

Adamovych Zh.,
lawyer
Vakhovskyi N.A.,
2nd year student of specialty 081 Law
Zhytomyr Polytechnic State University

EUROPEAN INTEGRATION AND ITS IMPACT ON THE DEVELOPMENT OF CONSTITUTIONALISM IN UKRAINE

European integration of Ukraine is a key direction of state policy that determines the development of the political, economic and legal system. It involves not only economic and political cooperation, but also the formation of legal and institutional mechanisms aimed at aligning national legislation with European standards, thereby creating a foundation for the development of democracy and the strengthening of the rule of law.

A special role in this process belongs to constitutionalism, which defines the framework of state activity in accordance with the rule of law and the protection of human rights [1, p. 87], and shapes the mechanisms for implementing European standards into legislation and judicial practice. In a narrow sense, integration concerns Ukraine's accession to the European Union, while in a broader sense it refers to the gradual approximation of state institutions and legislation to the norms and practices of European structures [2, p. 63].

Issues of European integration and its impact on the development of constitutionalism in Ukraine have been studied by Boryslavska O. M., Kozachenko A. I., Ratushnyi S. M. and others.

In this context, European integration encompasses political, legal and economic dimensions, which implies the harmonisation of Ukrainian legislation with European norms, strengthening democracy and the human rights protection system, as well as stimulating internal reforms and the modernisation of public administration.

An important role is played by the Copenhagen criteria (1993), which define the requirements for candidate countries: the stability of democratic institutions, the rule of law, respect for human rights and protection of minorities; the existence of a

functioning market economy capable of withstanding competitive pressure within the internal market; and the ability to assume the obligations of EU membership and to ensure an effective administrative and legal system for the implementation of the *acquis communautaire* [2, p. 66; 3].

Compliance with these criteria has become a key benchmark for Ukraine in the field of constitutional and legislative changes. In particular, they have contributed to the development of democratic institutions, the establishment of an independent judiciary, the enhancement of human rights protection and the gradual adaptation of administrative structures to European standards.

An important component of this process was Ukraine's integration into the Council of Europe, which began in 1992 and was completed with accession on 9 November 1995. The main condition for membership was the affirmation of the rule of law and guarantees of human rights. Even prior to membership, Ukraine acceded to a number of international instruments, including the European Cultural Convention and the Framework Convention on Transfrontier Cooperation.

A significant step was also the abolition of the death penalty in accordance with Council of Europe standards: Protocol No. 6 provided for its abolition in peacetime, while Protocol No. 13, adopted in 2002, introduced a complete ban. The Constitutional Court of Ukraine declared the death penalty unconstitutional, referring to Article 28 of the Constitution and Article 3 of the Convention [2, pp. 64–65].

Constitutional law determines the mechanisms for implementing European standards, while the practice of the Constitutional Court contributes to the consolidation of human rights, democracy and the rule of law. This forms the legal basis for Ukraine's further integration.

A crucial milestone was the constitutional amendments of 7 February 2019, which enshrined the strategic course towards accession to the EU and NATO. The Preamble emphasised the European identity of the Ukrainian people, while Articles 85, 102 and 116 clarified the powers of the Verkhovna Rada, the President and the Cabinet of Ministers in this area [4, p. 203].

These constitutional amendments created a foundation for active work on EU integration; however, issues remain open regarding the transfer of certain powers to the EU level, the relationship between national and European law, and Ukraine's representation in EU institutions. These issues may be resolved through further constitutional amendments, official interpretation by the Constitutional Court, or the adoption of special laws.

European integration also involves adapting the national justice system to European standards, including ensuring judicial independence, improving judges' qualifications and introducing effective human rights protection mechanisms. Constitutional law serves as an instrument for implementing these tasks by defining the legal framework for change and overseeing its implementation.

Another important direction is the harmonisation of Ukrainian legislation with EU law, which requires adjustments to civil, administrative, criminal and economic legislation. This ensures compliance with EU standards and increases legal certainty, which is essential for investors and international partners.

A vital component of integration is the protection of human rights and national minorities. Ukraine has implemented the Framework Convention for the Protection of National Minorities, which guarantees equality of rights, prohibits discrimination and creates conditions for the development of cultural, linguistic and religious communities.

Currently, Ukraine continues to implement European integration mechanisms: judicial reforms, anti-corruption measures and the adaptation of legislation to the EU *acquis* are ongoing. Particular attention is paid to fulfilling the Copenhagen criteria, strengthening democratic institutions and improving the effectiveness of public administration [2, p. 66].

A significant step was the decision of the European Council of 23 June 2022 to grant Ukraine EU candidate status [5; 6, p. 398]. This decision confirmed compliance with the political criterion and demonstrated readiness for economic reforms [6, p.

398]. This event was historic and highlighted the need for a consistent transformation of the legal and institutional system.

Obtaining candidate status intensified attention to issues of European constitutionalism and sparked discussions among government authorities, civil society and scholars regarding the balance between institutional adaptation and maintaining their effectiveness. However, academic and political debates alone are insufficient; practical reform outcomes are of crucial importance.

Ukraine committed to submitting a full report to the EU on the fulfilment of integration conditions in autumn 2023. An interim report published in June showed that only two of the seven requirements had been fulfilled. Despite a generally positive assessment by the European Commission, these results indicate risks for the implementation of the integration strategy, as untimely or incomplete reforms may threaten the development of a European-type democratic state enshrined in the Constitution of Ukraine [6, pp. 401–402].

Thus, European integration has become a key factor in the development of Ukrainian constitutionalism, defining strategic guidelines and stimulating legal transformation. Fulfilment of the Copenhagen criteria has strengthened the rule of law, democracy and the system of human rights protection. Enshrining the irreversibility of the European integration course in the Constitution created a legal basis for reforms; however, the pace and quality of changes in the areas of justice, anti-corruption policy and governance remain challenging. Further success depends on the consistency of reforms and the genuine establishment of the principles of democracy and the rule of law.

References

1. Salionovych, O. O., Yaskorskyi, M. O. *Ukrainian constitutionalism in the light of the ideas of European constitutionalism*. Juridical Scientific Electronic Journal, 2021, No. 10, pp. 86–89. Available at: <http://lsej.org.ua/index.php/arkhiv-nomeriv?id=143> (accessed 23 September 2025).
2. Bobko, Marta. *European integration of Ukraine in the light of constitutional law*. Ukrainian Journal of Constitutional Law, 2023, Issue 27, Part 2, pp. 61–68. DOI: <https://doi.org/10.30970/jcl.2.2023.6> (accessed 23 September 2025).
3. *Copenhagen European Council – 21–22 June 1993*. European Parliament. Available at: https://www.europarl.europa.eu/enlargement/ec/cop_en.htm# (accessed 23 September 2025).
4. Kozachenko, A. I. *History of the Development of Constitutionalism in Ukraine*. Poltava: Astraia, 2020. 217 p. Available at: <https://dspace.nlu.edu.ua/handle/123456789/17752> (accessed 23 September 2025).
5. Karakuts, Oleksandr. *Officially! Ukraine has obtained EU candidate status*. National Institute for Strategic Studies, 23 June 2022. Available at: <https://niss.gov.ua/news/novyny-nisd/nadannya-ukrayini-statusu-kandydata-nachlenstvo-v-yes> (accessed 23 September 2025).
6. *Legal Standards for Ensuring the Reconstruction of Post-War Ukraine Amidst Integration into the European Union: Scientific Monograph*. Riga: Baltija Publishing, 2024. 596 p. Available at: <http://www.baltijapublishing.lv/omp/index.php/bp/catalog/book/530> (accessed 23 September 2025).