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Impact of European integration processes on judicial reform in Ukraine

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Abstract

The research relevance is determined by the European integration and identification of gaps and shortcomings arising in the process of harmonisation of Ukrainian legislation with the legal standards of the European Union, providing improvement areas. The study aims to characterise the reform of Ukraine's judicial system in the context of European integration. The following research methods were used in the study: systemic and structural, comparative legal, formal legal, and systematisation methods, as well as methods of synthesis, analysis, and generalisation. The study established that the judicial reform launched in 2016 is linked to Ukraine's plans to become a full-fledged member State of the European Union. It is determined that under the legal regime of martial law, some processes of reforming the judicial system to the standards of the European community may be slowed down. It is noted that the Copenhagen criteria, especially chapters 23 and 24, are among the key definitions for the implementation of justice and the judiciary in a country which is a member of the European Union. The analysis added that to accelerate the European integration processes in Ukraine, composition renewal of the Constitutional Court of Ukraine should be undertaken. The need to establish transparent qualification requirements for judges and modernise the selection process for the judiciary was outlined. The study concludes that it is necessary to fully launch the High Qualification Commission of Judges of Ukraine, which is one of the key bodies of judicial self-government. The effective operation of this body is essential for maintaining the judiciary at a high professional level and ensuring compliance with the standards of justice. Furthermore, the study stressed the importance of continuing to effectively combat any manifestations of corruption in the activities of the judiciary and the judicial system as a whole. The study materials can be used to improve the functioning of the judicial system in Ukraine

Keywords:

judiciary; justice; Copenhagen requirements; integration; association; judicial system

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Introduction

The fact that Ukraine declared itself an independent state necessitated integration processes. Another vector of Ukraine's development was the Association Agreement with the European Union in 2014¹ and the status of a candidate for membership in the European Union in 2022. The main indicators of the rule of law are always the impartiality and independence of the judiciary. After all, no matter how perfect the country's current legislation is, without a mechanism for enforcing the rights and obligations it provides, the legal provisions of such legislation eventually become merely declarative. The issue of judicial reform in Ukraine is particularly important, as everyone has the right to a fair hearing in court.

Ukraine's candidacy for membership in the European Union sets new goals and objectives for the state and requires qualitative changes. This includes renewing the composition of some judicial governance bodies and, in particular, the Constitutional Court of Ukraine. The introduction of an electronic court, improvement of access to justice, and overall strengthening of trust in the judiciary are also relevant. According to certain foreign investors in Ukraine, one of the biggest obstacles to foreign investment in the Ukrainian economy is the high level of corruption and distrust in the judiciary. That is why the European Commission's requirements regarding the protection of national minorities, the rule of human and civil rights, and the provision of democratic guarantees can be considered objectively fair. It is in the process of updating and improving the judicial system that the European orientation of the state can be confirmed.

An analysis of recent research and publications confirms the relevance of the chosen topic, as evident from the scholars' studies. In particular, M. Stefanchuk *et al.* (2021) highlighted the main findings of international and Ukrainian sociological research and observations on the current state of the judicial system of Ukraine. They identified key achievements and shortcomings regarding the main stages of judicial reform in Ukraine, including the need to comply with the recommendations and standards for the functioning and organisation of the judicial system as a whole. They emphasised the conclusions of the European Court of Human Rights. In their opinion, these opinions identify key important positions on issues that are essential for the effective administration of justice: the inadmissibility of using guarantees of judicial independence to avoid legal liability; the need to improve the jury trial; and balanced and strategic planning of further reforms in the justice sector.

S. Prylutskyi & O. Streltsova (2020) determined that the remnants of the post-Soviet legal doctrine,

which preserve the defining categories of judicial law, such as "court", "judiciary", "justice", in a stagnant form, have become a significant challenge to the formation of a new state and its legal system. This significantly limits the ability to ensure effective legal regulation of relations related to the administration of justice in the state. A review of the theoretical and regulatory framework underpinning the Ukrainian judiciary and justice system reveals obvious gaps and inconsistencies. It is undeniable that the modernisation of Ukraine's legal system, in particular in the area of judicial organisation, requires an updated scientific vision based on the doctrine of judicial law and should attempt to combine Ukrainian traditions with Western European ones.

Yu. Razmetaeva (2022) noted that a significant reduction in the rule of law can be triggered by innovative technologies and the impact of such technologies on basic values and rights. The independence of the judiciary and judges has been somewhat negatively affected by the involvement of judges in digital transformation. The scholar believes that this is how the independent and fair judiciary has been interfered with. Innovative technologies, in her opinion, belong to the private sector, although they are perceived as infallible or neutral. This, in turn, may affect judicial decisions. D. Kogut (2020) emphasized corruption in the judiciary and suggested ways to minimise corruption in such a system. Among such suggestions, as noted by the author, is the need to amend the current legislation to create a reliable mechanism for bringing judges to justice for unjust decisions and corruption offences. N. Savytska (2023) emphasised an important principle in force in most EU countries – the principle of internal independence of a judge, i.e. the ability and capacity of judges to exercise their powers without direct or indirect influence from both the court apparatus and other stakeholders. A. Fagan & A. Dimitrova (2019) emphasise the need to consider the constant threats of undermining the new formal rules when reforming the judiciary, which, according to the authors, is happening in Serbia and Bosnia and Herzegovina.

O.V. Martyniuk (2023) focuses on the impact of political elites, acts of Russian armed aggression against Ukraine, and the COVID-19 pandemic on the overall state of judicial reforms in Ukraine. The researcher pays special attention to the problem of increasing public confidence in the judiciary, which can be ensured by broad public participation in the selection of judges, establishing a more rational management of the representation of the activities of courts and judicial governance bodies, and studying public opinion. In this context, it is necessary to address the theoretical

¹ Law of Ukraine No. 1678-VII "On Ratification of the Association Agreement Between Ukraine, On the One Hand, and the European Union, the European Atomic Energy Community and their Member States, On the Other Hand". (2014, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/1678-18#n2>.

issues of interaction between the public and state authorities, as conducted in the study by V. Bondarenko & S. Yesimov (2019). O.V. Zubrytsky (2023) analysed the general level of permissible influence on the judiciary through the prism of the experience of the European Union member states, proposing the establishment of a specialised court to hear commercial disputes with foreign entities, which, according to the author, can help increase the efficiency of the judicial system.

Despite the significant contribution of the above-mentioned researchers, the question of how far the judicial system of Ukraine complies with the EU legislation after obtaining candidate status remains unresolved. The study aims to determine the impact of the judicial reform in Ukraine on the compliance of the judicial system with the requirements of the EU member states. To achieve this goal, it was necessary to identify the specifics of the judicial reform launched in 2016, describe the criteria that Ukraine needs to meet to become a full-fledged member of the European Union, and identify the problems in the judiciary and propose ways to solve them.

Materials and Methods

The methods used were chosen according to the specifics of this study, namely the interconnection between the ongoing judicial reform and Ukraine's candidacy for membership in the European Union. A range of general scientific and specialised legal methods were used in the course of the study, contributing to the accomplishment of the objectives. Among the general scientific methods, the following may be distinguished: methods of analysis and synthesis, and generalisation. The basis of the study is a set of special methods common to scientific research in the field of law. These methods were applied in conjunction, which contributed to the completeness, comprehensiveness and objectivity of the scientific research, the validity and consistency of the conclusions drawn, and the reliability of the results obtained.

The analysis, synthesis and generalisation methods were used to study the text and identify the main points, information and conclusions related to the European Community's requirements for the judiciary in Ukraine. They were also used to analyse complex concepts, ideas, or information to understand their structure, interrelationships and important aspects. These methods

were used to analyse the state of Ukraine's judicial system, identify problems, synthesise necessary measures, and summarise requirements for approximation to European standards. The methods of analysis, synthesis and generalisation were used to identify key issues and proposals for improving the judicial system in the context of European integration processes from various sources and studies.

The systemic and structural method was used to examine the peculiarities of reforming the judicial system in the period from 2016 to 2023, considering the martial law and military aggression of 2022. The comparative legal method was used to compare the experience of certain EU member states (Finland and Slovakia) and their measures to eliminate similar problems in the administration of justice to the situation in Ukraine. This method was also used to determine the impact of European integration processes on the reform of judicial self-government and governance bodies (the Constitutional Court of Ukraine, the High Qualification Commission of Judges of Ukraine). The formal legal method was used to describe the existing legal acts that had a significant impact on the judicial reform in Ukraine. The systematisation method was used to conclude that the Copenhagen criteria, which should be followed by the EU member states, are included in the report.

Several legal acts in the field of judicial proceedings and justice were used in the process of revealing the topic and objectives of the study: The Constitution of Ukraine¹, the Law of Ukraine "On the Judiciary and the Status of Judges"², the Law of Ukraine "On the Constitutional Court of Ukraine"³, the Decree of the President of Ukraine "On the Strategy for the Development of the Justice System and Constitutional Proceedings for 2021-2023"⁴, the "Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the Other Hand"⁵.

Results and Discussion

Judicial reform: the basis of democracy in Ukraine.

The creation of a democratic and rule-of-law state is impossible without the administration of justice. Thus, Article 3 of the Constitution of Ukraine⁶ stipulates that the establishment and protection of human rights and freedoms is the main duty of the state and determines the content and focus of its activities. The justice

¹ Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вп#Text>.

² Law of Ukraine No. 1402-VIII "On the Judicial System and the Status of Judges". (2016, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/1402-19>.

³ Law of Ukraine No. 2136-VIII "About the Constitutional Court of Ukraine". (2017, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/2136-19#Text>.

⁴ Decree of the President of Ukraine No. 231/2021 "On the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023". (2021, June). Retrieved from <https://www.president.gov.ua/documents/2312021-39137>.

⁵ Law of Ukraine No. 1678-VII "On Ratification of the Association Agreement between Ukraine, on the One Hand, and the European Union, the European Atomic Energy Community and their Member States, on the Other Hand". (2014, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/1678-18#n2>.

⁶ Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вп#Text>.

system is currently in a state of permanent reform. This is primarily due to the crisis of legitimacy of the system. Given that the justice system is an important criterion of the national mechanism of legal protection, the level of legitimacy of such a system will be responsible for the overall effectiveness of the entire judiciary in Ukraine. Parliamentarians always consider it necessary to introduce the latest reforms that can help overcome such a crisis, as argued by M. Stefanchuk *et al.* (2021). The independence of the judiciary contributes to the rule of law in Ukraine, as it helps to prevent abuse of power and maintain the separation of powers. At the same time, the statement of Yu. Razmetaeva (2022), notes that impartial and independent judges are the embodiment of equality and justice, acting as guarantors to curb the interests of certain legal entities and individuals, is valid. Judges, among other things, should support the general authority of law in the public space.

O. Boryslavska (2021) noted that the right to a fair trial is an important component of the rule of law, which is a fundamental value of any democratic state. Given that the legislation provides for a fair and impartial public trial, there is also a corresponding system of organisational, material, and institutional guarantees that ensure such an institution. This requirement, in particular, is related to the principle of separation of powers into three branches, which is a basic principle of constitutionalism. Any changes in the judicial system of modern democracies, especially judicial reforms, must comply with the basic principles and be aimed at ensuring the right to a fair trial.

Since the Revolution of Dignity in 2014, Ukraine has been reviewing and bringing its judicial and legal system legislation in line with international standards. On 2 June 2016, a new law was adopted that met the requirements of the judicial system of the world's leading countries - the Law of Ukraine "On the Judiciary and the Status of Judges"¹. A year later, a new Law of Ukraine "On the Constitutional Court of Ukraine"² was also adopted. In mid-December 2017, the new composition of the Supreme Court was formed following the amendments to the procedural codes of Ukraine. However, one of the key problems of the judiciary in Ukraine was the problem of independence and impartiality of the judicial system in general and the lack of independence of judges in particular. All the changes that took place in Ukraine as part of the wide-ranging judicial reform were progressive and yielded positive results. However, when assessing the main results of the reform, it is necessary to note that the legal component of the reform is only one of the constituent elements of the

entire reform. Successful implementation of all statements on reforming the status of the judiciary is possible only due to the complex nature of such processes, and political, social, economic, historical, and other factors are taken into account. In particular, political factors have caused the regression of judicial reform in Turkey (Muftuler-Bac, 2019). M. Popova & D.J. Beers (2020), discussing the stagnation of judicial reform in Ukraine, note that this is caused by the weak commitment of political elites to independent courts and the lack of a strong reformist electorate in the Ukrainian judiciary. The latter complicates the situation since, following T. Pavone & R.D. Kelemen (2019), historically, judges have been the initiators of pro-European judicial reforms to combat the shortcomings of national judicial systems and the executive branch.

In June 2021, the Strategy for the Development of the Justice System and Constitutional Court Procedure for 2021-2023 (hereinafter referred to as the Strategy)³ was approved. The Preamble to this document states that the main focus is on European integration, and the expected results are the gradual adoption of international standards and best practices of the European Union and the Council of Europe. Among the tasks set out in the Strategy is to ensure a balanced and coordinated improvement process, considering the further harmonisation of the current legislation with the EU legislation. Furthermore, given these requirements, the goal is to introduce standards for the content and scope of disclosure of information obtained in the course of the qualification assessment. It should be noted that as of mid-2023 Ukraine is still in the process of reforming its judicial system, which is due, in particular, to Ukraine's new status in the European community.

Requirements of the European Community to the judicial system in Ukraine. The process of European integration has been the most successful in the history of the continent. It faced and is facing numerous challenges and a series of crises, which prompted a variety of responses, generally referred to as reforms. Thus, two of the most frequently used words in the history of European construction are crisis and reform. The official recognition of Ukraine's independence in a letter from the Dutch Minister of Foreign Affairs in December 1991, when the Netherlands held the EU presidency, can be considered the start of relations between Ukraine and the European Union. However, these relations only gained legal momentum in 2014, when the Law of Ukraine ratified the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community, and

¹ Law of Ukraine No. 1402-VIII "On the Judicial System and the Status of Judges". (2016, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/1402-19>.

² Law of Ukraine No. 2136-VIII "About the Constitutional Court of Ukraine". (2017, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/2136-19#Text>.

³ Decree of the President of Ukraine No. 231/2021 "On the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023". (2021, June). Retrieved from <https://www.president.gov.ua/documents/2312021-39137>.

their Member States, on the other hand (hereinafter referred to as the Agreement)¹.

The agreement is a substantial and thorough regulatory document, which stipulates the following: Ukraine is making every effort to become a member of the European Union. The agreement is quite voluminous and detailed when compared, for example, with the agreement of our neighbouring country, the Poland Republic², especially concerning prosecution and judicial proceedings. Among the advantages that the Republic of Poland benefits from as a member state of the European Union are the following: the possibility of unifying its legislation to facilitate interaction in the area of judicial proceedings through EU directives, regulations and other documents; the possibility of participating in negotiations between EU bodies and national governments; and making important decisions by sending representatives to EU institutional bodies; the opportunity to function in joint bodies, such as the European Network of Judicial Councils, the European Judicial Training Network, etc. (Judicial reform in Ukraine..., 2015).

The events in Ukraine that significantly affected the whole world in 2022 became proof for the European community of Ukraine's struggle for democracy and independence. In this regard, on 23 June 2022, at a summit in Brussels, the 27 EU member states decided to grant Ukraine candidate status to the European Union. Candidate status underlines Ukraine's aspirations to become a full member of the European Union. However, to obtain this status, several requirements for reforming many areas of public life must be met.

As A. Sybiha notes, Ukraine's obtaining the status of an EU candidate state fundamentally changes approaches to the formation of Ukraine's foreign and domestic policy, i.e. all changes will be seen through the prism of European integration (Sybiha – on EU membership criteria..., 2022). On the other hand, the achievement of institutional requirements is the main criterion in the preparatory process for EU accession, as it requires not only the incorporation of the *acquis communautaire* into national legislation but also the support of effective implementation using certain judicial and administrative structures.

To become a full-fledged member, Ukraine needs to invest substantial efforts to meet European standards. Among them is a full-fledged modernisation of the judicial system through the prism of increasing the trust of the Ukrainian population and international organisations in the judiciary, reducing corruption and corrupt practices, and ensuring the full independence of judges.

In line with European judicial standards, it is necessary to reform the Constitutional Court of Ukraine, complete the implementation of anti-corruption reform instruments, adopt anti-oligarchic legislation, make the necessary changes to regulations on the protection of the rights and interests of national minorities, etc.

In this context, it is worth noting that the state authorities are already developing a relevant roadmap for the implementation of European requirements. In the process of achieving and fulfilling the requirements, Ukraine should successfully apply them in practice. Comparing the timeframe for implementing the requirements for reforming institutions similar to Ukraine, Finland and Slovakia were able to fulfil such requirements within three years, as noted by D. Kolomiets (2022). The judicial system in Ukraine does not meet the criteria of the European Union member states. Such criteria are the Copenhagen criteria, which define the factors of the judicial system and justice, introduce a requirement for the stability of institutions that guarantee democracy, protection and respect for national minorities, the rule of law and human rights in general³. The chapters directly related to the judicial system and justice are the twenty-fourth and twenty-third chapters of the Copenhagen criteria (Chapters of the *acquis*, n.d.).

Analysing chapter 24, it is necessary to address the establishment of communication between the judiciary and law enforcement agencies of the EU member states. Chapter 23 defines the general capacity of the judicial system and the protection of rights and interests in courts. It is determined that full accession to the EU requires considering the requirements of the space of freedom, justice, and security. The key task in this process is to achieve efficiency and independence of the judiciary in general and to approve a court decision as a document of quality, impartiality, and efficiency. The second part of the section identifies ways to achieve these goals, including: providing the judiciary and the system with sufficient and appropriate funding; effective mechanisms to combat corruption and its manifestations; sufficient political will to eliminate any influence on courts and judges in the exercise of their powers; introduction of a capable system of judicial education; and availability of legal guarantees of a fair trial.

Achievement of such criteria is not only a condition dictated by and conditioned on future EU membership, but such implementation also contributes to the achievement of national interests (Chapters of the *acquis*, n.d.). Even before applying for EU membership, Ukraine had successfully fulfilled several requirements

¹ Law of Ukraine No. 1678-VII "On Ratification of the Association Agreement Between Ukraine, On the One Hand, and the European Union, the European Atomic Energy Community and their Member States, On the Other Hand". (2014, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/1678-18#n2>.

² Europe Agreement Establishing an Association Between the Republic of Poland, of the One Part, and the European Communities and their Member States, of the Other Part, Done at Brussels. (1991, December). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19940110038/O/D19940038.pdf>.

³ Conclusions of the Presidency of the European Council in Copenhagen No. DOC/93/3. (1993, June). Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/DOC_93_3.

of the European community. One of the main reasons for this success is the fundamental and irreplaceable role played by law, legal norms, rules, and regulations throughout this complex political, economic, and institutional development, as J. Martonyi (2021) noted. Fulfilment of the Copenhagen criteria by Ukraine will bring the country closer to full membership in the European Union.

European integration and the judicial system: challenges and their overcoming. S. Prylutskyi & O. Strieltsova (2020) noted that modern judiciary reforms face many negative aspects of a legal and non-legal nature that prevent the full implementation of sufficient reform. The main aspects include inconsistencies between the main constitutional act and other legal acts; conceptual uncertainty of the reform process; the global coronavirus pandemic, external military aggression and the imposed martial law regime. It is these negative aspects that provoke instability in the entire judiciary, including the effectiveness of the performance and exercise of its functions.

The position of researchers who note that the main challenges and problems that candidate states may face in the active process of European integration are the implementation of European standards in the field of justice and judicial proceedings are valid. It is necessary to ensure that the changes adopted and implemented in the legislative field are acceptable to the Ukrainian community. That is why it is necessary to study each legal act thoroughly and sufficiently from the very first years of implementing European practice. According to V.L. Kachuriner & A. Pahlavanzade (2022), it is important to try to apply the temporary legal provisions regime, create appropriate institutions that will implement such norms, and examine their suitability for sustainable application. It is also worth noting that the practice of temporary application of a certain group of social relations has been actively used by the EU candidate states and proves the effectiveness of such application. It is important to ensure that trials are held within a reasonable time, as noted in the Concept of Improving the Judiciary to Establish a Fair Trial in Ukraine following European Standards of 10 May 2006¹. In the twenty-first century, the development of e-courts (Uliutina & Artemenko 2022), the introduction of peace institutions (Synenkyi, 2022), and the promotion of mediation are useful for eliminating judicial “red tape”.

M.V. Bazarnyk (2022) noted that European integration processes are always conditioned by four aspects, namely legal, international, domestic, and social. The domestic aspect has become the main driver of such processes. Although each individual has no direct influence on the formation and implementation of Ukraine's foreign policy, due to the principle of democracy, every

citizen of Ukraine can have an indirect impact. Under the legal regime of martial law and the constant military aggression of the Russian Federation, several problems have emerged that may hinder the reform of the judicial system and, therefore, slow down the process of Ukraine's European integration. The percentage of settlements where justice cannot be fully administered remains high. This applies to those settlements where active hostilities are taking place, occupied territories, or destroyed and not yet restored court buildings. This problem has been resolved to some extent by changing the territorial jurisdiction. Despite the war, the judicial system is functioning and is located in those settlements where no hostilities are taking place. The Unified State Register of Court Decisions has resumed its full-fledged operation, allowing court case files to be stored digitally. Backups of such materials have also been created on a secure server. The court proceedings are successfully functioning remotely.

On the positive side, despite the consequences of a full-scale war on the territory of Ukraine, the judiciary receives its full funding. Although, as noted by the Deputy Head of the Presidential Office A. Smirnov, 50% of judges' salaries are transferred to the Armed Forces of Ukraine (Rzheutska, 2022). At the same time, the state lacks financial resources for capital construction, repairs, or restorations. There are problems related to the evacuation of judges and their families from the temporarily occupied territories of Ukraine. There are isolated cases of collaboration and cooperation with the occupiers, particularly among members of the judiciary. Judges, like other citizens of Ukraine, are subject to mobilisation. According to the Deputy Head of the Office of the President, as of April 2023, more than 400 judges and judicial officers had been mobilised into the Armed Forces of Ukraine. Among other problems, the author mentions the problem of excessive workload on judges, which leads to rather lengthy consideration of cases. Another problem is the long duration of tender procedures.

Given this situation, the SBI (State Bureau of Investigation) website contains a section on the court's wartime operations. In addition, Ukraine and the European Union's Law and Justice project have launched a joint special project, Courts in Wartime (2022). It will present information about the occupied courts, memoirs of judges and court staff, information about assistance, volunteering, resistance, losses, and achievements (The Work of Courts in Conditions of war..., 2022). S. Prylutskyi & O. Strieltsova (2020) noted that the rule of law is one of the fundamental values of the European Union. However, certain negative steps by the state authorities can cause the constitutional order to erode and fade away, demoralise, and eliminate it. This leads to the loss of independence of the judiciary,

¹ Decree of the President of Ukraine No. 361/2006 “On the Concept of Improvement of the Judiciary for the Establishment of Fair Trials in Ukraine in Accordance with European Standards”. (2006, April). Retrieved from <http://zakon4.rada.gov.ua/laws/show/361/2006>.

which is a universal and absolute value. The opinion of O. Harmata (2022), states that guarantees of the right to adequate legal protection and the absence of corruption will serve Ukraine's credibility in the eyes of European countries.

One of the key problems remains the unresolved issue of a full-fledged restart of the Constitutional Court of Ukraine, including the introduction of a transparent and clear competitive selection of judges. There is also a need to review the system of judicial self-government and governance, namely the audit of such bodies to avoid duplication of similar functions, which will contribute to the efficient use of financial resources of the state budget of Ukraine. The next problem is the unresolved issues of optimising the court network (following the new administrative-territorial structure) and digitalising the justice system, namely expanding the functionality of the Unified Judicial Information and Telecommunication System and the e-court in terms of creating case management that is compatible with the prosecutor's office and law enforcement agencies.

Conclusions

In 2022, a historic decision was made – Ukraine was granted the status of a candidate for membership in the European Union. This is the realisation of the aspirations of the Ukrainian community, which values democratic principles, including the rule of law. Joining the European Union is a paradigm shift. After all, immediately after joining the European Union, its legislation becomes part of the legal framework of a member state.

The study determines that the main criteria in the field of judicial proceedings and justice, which are used by the EU candidate states, are sections 23 and 24 of the Copenhagen criteria. It is established that most of their provisions are already actively applied in the Ukrainian judicial system. In particular, this applies to

the availability of legal guarantees for a fair trial and a sufficient level of financial support for judicial reform.

The judicial reform is one of the seven necessary steps that demonstrate Ukraine's readiness to become a part of the European Union. The article determines that the judicial reform launched in 2016 and ongoing to this day is generally in line with the legislation of the European Community. However, the candidate status imposes new requirements on the Ukrainian judicial system. In particular, this concerns the restart of the Constitutional Court of Ukraine with updated requirements for the selection of judges and qualification requirements for potential candidates, and the full launch of the High Qualification Commission of Judges of Ukraine, as such a body was not functioning for two years until 2023. This includes increasing the proper level of funding for the judiciary, consideration of the experience and specifics of their duties, and lastly, an effective fight against corruption, in particular among the judiciary, and minimising the influence of the oligarchic community on the latter.

Further areas for research could include an analysis of the first year of the High Qualification Commission of Judges of Ukraine, as this body is receiving close attention from the European community. Also, given the military operations on the territory of Ukraine, an analysis of the activities of judges and courts in areas close to the sites of active hostilities may be necessary. After all, the achievement of all the necessary criteria for accession to the European Union in terms of justice will relate to the capacity of all Ukrainian courts without exception.

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Conflict of Interest

None.

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Вплив євроінтеграційних процесів на судову реформу в Україні

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Анотація

Актуальність обраної тематики полягає в тому, що в умовах євроінтеграції важливо визначити прогалини й недоліки, які виникають у процесі узгодження українського законодавства з правовими стандартами Європейського Союзу, та окреслити напрями його вдосконалення. Метою дослідження є характеристика реформування судової системи України в умовах європейської інтеграції. У роботі використано такі методи дослідження: системно-структурний, порівняльно-правовий, формально-юридичний, метод систематизації, а також методи синтезу, аналізу й узагальнення. Встановлено, що судова реформа, розпочата 2016 року, пов'язана з планами України стати повноцінною державою – членом Європейського Союзу. Визначено, що в умовах дії правового режиму воєнного стану деякі процеси реформування судової системи до стандартів європейської спільноти можуть гальмуватися. Зазначено, що Копенгагенські критерії, передусім 23-й та 24-й розділи, належать до ключових визначень для реалізації правосуддя та судової влади в країні, що є членом Європейського Союзу. У процесі аналізу додано, що для активізації євроінтеграційних процесів в Україні необхідно вжити заходів з оновлення складу Конституційного Суду України. Окреслено необхідність встановлення прозорих кваліфікаційних вимог до суддів і модернізації процесу відбору для суддівського корпусу. Сформульовано висновки про необхідність повного запуску Вищої кваліфікаційної комісії суддів України, що є одним із ключових органів суддівського самоврядування. Засвідчено, що ефективна робота цього органу важлива для підтримки суддівського корпусу на високому професійному рівні та забезпечення додержання стандартів правосуддя. Додатково акцентовано на важливості продовження ефективної боротьби з будь-якими виявами корупції в діяльності суддівського корпусу та в судовій системі загалом. Матеріали цієї роботи може бути використано для покращення функціонування судової системи в Україні.

Ключові слова:

судочинство; правосуддя; копенгагенські вимоги; інтеграція; асоціація; судоустрій