

Value of the European understanding of the rule of law for the development of the modern democratic state: Theoretical and historical aspect

Stella Kelbia*

PhD in Law
Private Higher Educational Institution “Bukovinian University”
58000, 2A Ch. Darwin Str., Chernivtsi, Ukraine
<https://orcid.org/0000-0002-1817-8160>

Sofia Dziubak

PhD in Law, Lecturer
King Danylo University
76018, 35 E. Konovaltsia Str., Ivano-Frankivsk, Ukraine
<https://orcid.org/0009-0003-6743-4102>

Volodymyr Sendetskyi

Postgraduate Student
“KROK” University
03113, 30-32 Tabirna Str., Kyiv, Ukraine
<https://orcid.org/0009-0000-5617-8041>

Roman Lutskyi

Doctor of Law, Professor
King Danylo University
76018, 35 E. Konovaltsia Str., Ivano-Frankivsk, Ukraine
<https://orcid.org/0000-0001-9558-3699>

Abstract. The purpose of this study was to investigate potential ways to improve the legal system of Ukraine using European standards and practices. The study analysed the history of the rule of law in Europe, compared legal systems, studied legal reforms in Ukraine, analysed statistical data, and identified the principal issues of the Ukrainian legal system. It was found that although Ukraine has made great strides towards preventing corruption since independence, the country’s legal system still requires considerable changes. It was also found that the current state of the European rule of law shows mixed trends. On the one hand, countries such as Denmark, Norway, Finland, Sweden, and Germany continue to hold the top positions in global rankings of the rule of law and anti-corruption measures, showing stable results in terms of protection of fundamental rights, law enforcement, and compliance with the law. On the other hand, countries such as Poland and Hungary have begun to demonstrate considerable levels of corruption and political instability, continuing to occupy low positions in global rankings. It was established that the greatest influence on the development of the modern Ukrainian democratic state from the standpoint of the European understanding of the rule of law was exerted by Germany, specifically its experience in reforming the legal system after the Second World War; Sweden, namely, the models of transparency and public control; Finland and Denmark with their approaches to law enforcement and compliance with laws, as well as anti-corruption measures. Furthermore, these countries not only demonstrate successful models of the rule of law, but also actively support Ukraine in implementing such standards through various technical aid programmes and expert advice

Keywords: rule of law; integrity; state institutions; reforms; political system

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*Corresponding author



Introduction

Advancing European integration requires not only the adaptation of legislation, but also a change of mentality in society and government structures, with the purpose of creating a system where human rights and freedoms are protected at the highest level. Following the Revolution of Dignity in 2014, Ukraine has embarked on a course of European integration and implementation of European standards in the legal system, which is critical for strengthening democratic institutions and the rule of law. In the current context of the war with Russia and the need to rebuild the state, an examination of the key features of the European rule of law helps to understand the mechanisms that can be effectively applied to stabilise and develop Ukraine as a state governed by the rule of law.

The problematic of this study lies in the need for an in-depth understanding of how the European understanding of the rule of law can be effectively implemented in the Ukrainian context to strengthen democratic institutions and the rule of law. There is a problem of adapting these principles to the specific historical, cultural, and social conditions of Ukraine, which are complicated by the challenges of war and post-war reconstruction.

A. Gora and P. de Wilde (2022) investigated the problem of democratic backsliding in the EU, which manifests itself in the violation of democratic norms in some member states. The researchers stressed the key role of legal mechanisms and the independence of the judiciary in preventing these violations. Without an effective rule of law, democratic institutions become vulnerable. However, they have not sufficiently addressed the impact of the national contexts of individual countries on the overall state of democracy in the region. B. Vitvitsky (2022) considered the need for the rule of law as a key element for the successful reconstruction of Ukraine after the war. The researcher's findings suggest that transparent and accountable legal reforms are necessary to achieve Ukraine's stable development. The researcher emphasised that the country's recovery from the conflict is impossible without strengthening the rule of law, as it is the only way to ensure stability and protection of citizens' rights. While B. Vitvitsky (2022) emphasised the significance of transparent reforms, there is no detailed analysis of how these reforms can be implemented in practice, particularly considering the complex political and social realities of Ukraine.

A study by the European Commission for Democracy Through Law (2020) focused on the impact of justice in states of emergency against the backdrop of the colonial past. The report highlighted the key role of the rule of law in protecting democracy and human rights during crises. Historical examples show how legal mechanisms have maintained stability and protected rights. However, there was little research on the adaptation of modern legal institutions to new challenges, such as pandemics and climate change.

G. Halmai (2019) explored the conditionality of the rule of law in the EU, where access to resources is contingent on compliance with legal norms. The researcher stressed the significance of equal application of rule of law mechanisms to all member states. Author also considered the possibility of adapting these principles to develop the democratic institutions in Ukraine. However, the potential negative consequences of conditionality for smaller states and the issue of responding to countries' refusal to follow the standards were understudied. M. De Witte (2022) analysed the conflict between democratic trends in Ukraine and autocracy,

particularly in Russia. The success of democracy in Ukraine threatens autocratic regimes, as its example can stimulate democratic reforms in other post-Soviet countries. Ukraine could become a model for the region, showing that democracy promotes stability and development. However, the study did not sufficiently address how Ukraine can effectively spread its democratic influence under external pressure.

O.M. Chernetchenko and V.I. Grebenyk (2024) examined the development of social rights in the context of historical events such as the First World War and the Great Depression. They compared the legislative acts of several countries and found differences in priorities: some countries focused on the right to work, while others focused on healthcare. The key factors were the economy, political regime, and public sentiment. However, the study did not sufficiently address contemporary challenges such as globalisation and technological change. A study by the M. Bogaards (2018) and CEU Democracy Institute (2024) examined the retreat from the rule of law in Poland and Hungary, focusing on the weakening of democratic institutions and the independence of the judiciary. This is a matter of concern in the EU, as such processes threaten the legal norms underpinning European cooperation. However, the study did not sufficiently address how other EU countries might respond to these violations, nor did it pay sufficient attention to the long-term implications for the stability of the Union. R.D. Kelemen (2020) analysed the authoritarian equilibrium in the EU, focusing on Poland and Hungary, which maintain stability by enjoying the benefits of EU membership but undermining democratic principles. They achieve this by concentrating power and weakening the system of checks and balances. However, the study did not sufficiently consider possible scenarios for the EU's response to the continuation of authoritarian trends.

The studies underline the role of European legal standards in strengthening democratic institutions and the rule of law in Ukraine. Transparent legal reforms will contribute to the fight against corruption and the country's sustainable development. The analysis of democratic backsliding in the EU demonstrates the role of legal mechanisms in maintaining democracy. Furthermore, the rule of law stays critical even in a crisis, as long as the adequate legal norms are applied. International cooperation and exchange of practices between the EU and Ukraine is also important to improve legal systems.

A combination of European legal standards, national reforms, and active participation of civil society, including independent judicial oversight, will help fight corruption, strengthen democracy, and ensure sustainable development of Ukraine. Considering the above, the purpose of this study was to explore the possibilities for further improvement of Ukraine's legal system based on European standards and practices. The objectives of the study were as follows: to investigate the key theoretical approaches to understanding the rule of law in the European context; to analyse the historical development of the rule of law principles in Europe and their effect on the legal systems of European countries; to identify the key aspects of the European rule of law that can be adapted to the Ukrainian legal system.

Materials and methods

The study examined the historical stages of the rule of law in Europe, covering the periods of antiquity, the Middle Ages, the Renaissance, the Enlightenment, and the modern era.

The study analysed key events, legislative initiatives, and social movements that influenced the formation of the European understanding of the rule of law, such as the *Magna Carta*, the French Revolution, and the adoption of the European Convention on Human Rights. The study compared various legal systems of European countries, namely the Romano-Germanic and Anglo-Saxon systems, and their contribution to the development of the rule of law concept. The study focused on the current state of the rule of law in such countries as Denmark, Norway, Finland, Sweden, Germany, the United Kingdom, Poland, Italy, Estonia, Spain, France, Switzerland, and Austria.

Particular attention was paid to the study of the historical context of the development of the rule of law in Ukraine, including the periods when Ukrainian lands were under the rule of various European states (the Principality of Lithuania, the Polish-Lithuanian Commonwealth, Austria-Hungary). The analysis of legal reforms in Ukraine after gaining independence in 1991 was based on European practices and recommendations, including reforms of the judicial system, adoption of new laws, and adaptation of European standards. The study identified the key aspects of the influence of European rule of law on the development of the Ukrainian legal system and democratic institutions, such as human rights protection, the rule of law, transparency, and accountability of the authorities. The study analysed statistical data on public attitudes in Ukraine towards foreign countries, international organisations, politicians, and the process of Ukraine's accession to the European Union, specifically, data from the Razumkov Centre report (2024). The study examined how the Law of Ukraine No. 1798-VIII "On the High Council of Justice" (2016) regulates the legal status, powers, procedure for the formation and operation of the High Council of Justice (HCJ), which is an independent body of judicial governance. The historical document *Magna Carta* (1215) helped to understand the evolution of the rule of law in England, which was useful in the context of analysing the development of the rule of law in the European countries mentioned above. In addition, the Law of Ukraine No. 1402-VIII "On the Judiciary and the Status of Judges" (2016) and the Law of Ukraine No. 1700-VII (2014) were crucial to the study, as they laid the foundations for modern legal regulation in various areas. Furthermore, the Order of the Cabinet of Ministers of Ukraine No. 1049-r "On Approval of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2023-2025" (2023) and the Razumkov Centre survey data (2024) were also analysed.

The key problems and challenges faced by the Ukrainian legal system were identified. The study examined the report of the European Commission (2024), which highlighted Ukraine's progress in implementing reforms, particularly in the areas of anti-corruption measures, judicial reform, decentralisation, and public financial management. The role of international organisations in supporting rule of law reforms in Ukraine was also investigated. Specifically, the contribution of such organisations as the Council of Europe (2024) and the Organisation for Security and Cooperation in Europe (OSCE) (2024). The research analysed successful instances of e-justice and process automation inside the legal system, significantly enhancing its efficiency and transparency (Vitvitsky, 2022). The World Justice Project (2023) rule of law index underscored the difficulties Ukraine encounters in

executing these changes, especially with judicial independence, governmental accountability, and anti-corruption efforts. Despite advancements in reinforcing legal institutions, the Freedom House (2023) study highlighted the enduring deficiencies in democratic governance and legal security. Resolution of the European Parliament No. 2023/2739(RSP) "On the Sustainable Reconstruction and Integration of Ukraine into the Euro-Atlantic Community" (2023) underscores the necessity of strengthening Ukraine's judicial system, ensuring legal transparency, and reinforcing anti-corruption measures as prerequisites for its Euro-Atlantic integration. The study included an assessment of the impact of technical aid programmes and grant projects aimed at improving the skills of Ukrainian judges, prosecutors, and lawyers. The study examined successful cases of e-justice and process automation in the judicial system, which considerably increased its efficiency and transparency.

Results and discussion

Historical stages of the rule of law in Europe. The study of the historical stages of the rule of law in Europe began with an analysis of ancient times. Ancient Rome laid the foundations of the legal system that influenced the further development of European jurisprudence. Roman law, with its systematisation and codification, became the foundation for many modern legal systems. The Laws of the Twelve Tables, created in the 5th century BC, became the first codified set of laws that set out the rights and obligations of citizens. One important feature of Roman law was its flexibility and ability to adapt to changes in society, which ensured its long-term use. For example, the Digests of Justinian, compiled in the 6th century AD, systematised and adapted the rules of law, which ensured their application in changing social conditions.

The *Magna Carta* (1215) was the first document to limit the absolute power of the King of England, securing the principle of acting according to the law. It contributed to the development of a constitutional monarchy and parliament, ensuring the representation of public interests and control over the monarch's actions. The document laid the foundations for modern legal procedures, including the right to a fair trial and protection from arbitrary detention, and inspired later documents such as the English Bill of Rights of 1689 and the US Constitution of 1787. *Magna Carta* has become a key document in the development of the rule of law and the protection of human rights.

The Renaissance brought innovative ideas to the field of legal studies, specifically the development of humanist thought and the ideas of natural law. Humanists, such as Erasmus of Rotterdam and Thomas More, advocated the recognition of natural human rights that cannot be violated by the state. These ideas were reflected in the writings of philosophers and jurists, which helped to form the basis of modern legal thinking. The revival of the ancient heritage and the emphasis on rationalism became crucial aspects of the development of legal science during this period. For example, the works of Hugo Grotius and Samuel Pufendorf laid the foundations of international law and the concept of state sovereignty. Hugo Grotius, in his treatise *On the Law of War and Peace*, developed the ideas of natural rights and international law that became the basis for the modern understanding of sovereignty and the rights of states (Burns, 1988).

The Enlightenment was another major stage in the development of the rule of law in Europe. Philosophers of this period, such as John Locke, Charles-Louis de Montesquieu, and Jean-Jacques Rousseau, developed ideas about the separation of powers, the social contract, and natural rights. C.L. de Montesquieu (1989) in his work *The Spirit of the Laws* substantiated the need for the separation of powers into legislative, executive, and judicial, which was to prevent abuse of power. Rousseau's ideas on the sovereignty of the people and the social contract became the basis for the development of democratic principles in state governance. These concepts influenced the formation of many European constitutions and were entrenched in the legal consciousness of Europeans. For example, the US Constitution of 1787, largely based on the ideas of C.L. de Montesquieu, was the first written constitution to enshrine the principles of separation of powers and protection of human rights (Sher, 2008).

The French Revolution and the adoption of the European Convention on Human Rights were key events in the shaping of human rights in Europe. The 1789 Declaration of the Rights of Man and of the Citizen established the principles of equality, liberty, and fraternity that underpin modern democratic states. The European Convention on Human Rights (1950) created a mechanism for citizens to apply to the European Court of Human Rights (ECtHR) to defend their rights, as in the case of *Loizidou v. Turkey* (1996), which confirmed the applicant's property rights. These developments highlight the link between social movements, legislative initiatives, and the development of the rule of law (Lauren, 2011). One of the key documents in the history of England is the Magna Carta (1215), which greatly influenced the evolution of the rule of law. It was concluded between King John the Landless and the English barons, who demanded to limit royal power and protect their rights. *Magna Carta* contains 63 articles that establish various rights and obligations of the monarch and their subjects. Specifically, Article 39 states that no free person shall be arrested, imprisoned, or deprived of their rights without due process of law by their peers or according to the law of the land, which became the basis for the principle of *habeas corpus*. The European Convention on Human Rights (1950) establishes fundamental rights and freedoms essential to a democratic society, including the right to life, fair trial, freedom of expression, and privacy. The Convention, through the ECtHR, provides a mechanism for the protection of these rights and influences national legal systems. The ECtHR's judgments set precedents that are essential for legal practice and trends in the field of human rights. The Convention also emphasises the value of international cooperation in the protection of human rights, and its history helps to understand the development of modern standards (Schabas, 2015).

In Europe, the development of the rule of law has largely depended on internal social movements and integration processes between states. The creation of the European Union was a milestone in this context. After the end of World War II, European integration began in 1940-1950, leading to the creation of the European Economic Community, which later became the European Union. The European Union has introduced many mechanisms to guarantee the rule of law in its member states. One of these mechanisms was the adoption of the Charter of Fundamental Rights of the European Union (2009), which was approved in Nice in 2000 and entered into force in 2009 with the Treaty of Lisbon (2009). Accord-

ing to this article, EU citizens are entitled to a fair trial, data protection, equality before the law and non-discrimination. For example, the case in Poland, where the European Commission initiated a procedure under Article 7 of the EU Treaty due to concerns regarding the independence of the judiciary, shows how important it is to integrate mechanisms to guarantee the rule of law (Pech & Scheppele, 2017).

Another notable example of the impact of European reforms is the development of justice in Central and Eastern Europe after the fall of communism. The accession of these countries to the European Union was conditional on large-scale reforms in the justice sector, adherence to the principles of democracy and the rule of law. This included reforming judicial systems, fighting corruption, ensuring judicial independence, and respecting human rights. For example, in Romania and Bulgaria, considerable efforts were made to establish anti-corruption agencies and ensure transparency of state institutions, which was a condition for their accession to the Treaty of Lisbon (2007). The study also showed that internal reforms and participation in international organisations and international treaties contributed to the development of the rule of law in Europe. European countries have actively cooperated with the United Nations (UN), the Council of Europe, the OSCE, and other international organisations to promote the rule of law and human rights around the world. For example, membership in the Council of Europe meant the adoption of the European Convention on Human Rights and recognition of the jurisdiction of the European Court of Human Rights, which was a great step towards the protection of human rights at the international level (Pech & Kochenov, 2019).

Rule of law principles promote the development of fair and stable legal systems, ensuring equality before the law, protecting citizens' rights, and preventing abuse of power. This creates transparent legal processes, a favourable investment climate and economic stability. European countries that have implemented these principles have ensured effective protection of rights through independent courts and the fight against corruption, which has increased trust in state institutions and contributed to economic growth. The rule of law also guarantees legal certainty, which is important for business and investment, by maintaining the stability of legal relations. The basic ideas of the rule of law provide mechanisms for the peaceful resolution of disputes. An independent and effective judiciary allows conflicts between citizens, businesses, and the state to be resolved without violence, ensuring a fair trial. This helps to reduce social tension and maintain public order, which underpins the stable development of society. The rule of law increases the level of civic engagement and participation in government. Transparency of legal processes and the possibility of appealing against decisions of state authorities encourage citizens to take an active part in social and political life. This contributes to the development of democratic institutions and ensures control over the government by civil society. In countries with developed rule of law principles, citizens have greater access to information and opportunities to influence decision-making, which ensures more effective and accountable governance.

The basic ideas of the rule of law promote integration and cooperation among European countries by providing common legal standards that strengthen mutual understanding in the areas of economy, security, and human rights. In the EU, the rule of law is key to the stability and

development of integration processes, enabling countries to cooperate effectively and address common challenges. The implementation of these principles protects the rights of citizens, promotes economic development, social stability, and international cooperation, building democratic societies where every citizen can exercise their rights (James, 2011). The Lithuanian statutes laid the foundation for the legal system of the Ukrainian lands during the period of the Grand Duchy of Lithuania's rule. The principles of the rule of law, protection of property rights, and independence of the judiciary are laid down in the Lithuanian statutes. These principles were consolidated at the legislative level and contributed to the development of a legal culture focused on justice and compliance with the law. In modern Ukraine, this historical experience can be used to strengthen the independence of the judiciary. Establishing an independent judicial selection commission that includes representatives of the judiciary, civil society organisations, and international experts can help ensure that judges are independent of political influence and increase trust in the judiciary.

The period when Ukrainian lands were under the rule of the Polish-Lithuanian Commonwealth brought elements of representative democracy and self-government. Polish law and the system of sejm democracy contributed to the development of civil society and legal culture. This historical experience has become useful for Ukraine in the context of expanding citizen participation in decision-making. The practice of public discussions and local referendums enabled citizens to take an active part in the political life of the country, which increased the level of trust in state institutions and contributed to the development of democratic traditions (Polish law, n.d.). The period under the rule of Austria-Hungary was characterised by the introduction of the system of administrative law and social protection that was typical for this multinational empire. The Austrian administrative system was characterised by a great level of organisation and efficiency, as well as the introduction of social standards that ensured an adequate standard of living for citizens. Ukraine can use this experience to improve its administrative system through the introduction of e-government, which will ensure transparency and efficiency of public administration, as well as through the development of a social protection system that will help ensure decent living conditions for all citizens. Another important aspect arising from the European experience is the fight against corruption.

Since gaining independence in 1991, Ukraine has embarked on large-scale legal reforms aimed at creating an efficient and democratic legal system, integrating into European structures and implementing European standards of the rule of law (Spytska, 2023). By examining these reforms in the light of the European experience, this study identified the principal directions, achievements, and challenges that have influenced the current state of Ukraine's legal system. The legal reform included the independence of the judiciary. Since gaining independence, Ukraine has sought to protect the independence of courts and judges. Specifically, laws were adopted to regulate the appointment and dismissal of judges, their independence and accountability. However, experience has shown that political influence on the judiciary continues to be a serious challenge. To overcome this, Ukraine can draw on the experience of Germany and other European countries, where independent judicial selection commissions help to minimise political pressure and ensure

objectivity in the judicial appointment process. Transparency in public administration has become another crucial area of reform. The introduction of e-governance, as in the case of Estonia, could greatly increase the transparency and efficiency of public administration in Ukraine. Although some steps have been taken in this regard, such as the creation of electronic services for the provision of public services, this process needs further development and improvement. The use of Estonian practices, such as the X-Road platform, could enable more efficient data exchange between government agencies and citizens, reducing bureaucracy and increasing trust in government agencies.

One of the greatest challenges facing Ukraine since independence has been the fight against corruption. Although anti-corruption bodies have been established, some of them are entities that have a special mandate to fight corruption: The National Anti-Corruption Bureau of Ukraine (NABU) and the Specialised Anti-Corruption Prosecutor's Office (SAP), the High Anti-Corruption Court, the National Agency for the Prevention of Corruption, as well as other anti-corruption bodies in Ukraine, such as the prosecution authorities, the Security Service of Ukraine, the State Bureau of Investigation, the National Agency of Ukraine for finding, tracing, and management of assets derived from corruption and other crimes, the Bureau of Economic Security of Ukraine, and the National Police of Ukraine (investigative and strategic units) (Kostiuk & Iryna, 2024). The European experience, particularly the example of Spain with its National Anti-Corruption Prosecutor's Office, shows that success in the fight against corruption is possible when anti-corruption bodies are independent and provided with sufficient powers and resources. Ukraine should continue to reform its anti-corruption institutions, ensuring their independence from political influence and increasing their effectiveness (Mangas, 2022).

The development of legal culture and legal awareness in Ukraine, especially the protection of the rights of vulnerable groups, are key areas of reform. The establishment of institutions, such as the Ukrainian Parliament Commissioner for Human Rights, and legislation to protect minorities have been essential steps. However, based on European practices, further improvement of these mechanisms is warranted. Transparency of governance can be enhanced by direct democracy mechanisms, as in Switzerland. Public discussions and local referendums already exist in Ukraine, but this tool needs to be developed.

Consumer protection has also been on the agenda of legal reforms. France has an effective consumer protection system, which includes specialised organisations and legislation regulating the quality of goods and services. In Ukraine, steps have been taken in this respect, including the adoption of the Law of Ukraine No. 3153-IX "On the Protection of Consumer Rights" (2023), which replaces the previous law adopted in 1991 and will come into force one year after publication or after the lifting of martial law in Ukraine, introduces requirements for online sellers to provide consumers with full information about goods and services, and introduces a web portal for filing complaints. The law also establishes mandatory warranty periods for various categories of goods and entitles consumers to record violations with photos and videos. The State Service of Ukraine for Food Safety and Consumer Protection has been given expanded powers to restrict access to websites that violate consumer rights. The law also promotes active engagement of civil

society in consumer protection through training and litigation. However, further improvements to the consumer protection system, the establishment of specialised organisations and the introduction of clear legal provisions could also greatly improve the quality and safety of goods and services. Protecting workers' rights and ensuring decent working conditions is also an important aspect that needs to be further developed. Based on the experience of Norway, which has a robust system of labour rights and social protection, Ukraine could improve its labour legislation by introducing strict standards of working conditions, minimum wages, and social protection for all employees.

Theoretical approaches to understanding the rule of law. Theoretical approaches to the rule of law in the European context are divided into normative, institutional, and cultural. Normative approaches emphasise the value of legal norms, such as the rule of law, equality before the law, and the protection of human rights, as established in international treaties and constitutions (de Montesquieu, 1989). Institutional approaches focus on the structure of legal institutions, such as independent courts and effective law enforcement agencies, which ensure transparency and control over compliance with the law and counteract abuses of power.

Cultural approaches to the rule of law emphasise the influence of social factors, such as legal awareness, education, and legal traditions. They foster respect for the law and an understanding of the significance of the rule of law for the development of society. The rule of law in Europe is based on norms, institutions, and culture. The European Union, through its instruments, such as the Charter of Fundamental Rights (2009), and bodies, such as the European Court of Human Rights, plays a significant role in ensuring common legal standards in the region. New EU accession countries must adhere to the principles of the rule of law, such as judicial independence, human rights protection, and the fight against corruption. Ensuring the rule of law in each member state is a challenge, especially in times of crisis. The EU is developing mechanisms to monitor and assess the state of the rule of law. Civil society, including independent media and activists, plays a vital role in monitoring human rights, increasing transparency, and holding governments accountable. The EU supports programmes to strengthen institutional capacity and raise legal awareness, including training for judges, prosecutors, and police, as well as public awareness campaigns. These measures increase trust in the legal system and build a legal culture. Vulnerable groups, such as migrants and national minorities, are also protected through anti-discrimination directives. In the context of globalisation, new challenges arise, particularly in the sphere of cybersecurity and personal data protection, which the EU is actively working on. The rule of law process requires constant improvement and adaptation.

It is also important to remember how international organisations promote and develop the rule of law in Europe. In terms of oversight of human rights and the rule of law, the key bodies are the UN, the Council of Europe, and the OSCE. They assess the state of the rule of law in countries, provide technical aid and conduct election observation missions. The Council of Europe, for instance, is known for its ECtHR, which ensures justice in matters of human rights violations. The ECtHR's judgments are binding on Council of Europe member states, which contributes to the harmonisation of legal standards in the region. The United Nations, through

its various agencies and programmes, such as the Office of the United Nations High Commissioner for Human Rights, is also actively working to strengthen the rule of law. The Office provides expert advice in the development of national legislation, training, and educational programmes for law enforcement and civil society. The OSCE addresses security and cooperation issues, including monitoring human rights and the rule of law in participating states. Its Office for Democratic Institutions and Human Rights observes elections and provides recommendations for improving electoral processes and adherence to democratic standards (Organisation for Security and Cooperation in Europe, 2024; Council of Europe, 2024). International indexes have assessed Ukraine's democratic progress. The World Justice Project's (2023) rule of law index reveals enhancements in Ukraine's legal system, although it underscores persistent issues related to judicial integrity and the efficacy of law enforcement. Likewise, Freedom House's assessment affirms that Ukraine is advancing in governance changes, while apprehensions remain about political dominance over state institutions (Freedom House, 2023).

National governments in Europe are implementing programmes to strengthen the rule of law, including reforming the judiciary, improving legal education, and fighting corruption. Civil society and independent media play an integral role as monitors of legal standards (Semeniuk & Horbach-Kudria, 2024). Innovations such as e-governance increase the transparency of governance but require regulation and data protection. The rule of law in Europe is based on the interaction of normative, institutional, and cultural components, achieving superior standards through the cooperation of states, international organisations, and civil society. Germany is actively reforming its judicial system to make it more efficient and transparent. A major step has been the introduction of e-justice, which allows for faster case processing and better access to justice. Furthermore, Germany has developed strategies to combat corruption, including the creation of special anti-corruption bodies and the introduction of strict transparency rules for public officials (Fisher, 2009).

In France, one of the key initiatives is the creation of the High Council of the Magistracy, which ensures the independence of the judiciary and controls the activities of judges. Furthermore, France has implemented reforms in the criminal justice system to improve prison conditions and guarantee human rights in the penitentiary system. Strengthening institutional capacity and fighting corruption are the primary goals of the rule of law in Denmark. Denmark has a prominent level of transparency of state bodies and an effective system of control over compliance with the law. For instance, the country has an independent Ombudsman's Office that considers citizens' complaints against public officials and protects human rights. Denmark is also actively implementing e-governance, which simplifies citizens' access to public services and increases the efficiency of public administration.

Norway pays great attention to legal education and access to justice. Norway has a developed system of free legal aid for vulnerable groups, such as migrants, refugees, and people with disabilities. Furthermore, Norway has introduced a system of ombudsmen to protect the rights of children, patients, and other vulnerable groups. The government is also actively working to prevent corruption through the creation of special anti-corruption bodies and the

introduction of strict ethical standards for civil servants. Independent courts and transparent decision-making procedures play a vital role in ensuring the rule of law in Finland. Finland regularly reforms its judicial system to make it more efficient and accessible. Additionally, the government is actively working to raise the level of legal culture among its citizens through educational programmes and information campaigns. Finland is also known for its strong human rights protection system, which includes an independent Human Rights Ombudsman's Office that deals with citizen complaints and protects their rights.

Sweden is actively working to raise legal awareness among the population. One such initiative is educational programmes for citizens aimed at explaining their rights and obligations. Sweden has also introduced a system of ombudsmen who consider citizens' complaints against the actions of state authorities and protect their rights. Furthermore, Sweden has an effective anti-corruption system that includes strict rules of transparency and accountability for public officials. In Spain, the government is actively fighting corruption through the creation of the National Anti-Corruption Directorate. This office has broad powers to investigate cases of corruption at all levels of government. Furthermore, Spain has implemented strategies to increase the transparency of public procurement, which reduces the risk of corruption.

Poland pays great attention to reforms in the justice sector. The government is doing everything possible to ensure the independence of the courts and fair trials. Poland has also implemented programmes to improve access to justice for vulnerable groups, such as migrants and people with disabilities (Waelbroeck & Oliver, 2018). Italy has established the Anti-Corruption Authority (ANAC) to monitor and enforce compliance with anti-corruption legislation in the public sector. Italy is also actively implementing programmes to improve transparency in the management of public resources and ensure unrestricted access to information. The United Kingdom has an Ethical Standards Commission that monitors the activities of civil servants and ensures compliance with ethical standards. The country has also introduced large-scale educational programmes for citizens and officials aimed at raising legal awareness and preventing corruption. The Netherlands pays special attention to legal education of the population. The country has an extensive legal aid system that provides access to justice for all segments of the population. The Netherlands is also introducing innovative approaches to justice, such as mediation and alternative conflict resolution (Lomaka, 2022).

A detailed analysis of the impact of European reforms on the Ukrainian legal system revealed considerable changes in the structure and functioning of Ukrainian institutions. The key areas of reform included the introduction of EU standards related to the rule of law, human rights protection, transparency, and accountability of public authorities. The success of these reforms was particularly evident in the judiciary, where the introduction of anti-corruption courts and e-justice contributed to increased efficiency and reduced corruption.

The establishment of the High Anti-Corruption Court in 2019 was a key step in the fight against corruption in Ukraine. The court, which specialises in high-level corruption cases, had heard over 100 cases by the end of 2023, helping to reduce corruption in the public sector. In parallel, the introduction of the E-Court system enabled citizens to submit documents and track the progress of cases

online, reducing bureaucracy and opportunities for corruption. In 2022, over 60% of all court cases in Ukraine were processed through this system. Police reform has also been instrumental in making law enforcement more transparent and accountable. The creation of the new patrol police in 2015 considerably increased public trust in law enforcement. According to a 2020 survey, the level of public trust in the new police increased to 40%, compared to 15% before the reforms. The introduction of a body camera system for police officers, which began in 2017, reduced the number of complaints about police misconduct by 30% in the first year of use. Furthermore, the introduction of new legislation and institutional mechanisms, such as the establishment of the human rights ombudsman and specialised anti-corruption bodies, has contributed to the effective protection of human rights and the rule of law in Ukraine. The Ombudsman institution plays a significant role in protecting the rights of citizens by monitoring the observance of human rights and providing assistance in cases of human rights violations. The creation of specialised anti-corruption bodies such as the NABU and the SAPO has made the fight against corruption at the highest levels of government more effective. By mid-summer 2020, Ukrainians' trust in the security and law enforcement agencies had weakened. The level of distrust in the police and the State Security Service reached almost 60%, and more than 71% of Ukrainians did not trust the Anti-Corruption Bureau. A survey in January 2024 showed that 58% of citizens expressed trust in the National Police of Ukraine and 51% in the National Anti-Corruption Bureau of Ukraine (Razumkov Centre, 2024).

The findings of the study show that European reforms have substantially improved Ukraine's legal system, increased the efficiency of state institutions, reduced corruption, and reinforced human rights protection. The modernisation of the judiciary included anti-corruption courts, e-justice and the retraining of judges and prosecutors. Civil society has played a significant role in monitoring trials, which has increased trust in the system. The introduction of electronic services, such as registries and the Prozorro system, has greatly simplified access to public services and increased the transparency of procurement. The introduction of electronic real estate and business registries has facilitated registration procedures and made them more transparent. Major changes also took place in the area of human rights protection. The introduction of legislative initiatives to combat discrimination has provided greater protection for various social groups, including women, ethnic minorities, and people with disabilities. The adoption of the Law of Ukraine No. 2229-VIII "On Preventing and Combating Domestic Violence" (2017) was a significant step in protecting the rights of women and children, ensuring the establishment of specialised care centres and hotlines.

Ukraine actively cooperated with the ECtHR, which helped protect the rights of citizens and improve national legislation. Analysis of the ECtHR judgments revealed weaknesses in the legal system and contributed to the development of effective mechanisms to address them. Opinion polls show that Ukrainians support the European vector of development (Rating, 2024). The key lessons from the European rule of law include ensuring the independence of the judiciary, reforming the system of appointing judges, and creating mechanisms to monitor their performance. Transparency of public administration, which is being actively implemented

in Europe through e-governance, simplifies access to services and reduces bureaucracy. For Ukraine, the expansion of electronic services and open databases will be another major step (European Commission, 2024). The fight against corruption continues to be key. European practices demonstrate the effectiveness of anti-corruption bodies, strict ethical standards, and public engagement. Ukraine can adopt these practices by expanding the powers of anti-corruption bodies and protecting whistleblowers, pursuant to the Law of Ukraine No. 1700-VII (2014), which guarantees confidentiality and protection of whistleblowers.

The development of legal education and awareness-raising, which is actively supported in Europe, is carried out through programmes that inform about rights and obligations. The rights of vulnerable groups, such as children and migrants, are effectively protected by ombudsmen. Ukraine could adapt this experience by creating new institutions or empowering existing ones to protect the rights of citizens. Integration of European aspects of the rule of law will help reform the Ukrainian legal system, increase the efficiency of justice, transparency of governance, and reduce corruption. An example of ensuring the independence of the judiciary is Germany, where judges are appointed for life by an independent commission, which minimises political influence. In Ukraine, a comparable role is played by Article 76 of the Law of Ukraine No. 1402-VIII “On the Judiciary and the Status of Judges” (2016), which regulates the disciplinary liability of judges for violations of the law and judicial ethics, with possible sanctions ranging from warning to dismissal. Estonia demonstrates successful e-governance experience through the X-Road platform, which simplifies access to public services and reduces corruption risks. Ukraine could consider implementing such a platform to integrate public services.

In the fight against corruption, the example of Italy, where the ANAC operates, can be followed. This agency has broad powers to investigate cases of corruption and oversee compliance with anti-corruption legislation. The ANAC also actively cooperates with civil society organisations and the media to increase the transparency and accountability of public authorities. One significant aspect is the integration of mechanisms of public control and citizen participation in decision-making processes. For example, Switzerland actively uses the mechanism of referendums, which allows citizens to directly influence legislative processes. Ukraine could expand the use of local referendums and public hearings, which would ensure greater citizen participation in key decision-making and increase the level of trust in government institutions. Another example is the practice of the Netherlands in the sphere of social protection and inclusion. The Netherlands has a developed social protection system that provides support to vulnerable groups through

financial support, access to education and healthcare. Ukraine could adapt these practices by introducing more effective social support and integration programmes for people with disabilities, pensioners, and other vulnerable groups. France also has an interesting experience in consumer protection. French consumer organisations actively protect the rights of citizens by ensuring the high quality of goods and services and providing legal aid in cases of consumer rights violations. Ukraine could create and support equivalent organisations, which would help to improve quality standards and consumer protection (Federal Department of Foreign Affairs, 2020). Resolution of the European Parliament “On the Sustainable Reconstruction and Integration of Ukraine into the Euro-Atlantic Community” (2023) emphasises the enduring commitments necessary for Ukraine’s rebuilding and its trajectory towards European and transatlantic integration. This resolution underscores the imperative of harmonising Ukraine’s legal, economic, and security frameworks with European norms, prioritising openness in governance, judicial independence, and structural changes (European Parliament, 2023).

In the UK, parliamentary committees have broad powers to scrutinise government performance. In Ukraine, the powers of such committees could be expanded to increase oversight of the implementation of legislation. Estonia is a leader in digital solutions for justice with e-courts that reduce case processing time. Ukraine is implementing an equivalent system, the Electronic Court, which simplifies the filing of lawsuits and procedural decisions online. The Diia platform also provides citizens with access to a wide range of public services, including court appeals, contributing to Ukraine’s digital transformation (Nordic Co-operation, 2022; Motkin, 2023). Ensuring respect for human rights is a critical aspect of the rule of law. Austria has a National Human Rights Council that coordinates the activities of state bodies in the field of human rights and monitors their observance. The Austrian National Human Rights Council and the Ukrainian Parliamentary Commissioner for Human Rights (Ombudsman) are two important institutions that play a key role in protecting human rights in their respective countries. Despite their common purpose, these bodies have distinct structures, powers, and approaches to performing their functions. Table 1 below compares the key features of the two institutions, which offers a better understanding of their specifics and role in the protection of human rights. Thus, the fundamental difference lies in the approach to human rights protection: the Austrian National Council acts as a coordinating and strategic body at the macro level, while the Ukrainian Ombudsman is a responsive and influential body at the micro level, directly responding to individual complaints and having greater capacity to influence concrete cases of human rights violations.

Table 1. Comparative characteristics of the Austrian National Human Rights Council and the Ukrainian Commissioner for Human Rights (Ombudsman)

Criterion	Austrian National Human Rights Council	Ukrainian Commissioner for Human Rights (Ombudsman)
Structure	A collegial body consisting of several members.	A one-person body, decisions are made by one person (the ombudsman).
Representation	Represents various governmental and non-governmental organisations and experts.	Represented by a single representative, the Ombudsman.
Key purpose	Coordination of the activities of state institutions in the field of human rights protection.	Protection of citizens’ rights at the individual level.

Criterion	Austrian National Human Rights Council	Ukrainian Commissioner for Human Rights (Ombudsman)
Powers	Focuses on monitoring and recommendations, with limited influence on concrete cases.	Has broad powers to investigate complaints, demand remedial action, and appeal to the courts.
Responsiveness and independence	Multi-level decision-making process, less responsive operations.	High responsiveness and independence in decision-making.
Influence on legislation	Provides recommendations for improving legislation and policy.	Can initiate changes in legislation and influence political decisions.
Influence level	Mostly at the macro level, coordination and strategy.	Mostly at the micro level, direct intervention in concrete cases of human rights violations.

Source: compiled by the authors based on United Nation (2024a; 2024b)

Implementing institutional reforms, increasing transparency and accountability of public administration, actively fighting corruption, developing legal education, and ensuring protection of the rights of vulnerable groups will contribute to building an effective, fair and democratic society in Ukraine. Adopting the best practices and experience of European countries is a crucial step in this regard, enabling Ukraine to effectively integrate European rule of law standards into its legal system (Ukraine Report, 2024). Italy actively uses the open government model, which involves maximum transparency in the activities of public authorities, public access to information, and participation in decision-making processes. This is achieved through regular publication of data on government activities, open meetings with citizens, and electronic platforms for discussing legislative initiatives.

In Ukraine, there is a comparable programme, namely the Order of the Cabinet of Ministers of Ukraine No. 1049-r “On Approval of the Action Plan for the Implementation of the Open Government Partnership Initiative in 2023-2025” (2023), which stipulates the implementation of a set of measures aimed at increasing the transparency of government activities and involving citizens in the decision-making process. The Action Plan focuses on improving citizens’ access to information about government processes by expanding access to open data. Active involvement of the public in the development and implementation of public policy through public discussions and consultations is important. Furthermore, the decree aims to improve the fight against corruption by introducing new tools to oversee the use of public resources and increase the effectiveness of anti-corruption bodies. Improving the efficiency of public administration should be the result of innovative technologies, including legislative technique (Vlasenko, 2024). Implementation of these measures will help strengthen public trust in state institutions and improve governance processes in Ukraine.

Another example is Norway, which has a robust system of independent media and civil society that play an important role in monitoring the rule of law. Independent journalists and civil society organisations regularly conduct investigations, expose cases of corruption and other wrongdoing, and inform the public about human rights violations (Swedish International Development Cooperation Agency, 2024; Freedom House, 2024). Ukraine can support the development of independent media and civil society organisations, which will help to increase transparency and accountability of the authorities. Sweden is known for its approach to gender equality, which is integral to the rule of law. Swedish legislation includes mechanisms to ensure equal rights and opportunities for men and women, as well

as active support for women in politics and business. The Constitution of Ukraine contains provisions guaranteeing equal rights and opportunities for men and women (Yara & Sologub, 2024). Specifically, Article 24 of the Constitution guarantees equal rights for men and women in all spheres of public life. It stipulates that there can be no privileges or restrictions based on gender, race, nationality, language, religion, or other characteristics. This provision is the basis for ensuring gender equality in Ukraine at the legislative level. To implement these principles, Ukraine has also established the National Social Service of Ukraine, which is responsible for implementing social programmes and policies aimed at supporting vulnerable groups, including women. This service ensures the implementation of state programmes to support gender equality, monitors the situation, provides social services, and coordinates the activities of other government agencies in the field of social protection (UN Women, 2022).

France is actively working on justice system reforms aimed at reducing delays in the consideration of cases and increasing access to justice. Ukraine already has specialised courts, such as administrative and commercial courts (Miliienko, 2023). These courts are designed to consider specific legal issues requiring narrow specialisation, and their work is aimed at reducing delays in court proceedings and improving the quality of justice in Ukraine. Finland is actively implementing a system of mediation as an alternative way to resolve conflicts. Mediation allows the parties to a conflict to reach an agreement without going to court, which considerably reduces court costs and facilitates the prompt resolution of disputes. Ukraine can develop the institution of mediation by creating relevant training programmes for mediators and information campaigns to raise public awareness of the benefits of this method. Finally, developing a child protection system is important. The Netherlands has specialised bodies and programmes to protect children’s rights. Expanding existing child support programmes in Ukraine, improving cooperation between state and civil society organisations working on children’s rights, and establishing specialised institutions to protect children’s rights are possible. These examples illustrate how different European countries uphold the rule of law, which could be adapted to Ukraine. Integrating such practices will increase the effectiveness of the legal system, ensure transparency and accountability of the government, reduce corruption and protect the rights of citizens.

One of the key areas is the development of a system of independent monitoring and auditing of government agencies. In the UK, the National Audit Office operates to provide independent financial control over government activities and ensure transparency in the use of public funds. Ukraine

has the State Audit Service of Ukraine, which controls the use of public funds and property. Its powers include financial audits of state-owned enterprises, institutions, state authorities, and local governments, as well as scheduled and unscheduled inspections. This increases public trust in the government and reduces the risk of corruption through transparency and efficient use of public resources (Ferry *et al.*, 2022). Iceland uses technology to ensure transparency and engage citizens in decision-making through an e-voting platform. Ukraine can implement equivalent solutions to discuss critical issues at the national and local levels. Norway has a successful track record in environmental justice through specialised courts and strict legislation. Ukraine could establish environmental courts and strengthen laws to protect the environment. Ireland is known for its effective regulation of personal data, which could serve as an example for improving Ukrainian legislation in this sphere (Kapsa *et al.*, 2021).

The Razumkov Centre's (2024) report showed the dynamics of public attitudes in Ukraine towards international partners and EU accession. Over 60% of respondents have a positive attitude towards the EU, about 55% – towards the US, while negative attitudes towards Russia exceed 70% due to the war and occupation of Crimea. Support for joining the EU is 65%, and for NATO – 55-60%, indicating a desire for European integration and security through cooperation with NATO against the backdrop of Russian aggression. Among foreign politicians, the leaders of Germany, France, and the United States enjoy the greatest support in Ukraine, thanks to their economic and military aid and support for Ukraine's territorial integrity (Jeong *et al.*, 2024). Support for Ukraine's accession to the EU stays consistently high, with about 65% of Ukrainians wanting integration with Europe, hoping for economic improvement and higher living standards. Growing support for the European course among young people indicates a long-term trend towards integration with the EU (Åslund, 2023).

According to the Law of Ukraine No. 1798-VIII "On the High Council of Justice" (2016), the HCJ is an independent body that ensures the formation of an integrity of the judiciary. The HCJ is empowered to appoint and dismiss judges, bring them to disciplinary liability and decide on their detention. The HCJ is composed of 21 members elected by different branches of government and the legal community, which ensures its balance. This law contributes to the reform of the judicial system, strengthening the independence of judges and increasing confidence in the judiciary, in line with European standards of justice.

The Law of Ukraine No. 1402-VIII "On the Judiciary and the Status of Judges" (2016) defines the legal framework for the operation and organisation of courts, as well as the status of judges in Ukraine. It stipulates the independence of the judiciary, increasing its efficiency and accountability. The Law defines the rights and duties of judges, as well as guarantees of independence, and procedures for appointment, transfer, and dismissal. Furthermore, it establishes a new system of judicial governance, including the HCJ and the High Qualification Commission of Judges of Ukraine, which is responsible for the selection, appointment, and evaluation of judges, as well as for the consideration of disciplinary cases against judges. This law was important for the study as it offers a clear understanding of the functioning of the Ukrainian judiciary and its compliance with European standards. It

demonstrates Ukraine's efforts to strengthen the independence of the judiciary and implement institutional reforms. It also offers concrete legal mechanisms and institutions that can be used in other countries to improve their judicial systems. The Law of Ukraine No. 1700-VII (2014) is the key regulation governing the prevention of corruption in Ukraine. It defines the legal and organisational framework for the functioning of the corruption prevention system, establishes rules and restrictions for civil servants and officials, as well as mechanisms for control and liability for corruption offences. The law establishes the obligations of public officials to prevent corruption offences and requires the declaration of income, property, and financial liabilities.

The introduction of specialised anti-corruption bodies, such as the National Agency for the Prevention of Corruption, enabled the government to strengthen control over compliance with anti-corruption legislation and verify officials' declarations. The law became important for the study as it demonstrated the state's efforts to strengthen the anti-corruption infrastructure, transparency, and accountability. It also helped to assess the effectiveness of anti-corruption mechanisms and their compliance with international standards, as well as to identify challenges in building an effective anti-corruption system.

Conclusions

This research analysed the potential for enhancing Ukraine's legal system in accordance with European norms and practices. Three principal theoretical frameworks on the rule of law in Europe were recognised. The normative approach underscores the primacy of legal principles, equality under the law, and the safeguarding of basic rights. The institutional approach emphasises the significance of autonomous judiciary bodies, law enforcement entities, and governance frameworks in guaranteeing legal adherence and mitigating power abuses. The cultural perspective emphasises the impact of legal consciousness, public confidence, and civic participation in reinforcing the rule of law. These methodologies jointly influence the legal frameworks of European nations, guaranteeing the stability and efficacy of their legal systems.

Several legal ideas significantly enhance stability and democratic progress. Judicial independence prevents political influence in legal determinations, but the separation of powers establishes checks and balances within governance. Mechanisms of transparency and accountability, such as open government programs and public oversight, increase trust in institutions. Robust anti-corruption frameworks, bolstered by autonomous investigative entities, enhance the integrity of public administration. The application of these ideas has been crucial in promoting enduring democratic stability among European nations. The historical development of the rule of law in Europe has profoundly influenced contemporary legal norms. Significant advancements, including the implementation of constitutional government, the safeguarding of fundamental rights, and the acceptance of international legal frameworks, have established a benchmark for modern legal changes. The incorporation of European legal principles into national frameworks has established a paradigm for fostering competent legal institutions, especially in transitional democracies.

In Ukraine and Europe, several changes have been crucial in enhancing judicial independence, augmenting openness in public administration, and addressing corruption.

Judicial reforms in Ukraine have encompassed the reorganisation of the judiciary, the improvement of judge selection and discipline procedures, and the creation of specialised anti-corruption tribunals. The implementation of digital governance technologies and e-justice systems has enhanced access to legal services and diminished bureaucratic inefficiencies. European nations have enacted such measures to improve legal integrity. The creation of independent judicial selection committees, computerised case management systems, and strong anti-corruption agencies has enhanced government transparency and accountability. Countries with robust rule-of-law traditions have shown that enduring legal changes, coupled with citizen participation and institutional supervision, result in more durable legal systems.

Future research should on assessing the enduring efficacy of Ukraine's legislative changes in conforming to European norms, especially on judicial independence, openness, and anti-corruption initiatives. Moreover, comparative analyses of the implementation of digital governance and e-justice systems across various legal frameworks may yield insights into optimal practices for the continued modernisation of Ukraine's legal system.

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Conflict of interest

None.

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Значення європейського розуміння верховенства права для розвитку сучасної демократичної держави: теоретико-історичний аспект

Стема Кельба

Кандидат юридичних наук
Приватний вищий навчальний заклад «Буковинський університет»
58000, вул. Ч. Дарвіна, 2А, м. Чернівці, Україна
<https://orcid.org/0000-0002-1817-8160>

Софія Дзюбак

Кандидат юридичних наук, викладач
Університет Короля Данила
76018, вул. Є. Коновальця, 35, м. Івано-Франківськ, Україна
<https://orcid.org/0009-0003-6743-4102>

Володимир Сендецький

Аспірант
Університет «КРОК»
03113, вул. Табірна, 30-32, м. Київ, Україна
<https://orcid.org/0009-0000-5617-8041>

Роман Луцький

Доктор юридичних наук, професор
Університет Короля Данила
76018, вул. Є. Коновальця, 35, м. Івано-Франківськ, Україна
<https://orcid.org/0000-0001-9558-3699>

Анотація. Метою цього дослідження було вивчення потенційних шляхів вдосконалення правової системи України з використанням європейських стандартів і практик. У ході дослідження було проаналізовано історію становлення верховенства права в Європі, проведено порівняння правових систем, вивчено правові реформи в Україні, проаналізовано статистичні дані та визначено основні проблеми української правової системи. Було виявлено, що хоча Україна зробила значні кроки в напрямку запобігання корупції з моменту здобуття незалежності, правова система країни все ще потребує значних змін. Також було виявлено, що сучасний стан європейського верховенства права демонструє змішані тенденції. З одного боку, такі країни, як Данія, Норвегія, Фінляндія, Швеція та Німеччина продовжують утримувати провідні позиції у світових рейтингах верховенства права та антикорупційних заходів, демонструючи стабільні результати щодо захисту фундаментальних прав, правозастосування та дотримання законів. З іншого боку, такі країни, як Польща та Угорщина, почали демонструвати значний рівень корупції та політичної нестабільності, продовжуючи займати низькі позиції у світових рейтингах. Встановлено, що найбільший вплив на розвиток сучасної української демократичної держави з точки зору європейського розуміння верховенства права мали Німеччина, зокрема її досвід реформування правової системи після Другої світової війни; Швеція, а саме моделі прозорості та громадського контролю; Фінляндія та Данія з їхніми підходами до правоохоронної діяльності та дотримання законів, а також антикорупційних заходів. Крім того, ці країни не лише демонструють успішні моделі верховенства права, а й активно підтримують Україну у впровадженні таких стандартів через різні програми технічної допомоги та експертні консультації

Ключові слова: верховенство права; добросовісність; державні інститути; реформи; політична система