

European Integration as a Driving Force for the Development of Ukraine's Legal Culture and the Modernization of its Legal System

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Abstract

*This article aims to analyze the development of Ukraine's legal culture in the context of its strategic course toward European integration and its impact on the modernization of the national legal system, which determines the relevance of this research. The study employed interdisciplinary and terminological approaches, as well as dialectical, hermeneutic, historical-legal, comparative-legal, system-functional, and legal modeling methods. The content of the concepts "legal system" and "legal culture" is revealed, along with their characteristics. The core of the study is an analysis of the role of European integration (within the framework of both the Council of Europe and the European Union) in modernizing Ukraine's legal system and reforming its structural elements, particularly its legal culture. The article emphasizes the importance of adapting Ukraine's legal system to the European Union's legal order. This involves not only aligning Ukrainian legislation with the EU *acquis communautaire* but also adopting the system of legal values, principles, procedures, and practices on which EU law is based. Furthermore, it requires reorienting national legal science and legal education toward European standards. The research analyzes national and EU legal acts, which are primarily related to fulfilling the legal criteria for EU membership. Overall, the results of this study can provide a more thorough analysis of the evolution of Ukraine's legal system under the influence of European integration processes. The findings can also aid in developing a draft Concept for improving the legal culture of Ukrainian society and measures aimed at raising the level of legal culture among civil servants.*

Keywords: legal integration; values; EU law; adaptation of legislation; legal consciousness; legal education.

Європейська інтеграція – рушійна сила розвитку правової культури України, модернізації її правової системи

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Анотація

Метою статті є аналіз розвитку правової культури України в умовах реалізації стратегічного курсу на європейську інтеграцію, її впливу на процес модернізації національної правової системи, що визначає її актуальність. У процесі дослідження застосовувались міждисциплінарний і термінологічний підходи, діалектичний, герменевтичний, історико-правовий, порівняльно-правовий, системно-функціональний методи, а також метод правового моделювання. Розкрито зміст понять «правова система» та «правова культура» й наведено їх характеристику. Стрижнем дослідження став аналіз ролі європейської інтеграції (у рамках як Ради Європи, так і Європейського Союзу) в процесі модернізації правової системи України та реформування її структурних елементів, зокрема правової культури. Обґрунтовано важливість адаптації правової системи України до правопорядку Європейського Союзу, що передбачає не лише наближення законодавства України до *acquis communautaire* ЄС, але й сприйняття системи правових цінностей і принципів, процедур і практик, на яких базується право ЄС, і переорієнтацію вітчизняної правової науки та юридичної освіти на європейські стандарти. Проаналізовано національні нормативно-правові акти та акти Європейського Союзу, що здебільшого пов'язані з виконанням правового критерію набуття членства в ЄС. У цілому результати дослідження можуть бути корисними для більш ґрунтовного аналізу еволюції правової системи України під впливом процесів європейської інтеграції, а також розробки проекту Концепції підвищення правової культури українського суспільства й заходів, спрямованих на підвищення рівня правової культури державних службовців.

Ключові слова: правова інтеграція; цінності; право ЄС; адаптація законодавства; правова свідомість; правове виховання.

Introduction

The profound systemic transformations of Ukraine's legal system, mirroring those of other Eastern and Southern European countries embarking on legal integration into the European Union's legal order, necessitate scholarly attention to the complex issues associated with modernizing national legal

culture. Although legal culture constitutes only one component of a state's legal system, its qualitative state largely determines the developmental trajectory of all other elements. The direction and pace of legal reforms depend on the value system upon which the national legal culture is formed and developed. They also rely on the level of acceptance of this system by civil servants, who exercise authority in rulemaking, law enforcement, and legal interpretation activities, as well as scholars engaged in developing and refining legal doctrine.

Ukraine's legal integration commenced with the signing of the Partnership and Cooperation Agreement between Ukraine and the European Communities (now the European Union) and its Member States [1] (signed in 1994, entered into force in 1998). Since then, the issues surrounding the modernization of the legal system (O.V. Krasnokutskyi [2], V. Muraviov [3], R. Petrov [4], L. Tymchenko [5]) and its structural elements, notably legal culture (M. Čehulić [6], Gude A. Díaz, Papic I. Navarro [7], V. Lomaka [9]), have been actively explored by foreign and domestic scholars. This exploration draws upon the experience of the Europeanisation of legal systems in countries that previously joined the legal integration process (see, e.g., K. Kos [10], A. Kovacs, M. Varjú [11], C. Nowak [12]).

The issue of adapting Ukrainian legislation to EU legislation has been actively researched at both the general theoretical level (see, e.g., T. Komarova [13], I. Korzh [14], Y. Kryvytskyi, L. Kuznietsova et al. [15], R. Petrov [16], I.V. Yakoviyk [17]) and the sectoral level (see, e.g., M. Glukh, T. Matselyk et al. [18], V. Horoshko, Y. Nazymko et al. [19], O. Ostapenko, M. Blikhar et al. [20], S. Rybchenko, O. Kosytsia et al. [21]). A distinct group comprises publications dedicated to comparative legal studies of the legal integration of Ukraine and Eastern European countries (P. Chiocchetti [22], O. Horbachenko, V. Tomina et al. [23], D. Pryimachenko, T. Minka, V. Marchenko [24]).

Despite a significant body of literature examining various aspects of the domestic legal culture and legal system, a gap remains due to the absence in Ukraine of a tradition of studying these phenomena as interconnected and interdependent, undergoing substantial changes during the process of legal integration. This negatively impacts the rulemaking process, as evidenced by the considerable delay in initiating the development of the National Program for the Adaptation of Legislation to EU Law (May 2025) [25].

Materials and Methods

In the comprehensive study of terminology, the systemic approach is crucial. It enables individual legal terms to be viewed as components of a

unified, interconnected system of legal concepts and terms. Rather than studying terms in isolation, this approach facilitated a focus on analyzing their connections and interdependencies, not only within the national terminological system but also in the context of integrating Ukraine's legal system into the European Union's legal order. Applying the terminological approach contributed to a better understanding of the content of the terms and concepts denoting the phenomena studied in this article, examining their origins, and identifying terminological differences existing in domestic and foreign (primarily Western European) legal traditions. Using the hermeneutic method facilitated the elucidation and comparison of the content of terms such as legal culture, legal values, legal system, legal order, and legal integration within the legal traditions of Ukraine, European countries, and the European Union.

Historical-legal and comparative-legal research methods are significant in this work. They were primarily used to compare the approaches to defining the content of concepts related to legal culture and the legal system established in various European countries.

In this article, we have comprehensively analyzed the content of scholarly works on the issues of legal culture available in two authoritative scientometric databases: Scopus and Web of Science. This enabled a thorough investigation of the approaches, differences, and similarities in the understanding, interpreting, and conceptualizing of the studied legal phenomenon.

The regulatory framework for the study comprised the provisions of the Constitution of Ukraine [26], the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part [27], the Law of Ukraine "On the National Program for the Adaptation of Ukrainian Legislation to the Legislation of the European Union" [28], the Founding Treaties of the European Union, and many subordinate legal acts of Ukraine.

Results and Discussion

The Concept and Main Features of Legal Culture

Legal culture is a component of the broader national culture and, simultaneously, the legal system, presupposing the formation of shared legal values, principles, traditions, procedures, and practices within society. It should be emphasized that the systems of legal values and principles formed within the framework of legal culture determine the nature of legal progress (or, in some cases, regression) achieved by society at each stage of its state and legal development [29]. Concurrently, it must be recognized that the development of national legal culture is influenced by both internal

factors (political, economic, and social reforms, as well as the qualitative state of other social regulators and value systems of the national culture) and external factors (reception, convergence, and legal integration). These factors influence the formation and development of the state's legal system and constitutional order¹. The combination of different types of national culture determines the attitude towards law, human rights, and freedoms that forms within society and the state [21].

"Law", as is known, represents a system of universally binding, formally defined rules of conduct. In contrast, the concept of "culture" encompasses ideas about shared values and principles and appropriate behavior models. The interconnectedness and interdependence of these concepts complicate the interpretation of the category under study.

Although the interaction between culture and law was actively studied, for example [30], in the works of German jurists and cultural sociologists such as F.C. von Savigny, J. Kohler, M. Weber, G. Radbruch, and H. Heller in the 19th century [31], the starting point for research on legal culture is generally considered to be L.M. Friedman's work "Legal Culture and Social Development" (1969). Legal culture is proposed as a complex and multifaceted legal phenomenon structurally integrated into the national legal system. As a complex phenomenon, any legal system presupposes the presence of three components: structure, substance, and legal culture. According to Friedman, the structure unites legal institutions, their organization, and operation; the substance embodies the legal content, i.e., laws and legal procedures; while legal culture, embodied in the system of legal values and the attitude of subjects towards legal phenomena, connects all its components into a system and determines its position in society. Given this, studying legal culture helps identify the causes and conditions that influence changes that make the legal system more stable and effective, or, conversely, contribute to its degradation [32, p. 34]. In another article, "The Legal System: A Social Science Perspective" (1975), the philosopher defined legal culture as "attitudes toward law" and suggested considering it in connection with political culture [33], later characterizing legal culture as "a set of ideas, values, and attitudes" (1994) [34]. In the article "The Level Playing Field: Human Rights and Modern Legal Culture" (2014), Friedman noted that the legal culture of modern democratic states is based on commitment to the rule of law, fundamental human rights and the institutions supporting them, and freedom of choice, which is somewhat limited by social norms, and demonstrates a tendency towards convergence under the influence of globalization processes. However, according to

¹ Some scholars point to similarities between various concepts of legal culture and those of constitutional culture. For a more detailed discussion, see [30].

Friedman, global risks and adverse reactions based on tradition sometimes make the future of modern legal culture unpredictable [35; 36].

Legal culture and legal consciousness attracted significant attention from jurists during the Soviet period of domestic history. Despite their considerable contribution to developing these legal categories, the scholarly research of Soviet jurists was ideologized and served the needs of the Soviet political system. Therefore, although certain general theoretical propositions formulated by Soviet legal theorists did not lose their significance after the collapse of the USSR, they generally bore the imprint of communist ideology. Consequently, they could not be utilized in building Ukraine as a democratic, rule-of-law state that had proclaimed a course towards European integration.

In the 21st century, the formation of a new conceptual apparatus at the monographic level, adequately reflecting the developmental direction of the Ukrainian legal system and its components, has been contributed to by scholars such as I.V. Osyka [37], Yu.P. Bytiak, I.V. Yakoviyk et al. [38], L.M. Herasina, O.G. Danylian, O.P. Dzoban et al. [39], L.O. Makarenko [40], and O.O. Bezruk, L.M. Herasina, I.V. Holovko et al. [41]. In these and other works, the core idea is conceptualizing legal culture as a key factor in developing the national legal system. The qualitative state of legal culture determines the level of acceptance in society of the ideas of democracy, the rule of law and legality, respect for human and civil rights, and the selection of the vector for legal integration.

The content of legal culture is more fully revealed by elucidating the specific features of this phenomenon. An analysis of previous research provides grounds for identifying the following main characteristics of legal culture:

- it is one of the key elements of the legal system, influencing all its elements; consequently, the national legal system is viewed as the formalized embodiment of legal culture;
- knowledge of and respect for the law, awareness of its value, understanding of its principles and functioning mechanisms, and the ability to determine the purpose and objectives of legal regulation and the scope of legal acts;
- the formation of an individual's attitude towards lawful behavior and the habit of acting in accordance with the requirements of legal norms in everyday life;
- the creation and continuous improvement of the legislative framework and the mechanism for its enforcement;
- the legislative consolidation and guarantee of fundamental human and civil rights;

- a high level of legal consciousness among civil servants and society as a whole, which is a prerequisite for an individual's awareness of their rights and freedoms, and the ability and readiness to use legal mechanisms for their protection; the realization of this feature involves improving the system of legal education in the state;
- it engages in dialogue with other national legal cultures, leading to their mutual influence and interpenetration, thereby making legal integration possible [42].

The state of legal culture in society is heterogeneous; therefore, it is appropriate to differentiate it into types depending on its bearers. The broadest in terms of subject coverage is the legal culture of society, which is typically associated with the system of legal values, customs, and established views common to the population of a specific state. The existence of this type of legal culture is linked to a high level of legal awareness among the general population; the legal perfection and effectiveness of domestic systems of law and legislation; the efficiency of the judicial system; and adherence to legal norms by the vast majority of society, which also demonstrates trust in state authorities and local self-government bodies. This type of legal culture significantly influences the creation, interpretation, and application of legal norms at the national level [43].

I.V. Yakoviyk draws attention to the fact that within the framework of the legal culture of society, there may exist, firstly, legal subcultures, which, although differing in specific values, elements, positions, etc., are generally consistent with the legal culture of that society in their main features. Secondly, there exists a legal counterculture, within which a set of values, views, theories, attitudes, and activities of certain social groups is formed that openly opposes the prevailing legal culture in society and is, therefore, in a state of antagonistic contradiction or even open confrontation with it [42]. Until recently, the legal counterculture of the criminal community and extremist groups was considered the most dangerous. However, in the context of Russian aggression against Ukraine, the legal counterculture associated with the phenomenon of Collaborationism has emerged as the most significant danger to the state and its legal system [44].

The legal culture of specific social groups is formed within certain communities, professional or social groups. This type of legal culture does not conflict with the legal culture of society, although it possesses minor distinctive features compared to the general legal culture of society. The legal culture of lawyers is of particular importance (which, in turn, can be differentiated into the legal culture of judges, prosecutors, advocates, etc.). It is generally characterized by a theoretical level of legal consciousness

and the skills and abilities its bearers use in law-making, law enforcement, and interpretative legal activities. This type of legal culture is essential for developing the legal system as a whole and its integration into the legal orders of integration associations, particularly the European Union [30].

The legal culture of the individual is associated with the system of legal values, knowledge, beliefs, attitudes, and behavior of a specific person. The qualitative state of this type of legal culture depends on each person's awareness of their rights and freedoms, as well as their legal obligations. The formation of this type of legal culture is significantly influenced by legal upbringing, legal training, legal communication, legal information, and personal life experience.

Thus, it must be acknowledged that legal culture is of exceptional importance for developing the national legal system [45]. It ensures the consistency of national law with the prevailing values and moral norms in society, which guarantees legal order and legality.

The Essence and Key Elements of the Legal System

The problem of defining the content and structure of the legal system is addressed in the works of representatives of various legal schools. For instance, P.M. Rabinovych characterized the legal system as one that unites all legal phenomena of a single state or an association of states (a legal family or an integration association) [46, p. 118].

I.V. Yakoviyk emphasizes that the legal system is a fundamental category of the general Theory of law, encompassing a complex of all interconnected yet relatively autonomous legal phenomena and processes that form society's legal sphere and present it as an organic whole. A distinctive feature of the legal system is that it is not a rigid, static sphere of societal life; it is characterized by continuous development (which can lead to either progress or regression of society). Changes in the legal system and culture are necessitated by the need to respond to internal and external challenges facing society at a particular stage of state and legal development [38, pp. 45-46; 47]. I.V. Yakoviyk stresses that the development of the national legal system is primarily determined by the qualitative state and developmental direction of the legal culture of society [48].

In turn, N.M. Onishchenko, thoroughly investigating the legal system, proposes understanding it as "the unity of its components (parts), which are interconnected in a certain way (by substantive and formal criteria), and which, depending on their nature and the character of the links between them (objective, natural or subjective, arbitrary), form a relatively stable organization" [49, p. 641]. The author emphasizes that although the elements of the legal system are united by a common goal, tasks, and the

performance of certain standard functions, there are no grounds to speak of the homogeneity and identity of these components [50, pp. 16-18].

Similar approaches to defining the legal system and elucidating its relationship with legal culture can be found in the works of other domestic authors (see, e.g., O.V. Zaichuk [51], O.F. Skakun [52], as well as the collective monograph prepared by scholars of the National Academy of Legal Sciences of Ukraine [53]). The works of L.A. Luts [54-56], I.V. Yakoviyk [57-58], and Yu.L. Boshovytskyi et al. [59] were significant for revealing the relationship between the domestic legal system and the legal orders of the European Union and the Council of Europe, and for defining the role of legal culture in the process of European legal integration.

For the most part, any legal system can function effectively provided there is lawful behavior by members of society, resolution of conflict situations through legal mechanisms and procedures, prevention of offences, and development of legal education, upbringing, and science. This, however, does not exclude the possibility and necessity of compulsory enforcement of legal norms when specific subjects evade their implementation or directly engage in unlawful behavior or activities.

Certain structural levels within it indicate the complexity of any legal system. The normative level is represented by legal norms united into a system of law, which objectifies ideal concepts of justice and reflects the needs of legal regulation and the mentality of a specific society. At this level, legal norms are accumulated and organized into structured blocks depending on the legal traditions of the particular society (for example, for Ukraine, which belongs to the Romano-Germanic legal family, these would be institutes, sub-branches, and branches of law). This level also includes the system of legislation, which represents an ordered aggregate of all current legal acts of the state, the norms of which regulate social relations.

The institutional level signifies a unified system of state and legal institutions (primarily the highest bodies of state power, courts, law enforcement agencies, and other entities) involved in the law's development, adoption, interpretation, application, and enforcement. The system of such bodies possesses national specifics related to the peculiarities.

The ideological level is a system of legal concepts, views, principles, and values that form the basis for constructing the legal system and determine its specifics, including its affiliation with a particular legal family, as well as the possibility of legal integration within the framework of an interstate unification process. At this level, society's attitude towards the law and other elements of the legal system is formed, and the necessity of their reform or even modernization is recognized.

At the functional level, the mechanisms for creating, interpreting, and applying legal norms are revealed, and cases of their violation and the application of corresponding sanctions are studied. It is at the functional level that the effectiveness of the national legal system is determined, along with its capacity for development and improvement, as well as ensuring legality and legal order in society, protecting the rights and freedoms of citizens, and promoting social progress [60].

The elements of the legal system play a vital role in creating a coherent system of legal regulation of social relations, as through their interaction, they transform the legal system into a flexible and effective instrument of society. This typically allows for the timely reform of the legal system in a changing environment.

The specificity of the legal system can be elucidated through several of its main features. Systemicity (structuredness) is primarily conferred upon the legal system by the system of law, whose norms are differentiated by the subject and method of legal regulation into branches and institutes of law. The structure of the system of law, in turn, serves as a reference point for the structure of the system of legislation, although it does not fully coincide with it. Legal science and legal education are also significantly oriented towards the structure of the system of law. The integrity of the legal system is determined by the orientation of all its structural elements towards achieving a common goal – ensuring a stable legal order and a regime of legality in society. Its dynamic nature means that the legal system is in continuous development and self-improvement, as well as interaction with other national legal systems and international law, and concerning European states, with the law of the European Union as an integration association that Ukraine aspires to join.

Legal Culture as an Integral Component of the Legal System of Ukraine

Considering the legal system's ideological aspect, legal culture is one of the determining factors in its development. The significance of legal culture for the proper functioning and development of the legal system is due to its ability to influence the effectiveness of legal norms and the functioning of legal institutions. Thus, if a mature legal culture based on a system of values and principles has formed in society, individuals are more inclined to consciously and voluntarily adhere to established norms, and state institutions possess greater legitimacy and trust in the eyes of society. Conversely, when legal culture is characterized by immaturity, society will exhibit a greater degree of poor awareness of the law, disrespect and distrust towards it, and towards legal procedures and mechanisms. This, in

turn, destroys the legal system and its elements; consequently, the state's ability to maintain legal order and a regime of legality in society significantly decreases.

An indicator of the maturity of a society's legal culture is the attitude towards the principle of the rule of law, enshrined in Art. 8 of the Constitution of Ukraine [26]. The domestic legislator defines the content of this principle as follows: the Constitution has the highest legal force, and therefore other legal acts are adopted on its basis and must comply with it; the norms of the Constitution, as the Basic Law, are norms of direct effect, guaranteeing the right of individuals to apply directly to the court for the protection of their constitutional rights and freedoms. Given Ukraine's integration into the European Union, whose legal order is also based on the principle of the rule of law [61], Art. 9 of the Constitution acquires significant importance for the domestic legal culture and the development of Ukraine's legal system. It emphasizes that international treaties in force, the binding nature of which has been consented to by the Parliament, are an integral part of Ukrainian legislation.

In the preamble to the Treaty on European Union, the European Union emphasized that it draws inspiration from the cultural, religious, and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality, and the rule of law [62].

The legal culture of Ukraine, which for most of the 20th century was part of the Soviet Union, differs significantly from the common European legal heritage; consequently, its political and legal integration into the EU is complicated by this fact. Recognising this problem, the Ukrainian authorities initiated the process of decommunization (liberating public life from the consequences of communist ideology, deconstructing the Soviet mythology of the Second World War, and gradually forming a Ukrainian dimension of the war in its place [63]). This process proceeded slowly after the collapse of the USSR and primarily covered the sphere of education and upbringing. The decommunization process spontaneously intensified during the Euromaidan [64; 65]. It gradually acquired a legal basis. On June 12, 2009, by Presidential Decree No. 432/2009, the general dismantling of monuments and memorials dedicated to persons involved in the organization and implementation of the Holodomors and political repressions in the country during Soviet times was initiated in Ukraine. The Revolution of Dignity gave new impetus to the decommunization process, symbolized by the "Leninopad" (Lenin-fall), organized by civil society groups (similar processes occurred in Eastern European countries at the time) [32]. In January 2015, public initiatives received approval from the Ministry of

Culture, after which the organized dismantling of monuments associated with communist figures began. On April 9, 2015, the Verkhovna Rada adopted a package of four laws [66-69], which spurred the renaming of administrative units.

These processes encountered some resistance, primarily among those citizens whose political and legal consciousness was formed under the influence of Soviet ideology and the course towards the heroization of events and figures of the Soviet era. For instance, the constitutionality of the Law of Ukraine "On the Condemnation of the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and the Prohibition of the Propaganda of Their Symbols" was challenged in the Constitutional Court of Ukraine by a group of people's deputies. However, the Constitutional Court of Ukraine, demonstrating the maturity of the legal culture of its members, recognized this law as constitutional on July 16, 2019 [70].

A logical continuation of the decommunization process was the course towards "de-Russification", which gained particular relevance and public support after the start of the Russian aggression in February 2022. On March 21, 2023, the Parliament adopted the Law of Ukraine "On the Condemnation and Prohibition of the Propaganda of Russian Imperial Policy in Ukraine and the Decolonization of Toponymy" [71], establishing a legal framework for the decolonization processes. By this law, the Verkhovna Rada recognized Russian policy as criminal and condemned it, banned its propaganda and symbols, and defined the mechanisms for implementation.

Despite these measures, it must be acknowledged that the Ukrainian authorities resorted to them belatedly. The objectivity of this conclusion is confirmed primarily by the phenomenon of collaborationism, which emerged in 2014 but became widespread after the Russian aggression in 2022. The prevalence of this phenomenon, particularly in the spheres of education, training, and culture, indicated a deformation of the legal consciousness of many Ukrainian citizens, who were viewed by the aggressor country as objects of its ideological influence [72-75]. This situation prompted the Verkhovna Rada to improve criminal liability for crimes against the foundations of national security related to such behavior [76].

It is evident that exclusively criminal law measures cannot rectify the situation regarding the deformation of legal consciousness and the formation of a counterculture in Ukrainian society. Therefore, in the current conditions and for the post-war period, it is planned to intensify educational activities aimed at instilling the European system of values in the citizens of Ukraine [77-79].

Membership in the Council of Europe as a Factor in the Democratization of the Legal Culture and Legal System of Ukraine

The history of Ukraine's legal integration into the legal order of a united Europe parallels the history of its independence: the Verkhovna Rada of the Ukrainian SSR, in its Resolution of December 25, 1990 [80], instructed the Council of Ministers to direct efforts towards ensuring the direct participation of our state in the pan-European process and European structures.

Cooperation with the Council of Europe has acquired significant importance for developing the domestic legal culture and the modernization of the legal system. This cooperation began in 1992², when Ukraine started collaborating with the advisory body on constitutional law of this international organization, the European Commission for Democracy through Law (Venice Commission). The Commission's activities are vital for post-socialist countries striving to bring their legislative and law enforcement activities into compliance with European standards in the fields of democracy, human rights, and the rule of law. The Venice Commission, whose interpretative legal activities focus on three areas (democratic institutions and fundamental rights; constitutional justice; elections, referendums, and political parties), exerts both direct and indirect influence on the development of the domestic legal system and its legal culture (it is known that the Commission's opinions have been taken into account by the European Court of Human Rights in cases against Ukraine). As noted on the official website of the Council of Europe Office in Ukraine, the opinions and other documents of the Venice Commission have repeatedly been referenced not only in the scholarly works of Ukrainian legal experts but have also served as a theoretical basis for resolving pressing issues in the legislative activities of the Parliament. They are also used as persuasive arguments to form the legal positions of the Constitutional Court and other Ukrainian judicial bodies. Overall, the Venice Commission's assessments of constitutional and legislative acts are perceived as an essential indicator of whether Ukraine's legal system is developing and functioning under European standards and the system of values [81].

Ukraine's accession to the Council of Europe took place in November 1995 following the Law "On the Accession of Ukraine to the Statute of the Council of Europe" [82]. It was linked to commitments to implement seventy measures aimed at completing the reform of the judicial and penitentiary systems; overcoming corruption and the legalization (laundering) of

² Ukraine became a full member of the Venice Commission in December 1996, following the entry into force of the Law "On Ukraine's Accession to the Partial Agreement on the European Commission for Democracy through Law".

proceeds derived from crime; creating conditions for the execution of judgments of the European Court of Human Rights; and taking measures to ensure Ukraine's participation in Council of Europe treaties, etc. The first significant results in implementing Ukraine's commitments to the Council of Europe were the adoption of the Constitution and fundamental constitutional Laws of Ukraine ("On the Cabinet of Ministers of Ukraine", "On the State Register of Voters", "On the Enforcement of Judgments and Application of the Case-Law of the European Court of Human Rights", etc.), new editions of the Civil, Criminal, Civil Procedure, and Criminal Procedure Codes of Ukraine and the Law of Ukraine "On the Bar and Practice of Law", as well as the revision of the role and functions of the Prosecutor General's Office [83]. It should be noted that the monitoring and control over the process of fulfilling commitments to the Council of Europe were immediately undertaken by the State Interdepartmental Commission on the Implementation of Council of Europe Norms and Standards into Ukrainian Legislation, established by Presidential Order No. 48/96-rp [84].

Ukraine's accession to the Convention for the Protection of Human Rights and Fundamental Freedoms was of great importance for adopting the system of pan-European legal values by the legal culture. The ratification of the Convention on 17 July 1997 signified Ukraine's undertaking of obligations to bring its national legislation into compliance with the international standards enshrined in the Convention (the legal acquis of the Council of Europe (conventions, agreements, protocols, and other legal acts) concerning the protection of human rights and freedoms comprises 173 documents). Initially, the Verkhovna Rada worked slowly on amending its legislation regarding human rights and freedoms following its commitments. This led to a debate on the issue in the Parliamentary Assembly on January 27, 1999. As a result, the Assembly stated that during the transition period from totalitarian to democratic statehood, Ukraine had not achieved a clear separation between the judicial, legislative, and executive powers; progress in adopting legislation on the reform of the judicial system and the prosecutor's office was insignificant; and adherence to the principle of the rule of law enshrined in the Constitution was questionable due to the non-enforcement of court decisions and the rise of corruption and crime. These and other shortcomings provided grounds for the Parliamentary Assembly in Resolution 1179 to state that if Ukraine did not achieve substantial progress in fulfilling its obligations by the beginning of the June 1999 session, the Assembly would be compelled to annul the credentials of the Ukrainian parliamentary delegation until their full implementation, and to recommend that the Committee of Ministers initiate the suspension of Ukraine's right of representation under Article 8 of the Statute of the Council of Europe [85].

A change in Ukraine's attitude towards fulfilling its obligations to the Council of Europe occurred after the adoption by the Verkhovna Rada on February 23, 2006 of the Law "On the Enforcement of Judgments and Application of the Case-Law of the European Court of Human Rights". The preamble of the Law emphasized that its adoption was necessitated by the need to execute the judgments of the European Court of Human Rights (ECtHR) in cases against Ukraine; eliminate the causes of Ukraine's violation of the Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols; implement European human rights standards in Ukrainian judicial proceedings and administrative practice; and create preconditions for reducing the number of applications to the ECtHR against Ukraine [86]. The official website of the Permanent Representation of Ukraine to the Council of Europe states that as of December 31, 2020, Ukraine ranked third among the member states of the organization in the number of cases (10,400 cases against Ukraine, constituting 16.8% of the total number of cases) pending before the European Court of Human Rights [87]. According to M. Gnatovskyy, the judge of the European Court of Human Rights from Ukraine, this situation is primarily due to several unresolved structural problems in the functioning of Ukraine's legal system (concerning conditions of detention in pre-trial detention centers and correctional colonies; the length of criminal proceedings and civil cases; insufficient grounds for taking a person into custody when choosing a preventive measure, etc.), which, unfortunately, have remained unresolved for more than 20 years. Cases against Ukraine are, in fact, typical; mechanisms for resolving the respective situations have long existed at the ECtHR level but remain substantively unresolved in Ukraine. According to the judge, the number of cases considered by the ECtHR against Ukraine can be reduced by utilizing the institute of constitutional complaint, and thus the capacity of the Constitutional Court to consider issues of human rights observance in Ukraine [88].

Under Art. 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms [89], a High Contracting Party may take measures derogating from its obligations under the Convention in time of war. In 2022, Ukraine exercised this right and informed the Secretary General of the Council of Europe about the possibility of introducing extraordinary measures during the period of the martial law regime under its own legislation (Art. 8 of the Law "On the Legal Regime of Martial Law" [90]). Specifically, this included the possibility of restricting the constitutional rights and freedoms of man and citizen provided for in Articles 30-34, 38, 39, 41-44, and 53 of the Constitution, and introducing temporary restrictions on the rights and legitimate interests of persons provided for in Articles 4(3), 8, 9, 10, 11, 13, 14, 16 of the Convention, Articles 1-3 of the Additional Protocol to the

Convention, and Art. 2 of Protocol No. 4 to the Convention. In 2024, Ukraine revised its notification and removed reservations regarding the restriction of a specific set of rights (in particular, references to specific clauses of Art. 8 of the Law "On the Legal Regime of Martial Law" were removed, as they do not concern Ukraine's derogation from its obligations under the Convention, and the list of articles subject to potential derogation was reduced). It should be emphasized that derogation from obligations should not be interpreted as an admission that the state cannot guarantee the rights enshrined in the Convention (clarification to Art. 15 of the Convention). In declaring a derogation from its obligations, Ukraine, like other states in similar situations, warned that the measures it might take "may" involve a derogation from its obligations under the Convention [91].

Adaptation of Ukrainian Legislation to the EU Acquis Communautaire as a Condition for Ukraine's Successful Legal Integration into the European Union

Parallel to Ukraine's accession to the Council of Europe, its foreign policy course towards European integration also proceeded in the direction of cooperation with the European Union, spurred by the Partnership and Cooperation Agreement between Ukraine and the European Communities [59]. The preamble of the Agreement emphasized the importance of ensuring the rule of law, and Art. 59 provided for multifaceted cooperation in education. This created conditions for the interpenetration of the legal cultures of the European Union and Ukraine, positively impacting the development and modernization of the domestic legal culture. The current state of Ukraine's legal integration is determined by the Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part (2014) [27]. It should be noted that the Agreement specifies more than 400 EU legislative acts in over 30 diverse areas to which Ukrainian legislation must be approximated. Such legislation must be fully and accurately aligned with the corresponding EU legislation, taking into account changes occurring therein, and incorporating them into the approximated legislation. The state must also ensure the most effective application of such legislation, reforming the relevant state authorities if necessary. The leading role in the legislative approximation activities belongs to the Verkhovna Rada of Ukraine.

It should also be noted that Ukrainian courts may apply the provisions of the Association Agreement directly when a specific provision of the Agreement contains a clearly formulated, precise obligation, the implementation of which does not depend on the adoption of special measures by domestic state authorities, i.e., it has "direct effect".

The primary direction of Ukraine's legal integration with the European Union has become the process of adapting domestic legislation to the EU *acquis communautaire*, which has, to a certain extent, affected virtually all elements of the national legal system.

The problem of the Europeanisation of legal science and education is fundamental, though underestimated. It is precisely at the level of these elements of the legal system that the formation of the legal consciousness of civil servants, including future lawyers, occurs, as well as the doctrinal substantiation of the directions of Ukraine's state and legal development. In this regard, higher education institutions and research institutes in the legal field must divest themselves of outdated doctrines, theories, and concepts, especially those borrowed from Soviet and contemporary Russian legal traditions. Instead, the curricula of educational-professional and educational-scientific programs in the legal field should include educational components that facilitate students' mastery of European legal values and knowledge of EU law, considering its complex structure and specific system of sources of law.

It should be noted that a particular shortcoming in the current state of legal science is the significant disproportion in the training of Doctors of Juridical Sciences and Doctors of Philosophy in international law, as well as the representation of international law specialists among the membership of the National Academy of Legal Sciences of Ukraine³. This problem reflects the Soviet disdainful attitude towards the science of international law, which has not yet been overcome in Ukraine today.

A positive practice introduced in the early 2000s is the involvement of scholars by the Ministry of Justice and other central government bodies in conducting comprehensive comparative legal studies on the compliance of Ukrainian legislation with the EU *Acquis communautaire*. Today, the Ministry of Justice website provides access to materials from approximately 40 comparative legal studies on various aspects of the compliance of Ukrainian legislation with the *acquis communautaire* [92].

The renewed legal science and education are intended to streamline domestic legal terminology and its gradual alignment with pan-European legal terminology. Without this, the integration of domestic law into EU law, its uniform understanding and interpretation, and the correct application of legal norms appear problematic [93].

The problem of translating the vast body of EU law into Ukrainian remains extremely acute. Although the Ministry of Justice approved the Procedure

³ As of 2025, within the Department of State and Legal Sciences and International Law of the National Academy of Legal Sciences of Ukraine, the field of international law is represented by only one corresponding member, namely M.V. Buromenskyi.

for translating EU *acquis communautaire* acts into Ukrainian in 2005 [94], Ukraine is still far from accomplishing this task.

Enhancing the qualifications of civil servants, primarily those involved in legislative drafting, on issues of EU law and its application practice, is another priority driven by the adaptation process. Legislative, executive, and judicial authorities and law enforcement agencies must possess a sufficiently high degree of awareness and understanding of the European legal order's fundamental principles, procedures, and institutions [95].

The issue of renewing the legal culture, as one of the most critical conditions for the modernization of Ukraine's legal system, has gained particular relevance and practical significance in light of accelerating the state's course towards integration into the European Union. Ukraine's acquisition of candidate country status has provided additional incentives for the implementation of EU legal standards in the domestic legal system and the completion of reforms aimed at the consistent adoption and implementation of the principle of the rule of law, the independence and efficiency of judicial institutions, and the guarantee of the entire complex of human rights and freedoms at all levels of the legal system [96]. The success of this process depends directly on the level of acceptance, primarily among civil servants, scholars, and educators, of the value system of a united Europe, as well as the principles, legal procedures, and practices of EU law. This will ensure that legislative, law enforcement, and legal interpretation activities in Ukraine are brought into compliance with pan-European legal standards.

The Russian aggression against Ukraine became a test of the viability of its legal system, demonstrating the potential for Adaptation to challenges in extraordinary situations. Today, the interaction of two factors – European integration and martial law – shapes an environment in which the legal culture of society, its specific social groups, and individuals acts as a crucial factor in developing the national legal system.

The research provides grounds to state that there is a consensus among foreign and domestic researchers regarding the recognition of European integration as a driving force for reforming EU candidate countries' national legal cultures and systems. Legal integration objectively contributes to establishing the value of the rule of law in national legal cultures. The analyzed studies confirm the necessity of raising the qualitative level of legal culture, primarily among civil servants and Ukrainian society as a whole, forming a civic position, and combating manifestations of collaborationism.

Conclusions

Legal culture is a driving force behind the development and modernization of the legal system of Ukraine, of which it is a component. The evolution

of legal culture is linked to the state and legal development of Ukraine, the establishment of national identity, and the formation of the national idea. Thus, the developmental direction of the national legal system, its perfection, and effectiveness significantly depend on the qualitative state of the legal culture.

Since Ukraine chose the strategic course of joining the Council of Europe and the European Union, legal integration has acted as a catalyst for developing legal culture and reforming the legal system. Through the adaptation of Ukrainian legislation to the legal standards of the Council of Europe and the EU, significant results have been achieved in the democratization of legislative, law enforcement, and interpretative legal activities, and the affirmation of the principles of the rule of law. The Europeanisation of legal science and education is acquiring significant importance in modernizing the legal system. This involves abandoning outdated doctrines, theories, concepts, legal procedures, and practices borrowed from the legal traditions of the former Soviet Union and modern Russia, and adopting conceptual approaches based on the European system of legal values and principles. In this context, introducing a regulatory ban on using information sources of Russian origin in scientific activities should be positively assessed.

A promising direction for further scientific research is the assessment of the impact of the consequences of the Russian aggression against Ukraine on the development of Ukraine's legal system and its legal culture, and the conduct of comparative legal studies on the influence of European integration on the reform of the national legal systems of Eastern and Southern European countries.

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Suggested Citation: Lomaka, V.S. (2025). European Integration as a Driving Force for the Development of Ukraine's Legal Culture and the Modernization of its Legal System. *Theory and Practice of Jurisprudence*, 2(28), 143-167. <https://doi.org/10.21564/2225-6555.2025.28.346894>.

Submitted: 29.08.2025

Revised: 03.10.2025

Approved: 18.12.2025

Published online: 25.12.2025