

# Legal Integration of Ukraine into a United Europe and its Impact on the Legal Culture of the Legislator

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## Abstract

*The legal integration of Ukraine into the legal order of the European Union affects the quality of the legal culture of civil servants engaged in regulatory and interpretative legal activities, scientists and Ukrainian society as a whole. The purpose of the study is to analyze and synthesize information related to the formation of the theory and practice of adapting Ukrainian legislation to the EU *acquis communautaire*; determine its impact on the modernization of the legal system of Ukraine and, in particular, the legal culture of legislators. The research logic necessitated the application of a comprehensive set of approaches and methods, including: the formal-legal method, which enabled the formulation of fundamental terms, concepts, characteristics, constructions, and classifications; the historical method, which proved instrumental in analyzing the process of formation and development of Ukrainian legislative adaptation to EU law; and the comparative-legal method, employed when comparing domestic approaches with those of Eastern European countries regarding legal integration processes. The article demonstrates that EU law represents a product of regional legal integration emerging from the convergence of elements from continental and Anglo-Saxon legal families. Convergence leads to the creation of universal legal norms and the development of rules for overcoming contradictions contained in the national legislation of EU member states, while expanding the spectrum of legal sources that existed in national legal systems prior to convergence initiation. Convergence influences the modernization process not only of EU member states but also candidate countries during the implementation of European Union membership criteria. The research results confirm that adaptation of national legislation to EU law constitutes a multifactorial process that involves not merely transposition of norms but also modernization of legal culture, primarily of legislators. The research findings will contribute to enhancing the efficiency of legislative adaptation, ensuring Ukraine's legal integration into the European legal space, and forming the foundation for further legislative reforms.*

**Keywords:** legal integration; legislative adaptation; *acquis communautaire*; legal culture; legal technique; legislative process; EU; Ukraine.

# Правова інтеграція України до об'єднаної Європи та її вплив на правову культуру законодавця

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## **Анотація**

Правова інтеграція України до правопорядку Європейського Союзу впливає на якість правової культури державних службовців, які займаються нормативно-правовою та інтерпретаційною правовою діяльністю, науковців та українського суспільства в цілому. Мета дослідження полягає у проведенні аналізу та синтезу інформації, пов'язаної з формуванням теорії та практики адаптації законодавства України до *acquis communautaire* ЄС; визначення його впливу на модернізацію правової системи України та, зокрема, правову культуру законодавців. Логіка дослідження вимагала застосування комплексу підходів та методів, зокрема: формально-правового методу, який дозволив сформулювати фундаментальні терміни, поняття, характеристики, конструкції та класифікації; історичного методу, який виявився важливим для аналізу процесу формування та розвитку адаптації українського законодавства до права ЄС; та порівняльно-правового методу, який застосовувався під час порівняння вітчизняних підходів з підходами країн Східної Європи щодо процесів правової інтеграції. У статті показано, що право ЄС є продуктом регіональної правової інтеграції, що виникає в результаті конвергенції елементів континентальної та англосаксонської правових сімей. Конвергенція приводить до створення універсальних правових норм та розробки правил подолання суперечностей, що містяться в національному законодавстві держав-членів ЄС, одночасно розширюючи спектр правових джерел, що існували в національних правових системах до початку конвергенції. Конвергенція впливає на процес модернізації не лише держав-членів ЄС, а й країн-кандидатів під час дотримання критеріїв членства в ЄС. Результати дослідження підтверджують, що адаптація національного законодавства до права ЄС є багатофакторним процесом, який включає не лише транспозицію норм, а й модернізацію правової культури, насамперед законодавців. Результати дослідження сприятимуть підвищенню ефективності законодавчої адаптації, забезпеченню правової інтеграції України в європейський правовий простір та формуванню основи для подальших законодавчих реформ.

**Ключові слова:** правова інтеграція; адаптація законодавства; *acquis communautaire*; правова культура; юридична техніка; законотворчий процес; ЄС, Україна.

## Introduction

Research into the process of European integration, primarily its economic and political components, is an undisputed priority for international scholarship and, since Ukraine gained independence, for domestic academia as well. Particular attention has been devoted to the legal aspect of the integration process. This is attributable to the fact that by the 1960s, it became evident that the law created by the European Communities, both in terms of its adoption procedure and its scope of application, was rapidly approaching the characteristics of a national legal system, a feature not typical of legal systems established by international organizations [1]. Simultaneously, as noted by M.R. Madsen et al., although legal scholarship generally concurs on the importance of these processes, insufficient consensus has been achieved regarding the meaning of the term "European legal integration". A review of literature in both law and social sciences reveals that this term encompasses a broad spectrum of research subjects, ranging from the analysis of the EU's institutional system and its competence to the influence of the European Union's legal order and its law-making on the development of national legal systems of member states, as well as candidate countries. The situation is further complicated by the fact that European legal integration largely remains a political process, wherein the distinction between scientific analysis and the political agenda of European integration is not particularly clear [2, p. 15-20; 3].

The complexity of identifying the phenomenon of European legal integration is also linked to the fact that although the EU is not a state in its traditional sense [4; 5], a united Europe can be conceptualized, according to J. Strayer, as a modern interpretation of a "law-state" – a political order constructed through the gradual expansion of its judicial institutions' influence on the development of the EU legal order [6, p. 61]. Similar assessments can be found in the works of other authors (A.M. Burley, W. Mattli [7], D.S. Martinsen [8], A.S. Sweet, T.L. Brunell [9], D. Wincott [10]). In this context, it is important to remember that the European Union is building its law-state not on a tabula rasa, but within an institutional space where national legal systems, belonging to various legal families, had until recently successfully functioned [11, p. 358; 12]. A key role in this process has been assigned to the Court of Justice of the European Communities, which, at a doctrinal level, substantiated the existence of the principles of supremacy and direct effect of EU law, references to which are absent in the founding treaties (the quasi-constitution of the EU) (for a detailed analysis, see: [13; 14]).

The adaptation of Ukrainian legislation to the *acquis communautaire* of the European Union is one of the key elements of legal integration. This process is not merely a technical necessity but also an evident cultural

challenge for legislative, law-enforcement, and interpretative-legal activities. This is associated with the introduction of European legal standards into the legal system of Ukraine, which necessitates a rethinking of traditional approaches, primarily to law-making activities, the improvement of legal technique, and the modernization of the legal culture of society, especially among civil servants, academics, and academic-pedagogical staff of higher legal education institutions, who are tasked with fostering the legal consciousness and legal culture of a new generation of Ukrainian lawyers.

The need for this research is driven by a number of problems that arise during the adaptation of Ukrainian legislation to the EU *acquis*. The adaptation of legislation requires not only the formal reproduction of the norms of relevant EU regulations and directives but also consideration of the principles of EU law supremacy and its direct effect, subsidiarity and proportionality, non-discrimination, and other fundamental principles underlying the EU legal order, as well as the legal positions of the EU Court of Justice. An orientation towards the pan-European system of values and principles of EU law has, unfortunately, not yet become an integral component of the societal legal culture, which creates certain difficulties for Ukraine's legal integration.

Although Ukraine's legal system has adopted many EU legal standards over the years of independence, the process of adapting its legislation to EU legislation is not yet complete. Therefore, the task of bringing Ukrainian legislation closer to EU legislation to a level that would enable Ukraine to effectively fulfill the obligations required of an EU candidate state remains relevant. Technical aspects of legislative adaptation also require attention, particularly ensuring the transparency of the law-making process, improving legal technique, and ensuring high-quality translation of EU legislation, among others.

The success of adapting Ukrainian legislation to EU legislation also significantly depends on modernizing the legal culture of academic and scientific-pedagogical personnel who train and retrain legal professionals. Legal science has a considerable influence on law-making and interpretative-legal activities and thus acts as one of the factors in the development of the national legal system. In the process of researching these issues, it is worthwhile to focus on theoretical developments that are directly or indirectly related to the general principles of adapting Ukrainian legislation to EU legislation.

## **Literature review**

Researching the process of Ukraine's legal integration into the EU legal field without considering the context of transforming national legal culture

leads some Ukrainian authors to erroneous judgments and conclusions. In domestic publications, one can encounter the substitution of concepts related to Ukraine's legal integration, which do not correspond to the current legislation in the sphere of European integration. This problem emerged in the 1990s and early 2000s in the academic works of academics of branch legal sciences (for example, V. Andreitsev [15], O. Laba [16], K. Iashchenko [17]). The terminological confusion observed both in academic works and in subordinate legislation [18; 19] was linked, according to I. Yakoviyk, to the poor quality of translation of international legal acts into Ukrainian [20, p. 21-22]. It should be noted that this problem has not been fully resolved to this day.<sup>1</sup> This refers to the practice of using the concept of "harmonization" instead of "adaptation" while simultaneously referring to legislative acts that specifically use the term "adaptation" (for example, O. Budiachenko [24], L. Valko [25], V. Muraviov, N. Mushak [26; 27], N. Parkhomenko [28], K. Trykhlil [29] and many others). These and other authors mistakenly equate the harmonization processes occurring between EU member states in the formation and development of EU law with adaptation, which is a unilateral process by a candidate country to bring its own national legislation into conformity with the EU *acquis communautaire*. In this regard, the works of O. Tarasov [30] and I. Yakoviyk [20] are extremely important, as they reveal the relationship between the concepts of adaptation, harmonization, implementation, approximation, and reception, and emphasize the need for the correct use of relevant terms both in academic publications and in current legislation.

The works of R. Petrov and P. Kalinichenko, who dedicated their research to the phenomenon of Europeanization of judicial systems in candidate countries and EU neighboring countries (third countries), are significant for the development of Ukraine's legal system. The author convincingly argues that EU foreign policy objectives, EU "soft" law, technical and financial assistance from the EU, and favorable interpretation of EU law by the European Court of Justice regarding citizens of third countries contribute to forming a conviction within the judicial bodies of third countries about the expediency of applying the EU *acquis* in their judgments. This conclusion also applies to Ukraine, where the perception of the EU *acquis* as a persuasive source of law is gradually forming. However, problems

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<sup>1</sup> Ukrainian civil society organizations have developed draft legislation and conceptual frameworks over the past decade aimed at harmonizing respective sectors of Ukrainian legislation with EU law. Notable examples include: the draft Law of Ukraine on harmonizing the Criminal Code with provisions of international law [21]; the draft Concept for harmonizing Ukraine's land legislation with EU law and other advanced practices in legal regulation of land relations [22]. In 2024, the Ministry of Foreign Affairs of Ukraine conducted a roundtable discussion entitled "Harmonization of Ukrainian Legislation with European Standards in Combating Discrimination and Ensuring Diversity" [23].



related to independence, efficiency, and combating corruption reduce, in the researcher's opinion, the effectiveness of the judicial system's Europeanization process in Ukraine [31]. In another article, R. Petrov examines the progress made in the implementation and application of the Association Agreement, which gave a powerful impetus not only to political and economic but also to legal reforms in Ukraine. The author focuses on the constitutional challenges that Ukraine faced during the implementation of the Association Agreement into its legal system. R. Petrov addresses two issues: the first relates to the effectiveness of implementation and application of the Association Agreement with the Constitution of Ukraine from the perspective of upholding the principle of the rule of law. The issue of adapting Ukrainian legislation to the EU *acquis communautaire* is considered by the researcher as one of our state's obligations arising from the implementation of the Association Agreement into national legislation, and simultaneously as an instrument that allows for ensuring the principle of the rule of law and the compatibility of the Agreement with the Constitution of Ukraine [32].

V. Ternavska raises questions about the role of legal doctrine in the process of adapting Ukrainian legislation to the EU *acquis communautaire*. According to the researcher, historical experience convincingly demonstrates that constitutional-legal doctrine is assigned an important role in the process of convergence of national legal systems. This is because the process of internationalization of law begins precisely at the level of national constitutional legislation. Accordingly, Ukrainian legal doctrine plays an important role both in law-making, contributing to the approximation of Ukrainian legislation to EU legislation in both public and private law [33].

In turn, O. Kozhykhar [34] and I. Yakoviyk [35; 36] emphasize that success in building a democratic, social, law-based state in Ukraine directly depends on the acceptance of the EU's system of values, compliance with which is one of the membership criteria. Developing the idea of the role of legal culture in state-legal development, the authors emphasize that its level depends on guaranteeing the entire complex of human rights and freedoms, the level of legal consciousness, the implementation of the principle of the rule of law, the perfection of national legislation, ensuring legality and legal order, and the state of development of legal science. The qualitative state of the legal culture of society directly affects the effectiveness of legal norms and the stability of the legal order as a whole.

V. Lomaka et al. consider the process of Europeanization of state-legal institutions as an important tool for transforming the legal systems of EU candidate countries. The scholars note that the perception by the Ukrainian legislator and legal community of the system of European legal values,

primarily the supremacy of EU law, contributes to accelerating the process of transforming the national legal system [37].

V. Ryndiuk and O. Kuchynska emphasize the importance of using the positive experience of EU candidate countries from Eastern and Southern Europe in the process of adapting Ukrainian legislation to EU legislation. The authors stress that coordinating the actions of law-making authorities and considering both the positive and negative lessons of other countries are key to accelerating Ukraine's legal integration into the EU legal space [38].

Despite the significant volume of research dedicated to legislative adaptation, the question of the influence of the legal culture of society and specific groups, particularly legislators, on the process of modernizing Ukraine's legal system remains insufficiently explored.

### **Materials and Methods**

The aim of the study is to determine the influence of the adaptation of Ukrainian legislation to EU legislation on the modernization of the legal culture of legislators, enhancing their professional level, and improving legal technique. To achieve this aim, the following main objectives were defined: to identify and explore the problems hindering the process of adapting national legislation to EU legislation; to assess the impact of European legal standards on the legal technique, structure, and logic of the Ukrainian legislative process; to determine the role of legal culture in increasing the effectiveness of the legislative adaptation process.

The achievement of the research objectives was facilitated by the application of an interdisciplinary approach, which ensured a comprehensive elucidation of the chosen problematic. The method of legal modeling was used to predict the consequences of the Europeanization of Ukraine's legal system. The study of the strategic and organizational aspects of adaptation was carried out through structural analysis, which included examining the interaction between key law-making bodies of Ukraine on the one hand, and EU institutions on the other. The use of a combination of analytical and synthesis methods allowed for a comprehensive coverage of the process of adapting Ukrainian legislation to the EU *acquis communautaire*, to identify key problems of legal integration, and to develop practical recommendations for their resolution, which ultimately should ensure the formation of a modern legal culture for legislators, oriented towards European values.

The historical-legal method contributed to revealing the conditions for the emergence and development of such a legal phenomenon as the transformation of legislators' legal culture within the framework of Ukraine's legal integration process; determining the historical sequence of transition from one stage to another, as well as researching the evolution of the

Ukrainian parliament's approaches to legal regulation in the sphere of legislative adaptation, and outlining the future vector of its development.

The systemic-functional method became an important source of knowledge about the structural features of the legal culture of society, primarily of individuals involved in legislative activity, in the process of Ukraine's legal integration. That is, legal culture was considered as a set of individual elements, the integrity of which reveals specific properties of this legal phenomenon. In view of this, the systemic-functional method was used for: determining the content of the EU *acquis communautaire*, to which the legislation of Ukraine must be brought into conformity; familiarization with the structure and powers of special bodies created to implement Ukraine's obligations within the framework of the legislative adaptation process; analysis of the principles of conducting law-making activities in the conditions of legal integration.

The case study method contributed to the study of the dynamics of adapting Ukrainian legislation to EU legislation within the legal integration process, as well as the analysis of factors that consider the political decisions of national governments, related to the state's aspiration to gain membership in a united Europe, as potential causes for the transformation of the national legal system, primarily its legal culture.

Linguistic methods were also used in the research process. The application of these methods is substantiated by the fact that EU law terminology is quite specific and differs from the terminology of the national legislation of EU candidate countries. Although discussions about the structure of this method continue, most authors agree that it includes historical-comparative, contrastive-comparative, sociolinguistic, descriptive, stylistic, contextual, textual-interpretive, and internal reconstruction. Their variation is determined by the specifics of studying particular legal phenomena and processes (legal integration, harmonization and adaptation of legislation, implementation, etc.), as well as by the specific tasks of the research (e.g., to clarify the substantive content of the concepts "legal integration", "harmonization of legislation", "adaptation of legislation", "EU *acquis communautaire*"; to reveal the relationship of legal integration with the processes of harmonization and adaptation of legislation; to investigate the directions of transformation of the legislator's legal culture as a result of the modernization of Ukraine's legal system under the influence of the adaptation of its legislation to EU legislation).

A broad source base was utilized in writing this article, namely: EU and Ukrainian legislation, precedential decisions of the EU Court of Justice, reports and methodological recommendations, as well as academic



works by foreign and domestic authors. A comprehensive study of these sources allowed for the identification of main gaps and shortcomings in the adaptation process, an assessment of the impact of European legal standards on legal technique, the structure and logic of law-making in Ukraine, and the formulation of practical recommendations.

Among the main sources of Ukrainian legislation, the Treaty on European Union [39] and the Treaty on the Functioning of the EU [40], the Association Agreement between Ukraine and the EU [41], the Law of Ukraine "On the National Program for Adaptation of Ukrainian Legislation to the Legislation of the EU" [42], and the Law of Ukraine "On Law-Making Activity" [43] were analyzed. This helped to define the basic principles, mechanisms, and institutional frameworks for carrying out the adaptation of national legislation to EU legislation, revealed the specifics of this process in certain branches of Ukrainian legislation, and determined the role of Ukrainian scientific institutions in this process.

The research also included an analysis of decisions by the EU Court of Justice, as the ability to apply provisions of EU case law and interpret EU law norms in light of Court of Justice decisions is also an element of legal culture for both legislators and judges. Case 26/62 Van Gend en Loos v Nederlandse Administratie der Belastingen of 05.02.1963 [44] and Case 6/64 Costa v ENEL of 15.07.1964 [45] were subjects of careful analysis, in which the EU Court consistently substantiated that EU law is a unique legal system based on international law, yet substantially different from it, as well as the principle of EU law supremacy.

Recommendations from the European Commission, including the document "Guidelines for Ukrainian Governmental Administration on Approximation with EU Law" [46], which defines methodological approaches to legislative adaptation, were also analyzed.

In the process of studying legal technique, the structure and logic of law-making in Ukraine in the context of legal integration, a number of subordinate normative-legal acts were processed, which reveal the content of legislative adaptation and its forms [47].

## **Results and Discussion**

### ***Legal integration of Ukraine as a condition for joining a united Europe***

The adaptation of Ukrainian legislation to the EU *acquis communautaire* is a complex process, encompassing both general conceptual foundations and specific mechanisms for implementing European Union law norms. In essence, it involves the systematic approximation of national legislation to

EU legislation with the aim of Ukraine's gradual entry into the European Union's legal space.

I. Yakoviyk emphasizes that the success of adapting Ukrainian legislation to EU legislation largely depends on the streamlining of domestic legal terminology. Only a stable system of legal concepts and terms can ensure legislative approximation, its uniform interpretation, and the correct application of legal norms [20]. A similar view of the problem can be found in the works of foreign authors (e.g., L. Biel [48], P. Sandrini [49]).

The fact is that the implementation of Ukraine's strategic course towards integration into the European Union, which began with the entry into force of the Partnership and Cooperation Agreement between Ukraine and the EU (1998) [50], gave paramount importance to the problem of ensuring the "equivalence" of terms in the legal translation of EU acts into Ukrainian. This created complex problems for the Ukrainian legal language, as the terminology used in EU law (it is known that the EU legal order is an autonomous legal system that combines elements of both Romano-Germanic and Anglo-Saxon legal families) differs from Ukrainian legal terminology. With the intensification of interaction between the parties, Ukrainian legal terminology is undergoing significant transformation, as the adaptation of Ukrainian legislation to EU legislation involves the introduction of many pan-European legal concepts, doctrines, and principles, and their adaptation for application within the local legal culture. Therefore, a need arose for a systematic study of pan-European legal terms to avoid confusion between similar terms and to shed light on the general trends of the legal integration process. The situation was complicated by the fact that for a long time, there was no formulated national strategy for translating legal terms from English into Ukrainian. Only in 2005 did the Ministry of Justice of Ukraine approve the Procedure for translating acts of the EU *acquis communautaire* into Ukrainian [51].

A normative definition of the content of legislative adaptation was provided in 2003 in the Methodological Recommendations of the State Tax Administration: "Adaptation is the process of developing and adopting normative-legal acts and creating conditions for their proper implementation and application with the aim of gradually achieving full compliance of Ukrainian legislation with EU legislation" [47].

To determine the consequences of adapting Ukrainian legislation to EU legislation, it is not enough to provide its definition – it is equally important to obtain answers to the following questions: (a) what is subject to adaptation, and (b) to which specific EU law norms is adaptation carried out. Answering the first question, it should be noted that the content of

the concept "legislation" is not normatively defined in Ukraine. Therefore, the Constitutional Court was compelled to fill this gap. In its Decision No. 12-rp/98 of July 9, 1998, the Court stated that the term "legislation" should be understood as laws of Ukraine; current international treaties, the binding nature of which has been approved by the Verkhovna Rada; parliamentary resolutions; presidential decrees; government decrees and resolutions adopted within their powers and in accordance with the Constitution and laws of Ukraine [52]. Thus, the Constitutional Court applied an expanded interpretation when defining the content of the concept "legislation", thanks to which the content of the legal norm turned out to be broader than the literal text of the corresponding legal norm.

Regarding the second question, the following should be noted: an analysis of Ukrainian legislation shows that in different periods of the state's independence, this denominator was defined as either "Community (European Union) legislation"; or "EU legislation", or "EU legislation and norms", or "European legal system", or "European legal standards", or "EU law norms"; or "EU norms and standards", or "EU requirements", or "EU normative field", or "acquis communautaire". According to the vast majority of researchers, with whose position we agree, it is precisely the concept "acquis communautaire" that most accurately defines the body of EU law norms to which Ukrainian legislation must be adapted.

The European Union itself defines the content of "acquis communautaire" as follows – it is the body of common rights and obligations that constitute the EU's laws and are incorporated into the legal systems of the EU member states. Thus, the content of the acquis is generally understood to include: the content, principles, and political objectives of the EU founding treaties; legislation adopted for the application of these treaties; case law developed by the EU Court of Justice; declarations and resolutions adopted by the EU (EU soft law); acts in the field of common foreign and security policy, as well as justice and internal affairs; international agreements concluded by the EU, and agreements concluded between the member states themselves regarding EU activities [53]. It should be emphasized that the acquis communautaire is a dynamic legal formation and therefore is in a process of constant development [53]. The volume of the acquis today already exceeds 20,000 acts.

The answer to possible forms of policy implementation in the sphere of legal adaptation<sup>2</sup> can be found in the Methodological Recommendations of the State Tax Administration of Ukraine [47]:

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<sup>2</sup> It should be noted that the content of these forms concerning legal integration among member states differs somewhat from the content of these forms implemented by candidate countries that adapt their legislation to EU law.

- a) transposition, which is understood as the adoption, amendment, or repeal of legal norms to achieve identical legal consequences with the relevant acts of EU legislation. It may consist either in copying and transferring provisions of an EU legislative act verbatim into Ukrainian legislation or involve referencing an internationally used provision in national legislation;<sup>3</sup>
- b) approximation, i.e., the process of adopting, amending, or repealing legal norms in order to bring the provisions of national legislation of Ukraine closer to the provisions of EU legislative acts to create appropriate conditions for the implementation of the European Union's legal order;<sup>4</sup>
- c) coordination, i.e., the process of harmonizing that part of Ukrainian legislation and the practice of its application, within which approximation or transposition is impossible or unnecessary;
- d) implementation, i.e., the process of transposing EU legislative acts, including the creation of an order and procedures for their introduction (implementation in a narrow sense); this process also includes interpretation, application practice, ensuring compliance with and enforcement of norms that correspond to European law by state authorities (implementation in a broad sense).<sup>5</sup>

### ***Features of legal regulation of adaptation of Ukrainian legislation to the EU *acquis communautaire****

In Ukraine, the beginning of the legislative adaptation process was linked to the ratification of the Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States (1998) [50], which for the first time enshrined Ukraine's obligation to adapt its

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<sup>3</sup> Regarding EU member states, transposition refers to the process of incorporating EU directives into the national laws of member states. Unlike regulations and decisions, directives do not apply directly across all member states but require national legislation to incorporate their provisions into domestic legal frameworks [54].

<sup>4</sup> It should be noted that concerning EU member states, the content of this concept differs somewhat, as it relates to EU Directives and signifies the harmonization of certain concepts across all EU member states' legislations. The approximation of certain concepts involves the gradual elimination of discrepancies existing in national legislations. This relates to the ultimate objective of legal integration—to create a foundation for "maximum" harmonization/approximation at a later stage or simply to bring closer the meaning of certain terms or methods of resolving specific situations in EU member states' legislation (minimum harmonisation/approximation). In terms of maximum harmonisation, the formulation of "legislative approximation" approaches that of a Regulation, whereby member states are obligated to transpose the formulations into their national legislation [55].

<sup>5</sup> Implementation undertaken by EU member states means that national governments must adopt measures to comply with the requirements of EU legal acts. This concept is primarily associated with EU directives, whose content must be brought into effect through national regulations [56].

national legislation to the *acquis communautaire*. The initial stage of adaptation, associated with the Agreement, laid down the basic principles of cooperation; however, due to the absence of strict legal obligations, adaptation activities were of a "soft" nature. Subsequent stages, initiated by the implementation of the provisions of the Law of Ukraine "On the National Program for Adaptation of Ukrainian Legislation to the Legislation of the European Union" (2004) [42], and which were further linked to the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (2014) [41] and Ukraine's acquisition of candidate country status (June 23, 2022), defined specific mechanisms that streamlined the process and ensured its evolution.

The success of the adaptation process significantly depends on the level of legal culture of individuals engaged in law-making activities, primarily parliamentarians. In the context of legal integration, the legal culture of parliamentarians should be understood as a system of values, norms, principles, and practices that determine both the specific content of the national legal system being modernized within the framework of legal integration, and the peculiarities of the legislative process, as well as the effectiveness of the Verkhovna Rada as the legislative body of Ukraine. A high level of legal culture among parliamentarians is evidenced not only by the acceptance of the principle of the rule of law, enshrined in the Constitution of Ukraine (Art. 8), but also by an understanding of the content of the principle of the supremacy of EU law.

The EU is an autonomous legal order: this is a very early doctrine, established by the Court of Justice of the EU. In its judgment in Case 26/62 *Van Gend en Loos v Nederlandse Administratie der Belastingen* (1963), the Court stated that "EU law constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only member states but also their nationals" [44]. In 1964 in the famous *Costa v. E.N.E.L* case, the Court stated: "By contrast with ordinary international treaties, the EEC Treaty has created its own legal system, which, on the entry into force of the Treaty, became an integral part of the legal systems of the Member States and which their courts are bound to apply" [45]. Gradually, EU law as an autonomous legal order was also recognized by the constitutional/supreme courts of the EU member states, which became an important step towards the Europeanization of their legal culture.

EU law as an autonomous legal order is based on the principles of the supremacy of EU law and its direct effect. The autonomy of the EU legal order is manifested in its independence from national legal systems, its binding nature for member states, and its ability to create rights and



obligations for individuals and legal entities. The dynamism of EU law signifies its constant updating in accordance with the needs of legal regulation of social relations. This requires candidate countries, including Ukraine, to be flexible and proactive in adapting their legislation.

The effectiveness of legislative adaptation depends on several factors, including: a clear definition of responsible institutions and mechanisms for their coordination; an assessment of the institutional capacity and staffing of state bodies responsible for fulfilling Ukraine's obligations in the sphere of European integration [57]; the approval of legislative adaptation plans (e.g., the Plan for adapting national legislation on public procurement to EU legislation [58; 59]); financial provision for the adaptation process; monitoring the fulfillment of obligations and assessing the impact of normative changes; ensuring high-quality translation of EU legislation and terminology into Ukrainian, preparation of manuals on EU legislation translation [60; 61], etc.

It would be erroneous to assert that the legal regulation of legislative adaptation is predominantly general and declarative in nature. As early as the beginning of the 2000s, a practice was initiated at the level of individual state bodies to adopt methodological recommendations for bringing draft normative-legal acts into conformity with EU legislation and the requirements of GATT-WTO agreements (for example, methodological recommendations approved by the State Tax Administration on December 26, 2003, No. 631 [62] and on September 28, 2004, No. 561 [63]). A positive practice within the framework of legislative adaptation during that period should also be considered the involvement by central state authorities, primarily the Ministry of Justice of Ukraine, of academics to conduct comprehensive comparative-legal studies on the conformity of Ukrainian legislation with the EU *acquis communautaire* [64]. The Ministry of Justice of Ukraine continues this activity today: the Ministry's website hosts materials from nearly 40 comparative-legal studies on various aspects of the conformity of Ukrainian legislation with the *acquis communautaire* [65].

With the aim of ensuring Ukraine's strategic course towards EU integration and assisting law-making bodies in the gradual approximation of Ukrainian legislation to the norms and standards of EU law, the Center for Comparative Law was established under the Ministry of Justice back in 2000 [66]. It existed until 2004. The Center conducted comparative analysis of international and European law with Ukrainian law; offered recommendations regarding the adaptation of Ukrainian legislation to EU legislation; conducted legal expertise of draft normative-legal acts; worked on creating an informational legal database of EU legislation; promoted the development of legal education for civil servants in the field of EU law; and

disseminated legal information in the specified sphere. An analysis of these tasks allows for the conclusion that the Center's activities were aimed at both facilitating the adaptation of Ukrainian legislation to EU legislation and modernizing the legal culture of a wide range of civil servants and lawyers in general. In 2004, the State Department for Legislative Adaptation was established, which existed until 2011. The Department's activities were generally carried out in areas similar to the tasks of the Center [67].

This activity continues in our time. Thus, within the EU Project "Support to the Implementation of the EU-Ukraine Association Agreement" (Association4U), in cooperation with the Government Office for European and Euro-Atlantic Integration and the European Commission's Support Group for Ukraine, a number of documents have been developed aimed at assisting civil servants practically involved in adapting Ukrainian legislation to the EU *acquis communautaire*. Firstly, a Methodology for verifying compliance with EU legislation and compiling correspondence tables has been developed, designed to help law-making bodies develop legislative acts compliant with EU law, compile and use correspondence tables, and conduct compliance verification [68]. Secondly, Recommendations for Ukrainian public administration bodies on approximating Ukrainian legislation to EU law have been prepared, which are intended to assist civil servants in implementing the Association Agreement between Ukraine and the EU, particularly its parts dedicated to adapting Ukrainian legislation to the EU *Acquis communautaire* [69]. Thirdly, an "Overview of the case law of the Court of Justice of the European Union in spheres regulated by the Association Agreement between Ukraine and the EU" has been prepared [70]. The importance of the Overview lies in the fact that it is usually in the case law of the EU Court of Justice that basic legal categories are interpreted, the content of which is not disclosed in the EU legislation referred to in the Association Agreement or its annexes. The Overview plays an important role in modernizing the legal culture of judges and civil servants involved in legislative adaptation, educators who train professional legal personnel, as well as legal scholars involved in shaping domestic legal doctrine.

The translation of legal-linguistic phenomena is an act of intercultural communication between different legal systems. It significantly influences the state and development of legal culture, primarily of lawyers, and indirectly, the state of legal culture of the society in the country adapting its legislation to EU legislation. Therefore, the problem of translating legislative acts into a foreign language is traditionally given significant importance. This is explained by the fact that the effectiveness of the adaptation process largely depends on the correct translation into Ukrainian of EU

acquis communautaire acts and into English of Ukrainian legislative acts related to the fulfillment of Ukraine's obligations in the sphere of European integration. To streamline this activity and give it a planned character, the Ministry of Justice approved the Procedure for translating acquis communautaire acts into Ukrainian back in 2005 [51]. In 2009, the Ministry approved a new Procedure [71]. In 2023, the Cabinet of Ministers of Ukraine, in turn, approved the Procedure for translating European Union acquis communautaire acts into Ukrainian and Ukrainian legislative acts related to the fulfillment of Ukraine's obligations in the sphere of European integration into English [72].

Conceptual proposals regarding changes to the legislative process in Ukraine [73] (2021), which contain a review of modern approaches to understanding the effectiveness of the legislative process, defining its efficiency criteria, and identifying key problems of the current legislative process, are of positive significance for legislative adaptation.

The process of legislative adaptation also requires the improvement of legal technique, the entire law-making activity, as well as mechanisms for the implementation of normative-legal acts. In this regard, the adoption by the Verkhovna Rada of the Law of Ukraine "On Law-Making Activity" [43] should be positively assessed, as it regulates a wide range of issues related to the adaptation of Ukrainian legislation. The Law, in particular, stipulates that a draft normative-legal act aimed at legislative adaptation is submitted with information about its compliance with Ukraine's obligations in the sphere of European integration (Para 4 of Art. 43). The parliament's legislative work plan provides that the government annually, by November 1, must submit to the Verkhovna Rada a list of issues that require legislative regulation during the following year. The list of governmental legislative initiatives is submitted with an indication of whether they are aimed at adapting legislation to the provisions of the EU acquis (Para 2 of Art. 19<sup>1</sup>). The development of a draft normative-legal act also involves an assessment of the draft normative-legal act's compliance with obligations in the sphere of adaptation (Para 2 of Art. 29), and also requires mandatory expertise for compliance with the EU acquis (Para 1 of Art. 44). State registration of a subordinate act also involves conducting its legal expertise for its compliance with the EU acquis (Para 1 of Art. 53) [43].

Increasing the level of legal culture of civil servants as a determining factor for the success of adapting Ukrainian legislation to the EU acquis

To enhance the level of legal culture, in accordance with the recommendations of academics, the practice of creating specialized units within the structure of central executive authorities in Ukraine has been

initiated, which deal with issues of legislative adaptation in relevant areas of legal regulation (for example, European and Euro-Atlantic integration, or international cooperation and European integration, or strategic planning and European integration) [74]. The implementation of this goal, in terms of increasing the awareness of civil servants and lawyers on EU law issues, is facilitated by the introduction of specialized training programs and advanced qualification programs. For instance, the National Agency of Ukraine for Civil Service offers civil servants free access to the General Professional (Certificate) Program "The European Union and Ukraine: Competent Public Servant" [75]. Utilizing the tools of this Program will contribute to raising the level of professional competence of civil servants on issues of Ukraine's European integration, deepening their understanding of the trajectory of the European integration process, the EU's organizational structure, and its policies. Civil servants can also utilize the General Short-Term Program "European and Euro-Atlantic Integration" [76]. This Program helps to deepen theoretical and practical knowledge of European and Euro-Atlantic integration, to understand the essence of European and Euro-Atlantic integration, as well as the nature of their impact on the implementation of national policy. Furthermore, the free project Eng4PublicService enhances the language capabilities of public servants, as stipulated by the provisions of the Law of Ukraine "On Civil Service" [77]. On the *StudyiЯ* Platform, civil servants can undergo training in 16 online courses on European integration, developed within the Natolin Capacity Building project. It should be noted that Ukrainian civil servants also have opportunities to study European integration issues in foreign educational institutions.

A positive phenomenon from the perspective of transforming the legal consciousness and legal culture in general of Ukrainian civil servants is the internship programs organized by the European Commission and the EU Delegation to Ukraine. For instance, in 2023, the EU Delegation to Ukraine announced a 6-month internship for 2024 for individuals holding a bachelor's or master's degree in international relations, political science, legal sociology, economics, or a related field. The aim was to familiarize them with how the EU Delegation represents EU interests and values in Ukraine, and provide exposure to the EU activities in Ukraine, and be provided with a unique occasion to understand from inside the work of an EU Delegation in a third country [78]. In February 2025, the Government of Ukraine and the European Commission signed an Administrative Arrangement on the secondment of Ukrainian civil servants to the European Commission. Internships within the National Experts in Professional Training Programme and Seconded National Experts program are aimed at gaining experience, practical skills,

familiarization with the Commission's working methods and policies, and mechanisms for strengthening dialogue and cooperation between Ukraine and the EU [79].

Russian aggression against Ukraine has impacted the efficiency of the Verkhovna Rada of Ukraine – as of November 2024, the parliament had voted for 89 ratifications, adopted 810 laws and 1125 resolutions, including over 400 legislative acts aimed at countering the armed aggression of the Russian Federation [80]. Such dynamics demonstrate the Ukrainian parliament's capacity to respond promptly to the needs of legal regulation under martial law.

The high pace of the legislative process necessitates the intensification of activities to adapt Ukrainian legislation to the EU *acquis*. Among the most significant legislative acts are: the Law "On Amendments to Certain Legislative Acts of Ukraine on Improving the Procedure for Selecting Candidates for the Position of Judge of the Constitutional Court of Ukraine on a Competitive Basis" [81], which contributes to the implementation of judicial reform in Ukraine; the Law "On Media" [82], the provisions of which are important for establishing the principles of a democratic, law-based state. Also noteworthy is the Law "On Amendments to Certain Legislative Acts of Ukraine on Ensuring the Conclusion of an Agreement between Ukraine and the European Union on Mutual Recognition of Qualified Electronic Trust Services and Implementation of European Union Legislation in the Field of Electronic Identification" [83], which promotes the adaptation of legislation in the relevant areas of legal regulation.

On October 12, 2022, the European Commission adopted the Communication on EU Enlargement Policy [84]. The report assessed the progress achieved by candidate countries and potential candidates for accession to the European Union in implementing reforms aimed at meeting the Copenhagen EU membership criteria. The Report identified the main challenges these countries face and formulated recommendations for further measures to ensure their integration into a united Europe.

The EU is a key ally of Ukraine in strengthening the rule of law. Thanks to its support, particularly participation in the PRAVO Police Programme, Ukraine from 2017 to 2022 achieved certain progress on the path to bringing its law enforcement system into line with advanced European and international practices. As a result, the rule of law sector in Ukraine became more effective [85].

Adapting Ukrainian legislation to the EU *acquis communautaire* requires not only the technical adaptation of normative acts but also changes in the legal culture of the legislator. This process demands a profound rethinking



of methods, values, and approaches to law-making, taking into account advanced European legal standards and practices.

To enhance the effectiveness of adaptation, progress must be made in several key areas of improving legal culture. The primary condition for successful adaptation is the introduction of a systematic approach to legal education and retraining of civil servants involved in the development and adoption of normative-legal acts. The *Acquis communautaire* is a vast and complex body of law, requiring legislators to possess specialized knowledge about the specifics of the European legal order. It is necessary to develop and implement special educational programs for legislators, their assistants, parliamentary staff, as well as judges and staff of the Constitutional Court of Ukraine, which would provide knowledge about EU law, skills for working with it, and the specifics of its implementation. An important task is the development of training sessions focusing on issues related to the system of EU law sources, the technique of legislative translation, and the ability to apply precedents of the EU Court of Justice.

The effectiveness of legislative adaptation depends on conducting periodic, impartial monitoring of the results of this process. The report within the 2024 EU Enlargement Package [86] contains, among other things, an assessment of Ukraine's annual progress in carrying out reforms on the path to EU membership across all negotiation chapters. In the Report, the European Commission confirmed Ukraine's commitment to reforms and the achievement of systemic transformations, as well as progress in sectoral integration. The presented Report is of a more technical nature, and the main documents assessing the level of adaptation of Ukrainian legislation are screening reports published following bilateral Ukraine-EU meetings within the negotiation process for EU accession [87].

In 2023, Ukraine completed the I and II stages of the initial assessment of the state of implementation of EU law acts (self-screening). During the II stage, state authorities processed about 28,000 EU law acts; 34 reports were prepared and sent to the government of Ukraine by ministries with the participation of other state authorities. Based on their results, reports were prepared for the substantive content of the National Program for the Normative-Legal Approximation of Ukrainian Legislation to EU Law Acts. After processing the reports, the following steps will be implemented: formation of an up-to-date list of the *acquis*; generalization of the list of already adopted Ukrainian legislation that complies with the *acquis*; analysis of discrepancies between the state of *acquis* implementation under the Association Agreement and current EU law; development of a National Program for the adaptation of legislation to EU law and an *acquis* implementation plan; development of draft laws to be adopted within the

negotiation process; adoption of relevant draft laws; implementation of current legislation; monitoring of draft laws for compliance with Ukraine's European obligations; development of approaches to forming negotiation positions; providing assistance to the European Commission in preparing the screening based on the results of 2024 [88].

## **Discussion**

The adaptation of legislation to the EU *acquis communautaire* plays a pivotal role not only in Ukraine's integration into the European legal space but also in transforming the legal culture of the legislator. This process entails, firstly, the enhancement of legal education concerning knowledge of the European Union's institutional mechanism, decision-making processes, the specifics of the EU legal order, its structure, and its system of sources; secondly, the improvement of Ukrainian legal technique; and thirdly, mastering the principles of EU law and enhancing the professional competencies of individuals involved in the legislative process and judicial activities. The experience of EU candidate countries demonstrates that legislative adaptation contributes to strengthening democratic institutions and increasing the efficiency and transparency of the legislative process, notably through raising the legal culture of civil servants working in authorities engaged in law-making activities.

Adherence to the principle of the rule of law in both legislative and law enforcement activities is an indispensable condition for aligning the Ukrainian legal system with EU law. In this context, ensuring the transparency of the legislative process is another crucial condition for successful legislative adaptation.

Flexibility in the legislative process is an important characteristic of adaptation. This was particularly emphasized by participants in the round table on "Adaptation of Ukrainian Labor Legislation to EU Law Provisions: Status and Prospects", held on April 12, 2024, at the Verkhovna Rada Committee on Social Policy and Protection of Veterans' Rights. The round table participants noted that, considering the martial law in Ukraine, the process of legislative adaptation objectively requires a transitional period and adherence to flexibility to ensure the protection of vulnerable population groups [89]. Therefore, legislative adaptation also necessitates consideration of the economic and social factors of the state's functioning under conditions of martial law and post-war reconstruction of Ukraine.

The adaptation of Ukrainian legislation to the EU *acquis communautaire* significantly influences the transformation of the Ukrainian legislator's legal culture, and also experiences a reciprocal impact. This conclusion is corroborated by the findings of the research conducted. It is through

legislative activity that the legal foundation of the state is laid, and the most important societal relations are regulated. An indicator of the level of legal culture of subjects involved in legislative activity will be their adherence to the principles of democratism, humanism, legality, substantiation, openness, scientific rigor, and connection with practice. In the process of implementation, these principles may encounter various obstacles, which negatively affect the quality of law-making. That is why the implementation of principles must be accompanied by various forms of control, conducting independent internal and external expert examinations of draft laws, proper justification of the timeliness and necessity of adopting a law, implementation of pilot projects and sociological research, increasing the professionalism of participants in legislative activity, and utilizing broad public discussion of socially significant draft laws. These requirements are generally considered in the Law of Ukraine "On Law-Making Activity".

## **Conclusions**

One of the peculiarities of legal development in the context of globalization and regional integration is the convergence of national legal systems, which often exhibit more differences than commonalities, especially if these systems belong to different legal families. EU law is a product of regional legal integration, which emerged as a result of the convergence of elements from the continental and Anglo-Saxon legal families. The phenomenon of convergence among different legal systems implies that their approximation generates competition between sources of law, terminology, legal technique, and procedures that have developed throughout historical evolution and are specific to various member states. Ultimately, convergence leads to the creation of universal norms of law and the development of rules for overcoming contradictions contained in the national legislation of EU member states, as well as the expansion of the spectrum of legal sources that existed in national legal systems prior to the onset of convergence [90].

A legal system always reflects the distinctiveness of a particular state; it is closely intertwined with phenomena and processes occurring in the spheres of national economy, politics, ideology, and culture. Consequently, the national legal system invariably interacts with other systems, including economic, political, social, and others. Therefore, not only does the legal system influence the relationships established in the spheres of politics, economy, science, culture, education, and ideology, but it also experiences a reciprocal influence from these societal domains. This implies, *inter alia*, that the mere volition of the state's political leadership is insufficient for the successful realization of its integration course if this process does not receive support from the majority of society [91]. It is for this reason that

the adaptation of Ukraine's national legislation to EU law, which represents an autonomous legal order formed as a consequence of the convergence of national legal systems of EU member states, is a complex and lengthy process.

Ukraine's legal integration demands a systemic approach to legislative reform, as it affects other elements of the national legal system, including legal culture, legal policy, legal practice, and legal relations. Within the research, the main challenges of the legislative adaptation process were identified, related to understanding the specifics of EU law and its sources; the use of legal technique; the complexity of translating EU legislation; adherence to the principles of law-making, and the role of legal culture in ensuring the effectiveness of this process was analyzed.

European legal standards significantly influence all components of the Ukrainian legislative process. The implementation of recommendations provided by the European Commission and the Venice Commission allows for the elimination of existing shortcomings, particularly excessive detail and duplication of norms in legislative acts, ensures greater transparency in the law-making process, and enhances the effectiveness of legal regulation. Concurrently, the consideration of EU Court of Justice case law in the law-making process in Ukraine remains a serious problem for Ukrainian courts, as well as for legal science and education. This creates certain difficulties in the full-fledged implementation of the EU *acquis*.

In the course of the conducted research, it was established that Ukraine has, overall, created the legal basis for the successful adaptation of its legislation to EU legislation. As relations with the European Union deepen, this legal basis is gradually improving. Ukraine has adopted the Law "On Law-Making Activity" which considers the main needs for improving law-making activity and aligning it with the needs of the state's legal integration. The preparation of the "Overview of the case law of the Court of Justice of the European Union in spheres regulated by the Association Agreement between Ukraine and the EU", as well as the development of methodological recommendations for bringing draft normative-legal acts in certain spheres of legal regulation into conformity with European Union legislation, has had a positive impact on enhancing the efficiency of the legislative adaptation process. For improving the legal culture of civil servants, particularly those working in the sphere of legislative adaptation, the introduction by the National Agency of Ukraine for Civil Service and other state bodies of certified free programs for civil servants on the issues of European integration and adaptation of Ukrainian legislation to EU legislation has become significantly important.

Further research should expediently focus on analyzing successful practices of legislative adaptation in other countries of Eastern and Southern Europe, as well as on developing recommendations for improving the process of adapting Ukrainian legislation to the EU acquis. It is also important to conduct research on adaptation in specific areas of legal regulation, taking into account the specifics of Ukrainian society, as well as the conditions of martial law and the post-war recovery of the state. The research results confirmed the assumption of a significant degree of Ukraine's legal integration, which is evidence of the coordinated work of all branches of government, international support, and the active participation of civil society.

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