Halych, O. Mohyl, *Napriamy reformuvannia systemy publicznego upravlinnia v Ukraini v konteksti yevrointehratsiinoho vektoru*. Scientific works of the Interregional Academy of Personnel Management. Political Science and Public Administration, 2024 3(75), p. 14. Available at:

<https://journals.maup.com.ua/index.php/political/article/view/4438/4748>

⁵¹ O.S. Kotukha, *Ideia panuvannia prava abo pravovoi derzhavy v umovakh hlobalizatsii*. Legal Scientific Electronic Journal, 2023, 3, p. 43. Available at: http://lsej.org.ua/3_2023/8.pdf

corruption, and the pursuit of private interests by public servants contrary to the public interest. The ability of the public to control government structures in order to ensure respect for fundamental human rights and freedoms is one of the characteristics of a law-based state⁵², which focuses on the individual rather than on authorities.

The positive influence of civil society on state-building processes, as opposed to its potentially destructive manifestations, is largely determined by the level of legal awareness and perception of basic democratic values – the rule of law, legality, equality, justice, etc. A higher level of legal culture and the Europeanisation of Ukrainian society are key to improving national legislation and public administration, which in turn can ensure the dynamic development of society and reduce the gap between the state and its economy and the developed countries of the world⁵³. The adoption of the Constitution of Ukraine in 1996 and the ratification of a number of treaties requiring strict adherence to fundamental democratic values and the protection of human rights are examples of the legal dissemination of these values in Ukrainian society, which must be gradually implemented at the level of individual and collective consciousness. A significant impetus in this direction was the signing of the Association Agreement with the EU, which stipulated the consolidation of basic European values at the constitutional level in Ukraine⁵⁴ through structural reforms required by the European and Euro-Atlantic vector of development.

The transformation of the legal culture of society in Ukraine in the light of European integration, according to V. Rieznikov⁵⁵ and a group of authors encompassing V. Petryshyn, T. Kahanovska and O. Perederiy⁵⁶, requires raising public awareness and knowledge of European integration processes.

⁵² Kh. Mashtalir, S. Leskiv, *Intehratsiia Ukrainy do Yevropeiskoho Soiuzu yak osnova rozbudovy hromadianskoho suspilstva*. *Entrepreneurship, Economy and Law*, 2017, 6, p. 165. Available at: <http://www.pgp-journal.kiev.ua/archive/2017/6/37.pdf>

⁵³ V.S. Lomaka, *Pravova kultura suspilstva v umovakh yevropeiskoi intehratsii. Problemy zakonnosti* *Problems of Legality*, 2022, 159, p. 107. Available at: <http://plaw.nlu.edu.ua/article/view/268418/266031>

⁵⁴ R. Petrov, P. Van Elsuwerge eds., *The constitutional legal order of Ukraine and its adaptability to the process of European integration. Post-Soviet constitutions and challenges of regional integration*. Routledge Press. 2017, p. 96. Available at: URL: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3146984

⁵⁵ V.V. Rieznikov, *Napriamy udoskonalennia mekhanizmiv formuvannia ta realizatsii derzhavnoi polityky u sferi yevropeiskoi intehratsii Ukrainy*. *Scientific Journal: State Governance*, 2020, 2(4), p. 294. Available at: <https://nvdu.undicz.org.ua/index.php/nvdu/article/view/71>

⁵⁶ O.V. Petryshyn, T.Ye. Kahanovska, O. Perederiy, *Transformatsiia v Ukraini pravovoi kultury suspilstva pid vplyvom protsesiv yevropeiskoi intehratsii*. *Journal of the National Academy of Legal Sciences of Ukraine*, 2022. 3(29), p. 99. Available at: https://ccu.gov.ua/sites/default/files/petryshyn_o._v._transformaciya_v_ukrayini_pravovoi_kultury_suspilstva_pid_vplyvom_procesiv_yevropeyskoyi_integraciyi_2022.pdf

Understanding the principles on which the European Union is based, the mechanism and procedure for joining it, as well as the peculiarities of member countries' membership in such a supranational union, is a guarantee of national unity regarding this course of the state. According to A. Mishchenko, it is a society that is consolidated and confident in the success of the European integration strategy that will contribute to strengthening the international subjectivity of the state and ensure the overall progress of the country⁵⁷.

Since February 2022, Ukrainian civil society has significantly united its forces to fight the enemy and bring Ukraine closer to the EU despite the extraordinary conditions of war. It is rightly noted that "the war has led to a change in the worldview of Ukrainian society, the acceptance of European values and the movement towards Europe as the only and unavoidable option for the further development of our state"⁵⁸. Active fighting on the battlefield, on international platforms and arenas, and in many areas of governance within the country has enabled the state to effectively continue its struggle for institutional survival, thereby preserving the role of civil society as a "key element of Ukrainian democracy"⁵⁹.

At the same time, maintaining such unity is an extremely difficult but at the same time extremely important task in the light of Ukraine's post-war reconstruction, which will require significant financial, intellectual and human resources in view of the recovery of the economy, the reconstruction of civil and industrial infrastructure and Ukraine's rapprochement with membership of the European Union and NATO. An integral part of this process is law-making, on which the quality of the state's post-war development and the pace of state-building as a whole will depend. The law-making process should be carried out on the basis of interaction between

⁵⁷ A.B. Mishchenko, *Suspilni nastroi ukrainsiv yak faktor realizatsii yevrointehratsiinoi polityky suchasnoi Ukrainy*. International Relations: Theoretical and Practical Aspects, 2021, 8, p. 204. Available at: <http://international-relations.knukim.edu.ua/article/view/249050/248759>

⁵⁸ T. Zakharov, *Yevrointehratsiini prahnennia suspilstva v umovakh viiny*. Polityka ta pravo v umovakh dii voiennoho stanu: proceedings of the International Scientific Conference. Kyiv, 2024, p. 268. Available at: <https://files.znu.edu.ua/files/Bibliobooks/Inshi78/0058055.pdf#page=267>

⁵⁹ *Commission staff working document: Ukraine 2024 Report*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2024 Communication on EU enlargement policy. 2024, p. 24. Available at:

https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf.

the state and civil society⁶⁰, thereby strengthening the symbiosis of these institutions with the sole aim of building a progressive legal state.

Conclusions

Based on the above, it should be concluded that the development of a law-based state in the conditions in which Ukraine currently finds itself is a rather difficult and complex process that requires the involvement of significant resources, given the context of a full-scale armed invasion and our state's active progress towards the European Union.

One of the key challenges to strict adherence to the principle of the rule of law in wartime is the restriction of a number of human rights due to the legal regime of martial law. Such restrictions are justified by the objective need to maintain public safety and order and to counteract the subversive activities of the enemy, and therefore pursue a legitimate aim and are consistent with international law. However, any restrictions must be consistent with the provisions of the Constitution of Ukraine and not contradict it, since the introduction of restrictive measures not provided for by the Constitution would constitute a violation of the principle of the rule of law. It is compliance with the principles of legality and proportionality in the context of the legal regime of martial law in the current realities that is one of the markers by which the overall state of human rights compliance and, accordingly, the level of development of the law-based state can be determined.

Ukraine's Euro-Atlantic vector of development requires a number of institutional reforms to bring our country into line with the criteria for accession to the European Union. In this regard, over the past three years, since Ukraine acquired the status of a candidate for EU membership, a number of institutional reforms have been implemented in the country, and work on them is still ongoing. It is important to understand that the key to our country's stable progress in terms of European integration processes is the implementation of effective reforms aimed, among other things, at significantly reducing the level of corruption in the public and private sectors, ensuring the transparency and efficiency of public administration bodies, and providing access to impartial and independent justice.

An active civil society should be an integral driver of this process, defending the development of the law-based state and promoting

⁶⁰ N.O. Kleshchenko, *Pravotvorcha diialnist u povoiennyi period: vyklyky ta perspektyvy*. Almanac of Law, 2022, 13, p. 232. Available at: http://www.irbis-nbuv.gov.ua/cgi-bin/irbis_nbuv/cgiirbis_64.exe?I21DBN=LINK&P21DBN=UJRN&Z21ID=&S21REF=10&S21CNR=20&S21STN=1&S21FMT=ASP_meta&C21COM=S&2_S21P03=FILA=&2_S21STR=ap_2022_13_39

democratic values within the country. Recognition of and adherence to basic democratic values is a fundamental requirement for membership in the European Union, which Ukrainian society has demonstrated since the beginning of the full-scale armed invasion by the aggressor state. Nevertheless, further educational activities on Ukraine's European and Euro-Atlantic development vector are important for informing the population about its content and advantages.

The areas of activity outlined above should form the basis not only for the further European integration of our state, but also for coordinated and effective work on the reconstruction of Ukraine and the development of the law-based state in the post-war period.

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