

# PROBLEMS OF DEVELOPMENT OF THE EUROPEAN INTEGRATION OF UKRAINIAN LEGISLATION (2014-2018)

**Humeniuk Tetjana, University of King Danylo (Ivano-Frankivsk city)  
Ukraine**

**Knysh Vitaly, University of King Danylo (Ivano-Frankivsk city) Ukraine**

## ABSTRACT

**Description:** *The article is devoted to the highlighting fundamental and applied problems of the development of Eurointegration legislation of Ukraine in 2014-2018. The main attention is focused on the contradictions between the legislation of Ukraine and the EU and the ways of their elimination.*

**Methodology:** *The research methodology is based on the results of scientific studies of national (Ukrainian), European and American scientists on the issues of European integration and the European community. To substantiate the completeness and reliability of their own results, the authors used the method of dialectics, normative-dogmatic, systemic-structural, system-functional methods and the method of generalization.*

**Results:** *According to the authors, the main problems of the European integration course of Ukraine, which require urgent resolution, are solved in part or will be solved in the near future, are: the problem of harmonization of legal terminology; the problem of systematization of the national legislation of Ukraine to the requirements of EU law; the problem of legal reform in Ukraine; the problem of system transformation, principles of activity and interaction of bodies in the state apparatus of Ukraine; the problem of reforming justice; the problem of reforming the law enforcement and penitentiary system; the problem of national security and defense of Ukraine.*

**Keywords:** National Legal System, European Integration, EU Law, Adaptation of Legislation, Harmonization of Legislation, Transformation of Legislation, Implementation, Internalization of Legislation.

## INTRODUCTION

An effective search for ways of the European integration legislation improvement is impossible without using the successful experience of European countries. Therefore, we would like to remind that most of the EU member states went through one of two ways before gaining full membership in this community:

1. An evolutionary path, providing the development of the state and legal system on generally recognized European and international values of the so-called "*western pattern*". These include France, Italy, Spain, Germany (since the unification of FRG and GDR), Portugal and others. Thanks to this approach, it was much easier for them not only to integrate the national legal system with the European legal system, but also become plenipotentiary EU leaders,

2. The revolutionary way that was pursued by post-socialist countries that previously belonged to the USSR (Lithuania, Estonia) or were located in the zone of its geopolitical influence (Poland, Czech Republic, Slovakia, Romania, etc.). They have dismantled outdated models of the state apparatus and legal system through radical reforms. At the same time, European democratic model of public administration and law was implemented. Most of these countries protracted EU membership through the implementation of a system of reform measures (from associate to full membership).

The numerous works of American and European scientists are dedicated to problems of European integration in general and the peculiarities of the entry of individual states into the EU. Here attention should be paid to the scientific publications performed by: J.E. Anderson, A. Balcer, J. Cannon, J. Delors, M. Gilbert, E. Haas, D. Jahn, M. Kraft, L. Lindberg, I. Manners, J. Nye, M. Pace, A. Rich, P. Taylor, R. Zubek and others. Among the national (Ukrainian) scholars who studied similar issues in the light of the Euro aspirations of Ukraine's integration are: T. Anakina, A. Biryukov, V. Bozhko, Y. Dyachyshyn, R. Kalyuzhny, T. Kaplenko, R. Melnyk, O. Mikolenko, O. Prilipchuk, M. Puzirevsky, O. Sidorenko, L. Udovik, M. Khustov, I. Yakovuk and a number of other scholars.

However, it should be mentioned that for Ukraine is inherent its own, unique way of integration into the European community. It can be considered a combined (revolutionary-evolutionary). This can be explained by the following facts. From the beginning of independence, until 2014, only declarative proclamation and partial imitation of reforms lasted as if they were aimed at introducing of European values. Initially, since the 1990-s, the so-called "*multidirectional policy*" predicted both cooperation with the countries of the European Union (EU) and possible potential members of the European Economic Area (SES) or the Customs Union. The former post-Soviet countries had to be included under the auspices of Russia. Since 2005 to 2011, there were only declarative slogans regarding the possible integration of Ukraine into the EU. Since 2011 to November 2013 there was an active imitation of reforms that had to ensure Ukraine's associate membership in the EU, and then a complete refusal of the existing authorities to sign the association agreement. Right after this the revolutionary way of further socio-political transformations, marked by the "*Revolution of Dignity*", became relevant to Ukraine.

After the "*Revolution of Dignity*" in 2014, the newest stage of the European integration policy and the formation of the latest legislation in this area began to form in Ukraine. This means a radical reorientation of the entire legal system of Ukraine into universal and legal values that are supported and implemented by the European Union. In this regard, the Concept of the Strategy for the Transformation of Ukraine states that membership in the EU is a strategic goal and a priority of the policy of the Ukrainian state. The intentions of membership are related to the pursuit of the main tasks in the field of national security, in the economic, social, cultural, educational and other spheres. The process of European integration of Ukraine is supported by the main political forces and economic circles. It also found that the European transformation of Ukraine will help to accelerate economic growth, modernize the economy and the legal system, reduce the technological and, in the broad sense, the intellectual and cultural gap between Ukraine and Europe.

Later, Ukraine, as a separate and independent state, from the revolutionary path of European integration passed to the evolutionary path that is currently underway and burdened by the Russian-Ukrainian war, the occupation of the Crimea and the separate territories of the Donetsk and Lugansk regions. In connection with all of the foregoing and taking into account the existing realities, the National Forum "*Transformation of Ukraine*" initiated a draft National

Transformation Strategy of Ukraine. It outlines the key elements of the development and implementation of the policy of achieving the Copenhagen criteria and responds to the threats and challenges facing Ukraine (Concept of the Strategy of the Transformation of Ukraine, 2018)

Therefore, the problem of the transformation of Ukrainian national legal system and its legislation in accordance with the peculiarities of the EU law is marked by urgency and practical significance.

## METHODOLOGY

In order to highlight this problem, a number of philosophically ideological and general scientific research methods were used.

The method of dialectics is used to study the contradictions between the concepts of "*adaptation*", "*globalization*", "*innovation*", "*transformation*", "*implementation*", "*reception*", "*succession*", which are used differently by Ukraine and the European Union. The normative-dogmatic method was used in the study of the content of the latest legislative acts on European integration, and in particular the content of the Concept of the Strategy of the Transformation of Ukraine of June 22 (2018).

To study the system of measures aimed at the implementation of the European integration course of Ukraine, the system-structural method was used. Especially the case of law enforcement measures under the auspices of the EU on the prevention and counteraction of corruption. The exchange of information between EU and Ukrainian law enforcement agencies in the field of combating corruption and improving the contractual framework on combating corruption.

The system-functional method of research provided an opportunity to investigate reforms in the justice system in Ukraine, as well as reform measures in law enforcement and penitentiary systems.

Using the method of generalization, the main conclusions and recommendations of the studied problem are substantiated. The authors elucidated and summarized three main aspects of the legislative regulation of the European integration course of Ukraine: (1) background of origin (genesis); (2) common problems of the legislation of Ukraine and the EU; (3) ways to overcome contradictions in the legislation of Ukraine and the EU (legal and organizational).

## RESULTS AND DISCUSSION

As Y.V. Dyachyshyn notes, in modern Ukraine there is a new, special kind of legal system that does not fit into the framework of traditional legal families. Despite the global trend of unification of legal norms and institutions, the Ukrainian legal system is defined as a distinct legal system that combines idealistic Western legal thinking and a special eastern nihilistic legal system (Dyachyshyn, 2014).

However, despite this model of the combination of western and eastern features of the legal system of Ukraine, she chose the western legal model, as evidenced by her Euro-integration course. This stipulated its further development and directions of transformation. On this path, there are a number of problems that require urgent solutions. In connection with it, there is a need for their systematic presentation and substantiation of solutions.

The primary problem of the transformation of Ukrainian law in accordance with the requirements of EU law is the problem of harmonization of legal terminology. In this case, the notion of "*adaptation*" and "*globalization*" play an important role. Let's examine them.

According to I.Y.V. Yakovyuk, for the successful implementation of the adaptation of Ukrainian legislation to EU one, the legal terminology is important. The development of a stable system of legal concepts and terms is not only a goal of general theoretical research, but also a necessary condition, one of the priority directions of legal reforming. Only such a system is capable of ensuring the approximation of legislation, its uniform interpretation, as well as the correct application of legal norms (Yakovyuk, 2012).

One of the prerequisites for a successful adaptation of Ukrainian legislation is to fill the real meaning of the rule of law principle and provide reliable guarantees for the protection of human rights. In general, the preparatory stage for a country wishing to become a member of the EU includes a much larger set of tasks than the usual adaptation of the relevant legislation. It is about creating a proper model in the state capable of ensuring the effective application of adapted legislation, strengthening democratic, political and civil institutions, guaranteeing the rule of law, protection of human rights and freedoms (Yakovyuk, 2012).

In modern Ukrainian legal science, the concept of "*adaptation of the law*" is considered as the primary one, and the terms "*innovelization*", "*transformation and implementation*", "*reception*", "*succession*" are derived from it.

The correlation between these concepts is thoroughly investigated by O.I. Mykolenko, admitting that the adaptation of the Ukrainian legislation to the EU legislation acquired features of a systemic phenomenon in the law-making activity of state bodies. Today, the development of the legal system of any European state takes place in the following ways: (1) internalization (the creation of new by content regulatory legal material); (2) transformation and implementation (use of the norms of international law); (3) reception (usage of legal material of a foreign state), (4) succession (use of legal material of his own country). In Ukraine, the innovation and succession, as unfortunately, the ways of development of national law have lost priority of the subjects of law-making activity. They are widely used and sometimes arbitrarily abused by transformation, implementation and reception (Mykolenko, 2016).

Although, despite the developed systematic understanding of the mentioned above concepts, most domestic (Tochytsky) or European experts (Amanda Paul) used the term "*implementation*". In their conviction, the implementation of the association agreement remains a key focus when it comes to the reform agenda. Ukraine is aware of its tasks.

*"At the moment it is important to maximally ensure the full and effective implementation of the association agreement. Now we have switched to the routine phase of our cooperation".*

Tochytsky noted and added:

*"If every point, full stops, coma will be executed, then I think we can already say that we will ask to enter the EU, and perhaps the EU will say: be a side of the European institutions."*

Will it be so the time will show? Meanwhile, Amanda Paul notes:

*"It is obvious that it is advantageous for Ukraine to implement the association agreement as good as possible" (Puzhyrevsky & Karelin, 2017).*

The term "*globalization*" is also a key term in this area. At the same time, A. Biryukova determined that legal globalization for Ukraine is: (1) an integral part of the general process of social transformations, caused by factors of historical, political, economic, socio-cultural character, promoting and accompanying the transformation of society, qualitative changes in it; (2) manifestation of heterogeneity and contradictory dynamics of social processes within the state and its policy in the international space; (3) an objective process that serves as a catalyst for the development of the national legal system; (4) a description of the interconnection and interaction of national and international law; (5) the determinant of the formation of qualitative and balanced national legislation as a necessary condition for social development (Biryukova, 2015).

According to R.A. Kalyuzhny, globalization, as an objective process, leads to the formation of a global legal space, the spreading and approval of world and European legal principles and standards. In these conditions, there is a need to form such a national social and legal space that could be combined with the European and global legal space on the basis of common European and world legal values and standards. Globalization as a determining trend of modernity accelerates and deepens interaction, enhances the interdependence of legal systems. It leads to their gradual convergence, integration, formation of a common law-cultural space, accompanied by the recognition of common values, principles, norms, standards, the collision of different legal traditions and customs. Globalization activates the implementation and realization of international legal standards in law enforcement activities (Kalyuzhny, 2014).

L.H. Udovika remarks that the globalized legal system is a national legal system that functions and develops on the basis of national law and legislation of international legal norms. The active interaction of the national legal system with international bodies and organizations pursues a policy of legal integration, internationalization, adaptation, harmonization, and implementation, unification of norms (for example, Sweden, Denmark, Austria and others). Legal globalization is the determining factor in the typology of national legal systems, although globalization is generally taken into account. Noteworthy is the fact that among a number of countries whose legal systems are classified as globalized, there is no explicit dependence between globalization and legal globalization (Sweden, Denmark and Norway), while other countries (Switzerland, Austria, USA and France) show close trends (Udovika, 2014).

The content of the criterion of the globalization of the legal system consists in a combination of several components (qualitative and quantitative). They are manifested at the level of its subsystems and elements: in the ideological subsystem in the spread of global legal ideas, theories, liberal legal ideology, world and European legal standards, their reflection in legal policy, legal acculturation, globalization of legal consciousness; in the normative subsystem in the emergence of new principles and norms that reflect and embody global legal ideas, legal integration, substantially strengthen the influence of international law in national law and legislation, processes of adaptation, harmonization, unification of national law and legislation; in the institutional subsystem in expanding the circle of subjects of the legal system, transformation of their legal status on the basis of taking into account transformations; in the functional subsystem implementation of world and European standards of law enforcement, especially in the field of human rights protection; in the integrative and communicative subsystem in the transformation, connections between the individual subsystems and elements of the legal system, so the society, the integration of the national legal system with other legal systems (national, intergovernmental, and international) (Udovika, 2014).

In addition to the problem of adjustment of the terminological apparatus in this area, there is also a problem of systematization of the national legislation of Ukraine to the requirements of EU law. In this regard, M.H. Khustova noted that the process of implementation of international norms into the internal legislation of our state needs to be systematized. Our country will have to implement a large body of international and regional norms that contain European values on the way to integration into the European Union. The mandatory implementation of which should become the basis for further building of relations between Ukraine and the European Union. An important step on this way, undoubtedly, is the implementation of constitutional reform within the framework of close cooperation between the state and civil society (Khustova, 2017).

Investigating the problem of systematization of Ukrainian legislation, A. Biryukov considers the problem of using such forms as unification and standardization. In her opinion, Ukraine is not currently talking about the balanced multiplicity of ways and forms of internationalization of the legal system. Obvious is the priority of its "aggressive" manifestations unification and standardization, the objective basis of which is the natural aspiration of people to better conditions and standards of life. Their rather conflict potential creates high risks on the destructive vector of the development of the national legal system. After all, the unconditional introduction of international standards is not just not always appropriate, but not always possible. Therefore, the question of finding a reasonable balance in the "international national" relationship remains relevant to ensure the effectiveness of the legal system of the state. It can only be discussed if the implementation of the norms of international law and international standards takes place take into account legal consciousness, legal culture and traditions, the legal mentality of our society, historical peculiarities of its development, available economic resources and political potential (Biryukova, 2015).

An issue of legal reform in Ukraine is also an important problem in this area. According to O. Prylypchuk, the adaptation of Ukrainian legislation to the EU legislation coincides with the legal reform in Ukraine. The state should create new legislation, in accordance with international principles and standards, as by that time, in its legal framework, the principles and standards have just been absent. In the European Union, particular importance is attached to the quality of legal acts. The Council of the EU made a special decision on the rules for their preparation. According to it the legal act should be: clear, without excessive length, not ambiguous, without excessive use of contractions, not to contain slang, too long phrases, unclear references to other texts, complications that make the act difficult to understand. It's understood that Ukraine also needs to take into account the economic, political and social consequences of adopting relevant legislative acts adapted to the requirements of the EU legislation (Prylypchuk, 2015).

However, in addition to transforming the content of law as an element of legal reform, one should also pay attention to the need for further changes in its functional characteristics. This is emphasized by R.A Kalyuzhnyj, focusing the fact that the right should act as an instrument of globalization and at the same time a means of managing its processes. Thus, the process of globalization in the legal sphere develops in two directions, which represent a single process of transformation of law. On one hand, the impact of globalization processes on the law is evident, the result of which is the convergence and convergence of the legal systems of the present. In this case, general tendencies of their development are formed, which can include the tendency to implement in the national legal systems of generally accepted norms and principles; emergence of new branches of law, such as space, information, changing of legislation in connection with integration processes. On the other hand, through the law, attempts are being made to direct

globalization on a certain line. For example, the introduction of the norms of other states adapted to the national legal mentality and other historical and cultural features (Kalyuzhnyj, 2014).

It should be remarked that the process of legal reform in Ukraine through the transformation of the content and functions of law in accordance with the requirements of the EU became more active in 2016-2017. This was manifested in the following:

1. In the lawmaking activity of the parliament. In particular, on March 17, 2016, the National Parliament approved Resolution No. 1035-VIII "*Recommendations on Internal Reform and Increasing the Institutional Capacity of the Verkhovna Rada of Ukraine*", according to paragraph 3, which may be registered only bills that, in particular, correspond to "*obligations within the framework Association Agreements between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand*" (Bozhko, 2017).
2. The implementation of the right for legislative initiative by the Government of Ukraine. At the same time, the organizational, expert-analytical and informational support for the elaboration of a draft act of the Cabinet of Ministers of Ukraine on compliance with Ukraine's commitments in the field of European integration, including international law. Also the law of the European Union (the EU *acquis*) is being realized by the Government Office on European and Euro-Atlantic Integration of the Secretariat of the Cabinet of Ministers of Ukraine (Bozhko, 2017).
3. In subordinate departmental rulemaking. For example, in accordance with the Regulations on the Legal Department of the Ministry of Economic Development and trade of Ukraine, approved by the order of the remarked ministry № 1405 dated September 26, 2017. One of the main tasks of the department is to participate within the competence in ensuring the adaptation of Ukrainian legislation to the legislation of the European Union. Including implementation of the plan of measures for the implementation of the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and their respective states -Members, on the other side (Bozhko, 2017).

Another problem, being solved at this stage of the reform, is the transformation of the system, principles of activity and interaction of bodies in the state apparatus of Ukraine. As O. Prylypchuk points out, the process of adaptation of Ukrainian legislation requires co-ordinated cooperation of all branches of government. The confrontation between the branches of power in Ukraine and the sharp political struggle seriously hinder the effective legislative activity of the parliament.

Ukraine, unfortunately, is far from the European standards of legal regulation. The multifaceted nature of the European legal field, its complex nature, clearly illustrates the difficulties in harmonizing national legislation with pan-European. Formation of the legal field of the state is a long-term social process that is organically connected with changes in all other spheres of society's life. It is impossible to artificially accelerate this process, but one needs to create the most favored regime for him (Prylypchuk, 2015).

At the same time, ways of solving this problem are outlined not only at the scientific level, but also at the normative level. The Concept of the Strategy of the Transformation of Ukraine since June 22, 2018 states that:

*"Taking into account the objective of EU membership, Ukraine should increase the efficiency of public administration. This is especially important in the perspective of further negotiations with the EU and consistent adoption of *acquiscommunautaire* the legal system of the European Union. Public administration in the EU member states is not regulated by European law in general, but its main features and principles of functioning are similar. The Copenhagen and especially Madrid criteria, point to the necessity of administrative capacity to manage and implement European policy. A set of institutional frameworks, processes, general administrative standards and principles for the functioning of the civil service all that is the so-called European administrative space is contained in a number of regulatory legal*

*acts (administrative-procedural codes, laws on freedom of information, civil service, etc.). They are aimed at achieving reliability, openness and transparency, accountability, efficiency and effectiveness".*

At the same time, as stated in the text of the document:

*"The beginning of actions to adapt the Ukrainian legal system to the European legislation in specific spheres is the responsibility of the respective central executive authorities. The tasks and capabilities of specific ministries in this area will be determined by the Cabinet of Ministers of Ukraine resolution on bringing the Ukrainian legislation in line with the legal system of the European Union. On the basis of this resolution, the Program of Adaptation to the Legal Standards of the European Union will be developed".*

The Strategy for Sustainable Development "Ukraine 2020", approved by the Decree of the President of Ukraine dated January 12, 2015, No. 5/2015, also stipulates that:

*"The purpose of public administration reform is to build a transparent system of public administration, to establish a professional civil service institute and ensure its effectiveness. The result of the implementation of the reform should be the creation of an efficient, transparent, open and flexible public administration structure with the use of the latest information and communication technologies (e-government) capable of producing and implementing a coherent public policy aimed at sustainable social development and adequate response to internal and external calls".*

In the Program of Ukraine's popularization in the world and advancement of Ukraine's interests in the world's information space, it was noted that the main objective is form trust in Ukraine. To direct it's positioning in the world in favor of the political and economic interests of our state, as well as to strengthen its national security and restoration of the territorial integrity. The key task is to create a positive image of Ukraine as a European, democratic, competitive state. It should have a favorable business climate, its unique place in the global division of labor and integrated into global chains of creating of added value.

It should be noted that a part of the measures, envisaged by the normative and program documents related to the Euro integration course of Ukraine were actively implemented in 2014-2016. In particular, during the mentioned period, the national institutional mechanism of legislation adaptation was substantially adjusted. In accordance with the decisions of the Cabinet of Ministers of Ukraine a "revision" of the legislative provisions on the competence of the Government and the Ministry of Justice of Ukraine in the field of approximation of legislation was implemented. As a result, the Cabinet of Ministers of Ukraine as the supreme body in the system of executive bodies concentrated the entire spectrum of powers. And the Ministry of Justice of Ukraine was virtually deprived of status of the authorized central body of executive power in the field of adaptation of Ukrainian legislation to the legislation of the European Union (Melnyk, 2016).

Further steps in this area were initiated by the President of Ukraine in 2017-2018. In particular, on September 7, 2017, the President of Ukraine P. Poroshenko stated that the priority tasks facing the Ukrainian authorities are the maximum approximation of the country to the criteria of membership in the European Union and in NATO.

*"The first thing we have to do now is to comply with the Association Agreement. But this shouldn't be the last step, and new steps should have already been planned now. In July, at the Ukraine-EU Summit, the Ukrainian side introduced new initiatives for a strategic vision of long-term cooperation for*



*consideration by the EU leadership. This is an association with the Schengen zone; joining the EU Customs Union, the EU Energy Union, the Common Aviation Area and the Single Digital Market. The realization of these initiatives will actually transform the eastern borders of Ukraine on the eastern borders of the European Union even before we de jure join the European Union" (Poroshenko, 2017).*

In addition, in the context of the mentioned above, the main outcome of the fifth Eastern Partnership Summit in Brussels, which took place on November 24, (Eastern Partnership Summit, 2017), was the approval of twenty practical results that define a clear plan for 2020, namely: wider interaction with basic organizations civil society and their target support; support of enterprises and provision of loans in local currency in partnership with key international financial organizations; improving the ability of partner countries to take advantage of trade opportunities with the EU and with each other; reform commitments and concrete energy efficiency investments; the development of better and safer transport links by 2030 with the help of long-term investments aimed at ensuring the interconnection of partner countries with the EU and between them; A digital package, including concrete steps towards harmonizing roaming pricing and reducing roaming tariffs between partner countries, easier and cheaper internet access by deploying national broadband strategies and supporting job creation in digital industries; new enhanced support package for youth and education; a new comprehensive approach to communication on eastern partnership assistance and strengthening strategic communication.

The problem of reforming justice is another and urgent problem on the way of European integration of Ukraine. In the Strategy for Sustainable Development "*Ukraine-2020*", approved by the Decree of the President of Ukraine dated January 12, 2015, No. 5/2015 (Strategy of Sustainable, 2015), it was determined that the aim of judicial reform is to reform the judicial system, justice and related legal institutes for the practical realization of the principles of the rule of law and ensuring everyone's right to fair trial of cases by an independent and impartial tribunal. The reform has to ensure the functioning of the judiciary, which is in line with the public expectations of an independent and just court, as well as the European system of values and standards of human rights protection.

In addition, Ukraine approved the Strategy for the reform of the judicial system, justice and related legal institutes for 2015-2020, approved by the Decree of the President of Ukraine dated May 20, 2015, No. 276/2015. The system of tasks, measures and results defined: ensuring independence, impartiality and neutrality of judges. Optimization of judiciary governance and career advancement system, enhancing the professional level of judges, increasing the transparency of judges, activity and the level of their responsibility, improving the efficiency of justice and optimizing the powers of courts of different jurisdictions, increasing transparency and openness of the judiciary, strengthening the guarantees of advocacy, ensuring the availability of free legal assistance, reorganization of the system of execution of court decisions and increase of efficiency of executive proceeding, raising the powers and activities of the prosecutor's office to the European standards, improving the procedural provision of justice and the right to protection during criminal proceedings, increasing the efficiency of the work of judicial and law enforcement agencies in combating organized crime and corruption, improving the efficiency of crime prevention and rehabilitation of prisoners and improving the system the enforcement of penalties, ensuring the proper coordination of legal institutions and the unity of the information system .

The problem of reforming the law enforcement and penitentiary system is one of the key issues to be solved on the way to European integration. In particular, among the areas identified

in the Association Agreement with the EU, is the fight against crime and corruption; cooperation in the fight against terrorism; fight against money laundering and terrorist financing; cooperation in combating illicit drug trafficking, precursors and psychotropic substances; legal cooperation (Khustova, 2017).

In the same context, one cannot fail to mention the amendments to the CPC of Ukraine, introduced by the Law of Ukraine:

*"On Amendments to the Criminal and Criminal Procedural Codes of Ukraine on the implementation of the recommendations contained in the sixth report of the European Commission on the state of implementation by Ukraine of the Plan of Action for the liberalization of the European Union visa regime for Ukraine in relation to the improvement of the procedure for the seizure of property and the institution of special confiscation".*

since February 18, 2016, which substantially changed the procedure for the seizure property, in particular, in order to ensure The special confiscation provides for the possibility of arresting the property of a third person in the presence of sufficient grounds to assume that it will be subject to special confiscation, etc. (Khustova, 2017).

In addition, measures to ensure participation in law enforcement activities organized under the auspices of the EU or individual member states of the EU on the prevention and counteraction of corruption deserve attention among these measures; the exchange of information between EU and Ukrainian law enforcement agencies in the field of combating corruption and improving the contractual framework on cooperation with EU member states in the fight against corruption, including through the implementation of the Action Plan for the liberalization of the European Union visa regime for Ukraine, which, directly in section 2.3.1, envisages the adoption of legislation on the prevention and fight against corruption, the creation of a single and independent anti-corruption body; strengthen coordination and exchange of information between public authorities responsible for combating corruption; implementation of legislation on prevention and fight against corruption, which will ensure the effective functioning of an independent anti-corruption body; elaboration of codes of ethics and exercises on the fight against corruption, especially for officials involved in law enforcement and judicial activity (Puzyrevsky & Karelin, 2017).

It should be emphasized that the issues of reforming the penitentiary system of Ukraine, the legislative provision of this system in accordance with European norms and standards, the humanization of criminal justice, and the increase in the number of cases of the use of alternative types of punishment, in particular juveniles, were and still remain on the surface for a long time (Kaplenko, 2017).

The national security and defense problem of Ukraine take a separate place on the way to European integration. There should be taken the certain measures for implementing the reform of the national security and defense system, in the Strategy for Sustainable Development "*Ukraine 2020*", in particular. The main of them are functional optimization (reduction of duplicate and superfluous structures), centralization of procurement, optimization of the logistics system, updating doctrinal and conceptual approaches to ensuring national security. Also, it is worth creating an effective state crisis response system (network of situational centers of central executive authorities) for the leading role of the Council of national the involvement of foreign investments and forming an effective model of public-private partnership. The introduction of a cluster principle of personnel rotation, the review of qualification requirements and the strict

following these requirements are of high importance. At the same time, the complete re-certification of personnel, not only professional but also personal qualities of a person must be decisive.

## CONCLUSIONS

According to the results of our study, the following conclusions can be drawn:

1. The countdown of a new stage in Ukrainian history began from the Revolution of Dignity, the formation of a new ideology of Ukraine as a European, social and legal state, which is not in the theory, but in practice, a person is recognized as the highest social value, actively counteracts any manifestations of corruption. This ideology is aimed at the formation of an updated system of state power and the modernization of the legal system in the context of the European integration course of Ukraine. At the same time, the new legal system should be marked by high quality of legal norms and have properly designed a mechanism for their implementation. Therefore, cooperation with different legal entities is extremely important in the process of adaptation of Ukrainian legislation to EU legislation. Participation of scholars, judges, lawyers, prosecutors, legal advisers and notaries in harmonization will ensure more effective implementation of legal norms, as well as facilitate the perception of new decisions by the Ukrainian legal system. It is also important that the new legal system takes into account Ukrainian social conditions.
2. The main problems of the European integration course of Ukraine, which require urgent resolution, are partly resolved or will be resolved in the near future, are: (1) the problem of adjustment of legal terminology; (2) the problem of systematization of the national legislation of Ukraine to the requirements of EU law; (3) the problem of the implementation of legal reform in Ukraine, which should be solved: in the legislative activity of the parliament; in the implementation by the Government of Ukraine of the right for legislative initiative; in subordinate departmental rule-making; (4) the problem of transformation of the system, principles of activity and interaction of bodies in the state apparatus of Ukraine; (5) the problem of reforming justice; (6) the problem of reforming the law enforcement and penitentiary system; (7) the problem of national security and defense of Ukraine.
3. One of the most important directions of European integration is increasing the level of legal awareness and legal culture of Ukrainian citizens, which requires the transformation of the national legal ideology, its harmonization with the legal ideologies of the European Union countries, in which the basic are the rights and freedoms of the person, the proper level of their realization and protection. The main objective of the transformation of the national legal ideology is to harmonize with the legal ideologies of the European Union member states, as well as the implementation of elements of European legal culture in the national legislation. It should be noted that the adaptation of the national legislation to EU law is only the first step towards full integration of Ukraine into the legal system of the European Community.
4. A meaningful update is required by the Law of Ukraine "*On the National Program of Adaptation of Ukraine to EU Legislation*" of 18.03.2004, which today is the key and central regulatory act in this area. In particular, the mentioned Law is oriented on the Partnership and Cooperation Agreement and does not take into account the content of Ukraine's obligations under the Association Agreement, contains obsolete terminology and references to EU regulatory acts that have lapsed, nor does it regulate the expertise of the Verkhovna Rada Committee on European integration in the lawmaking process. It is necessary to improve the quality of the submitted bills in the context of European integration, also to establish clear legal requirements for ensuring their compliance with EU law. Thus, Part 3 of Section IX of the Adaptation Law, nowadays, is rather controversial, according to which "*normative legal acts that contravene the *acquiscommunautaire* can be adopted only if there is sufficient justification for the adoption of such an act and for clearly defined terms in the act itself*". The specified norm creates legitimate legal possibilities for the adoption of acts contrary to EU law and is the legal basis for various manipulations in the process of lawmaking (Anakhina, 2015).
5. At the same time, solving two problems the timing of consideration of draft laws and their quality in the context of European integration there may be separate proposals envisaged by the draft law "*Draft Law on Amendments to the Law of Ukraine*" On the Rules of Procedure of the Verkhovna Rada of Ukraine "*on*

*improving the mechanism of approximation of Ukrainian legislation to EU law*" No. 2046a since June 9, 2015. In particular, it is important to introduce a preliminary check of the bill by its developer on the subject of compliance with EU law. Such practices now operate not only in the member states (in particular, Poland), but also in the candidate countries for accession Albania, Macedonia, etc. This will force the subjects of the legislative initiative to treat the law of the EU more attentively in the process of testing the draft law, as well as reduce the number of acts that do not comply with EU law, which will be able to unload the Verkhovna Rada (Anakhina, 2015).

6. At the same time, there are urgent problems in working out a mechanism for the implementation of adapted legal provisions, creating appropriate conditions for the proper mechanism of their provision, so that the adaptation of the legal system of Ukraine to the EU legal system takes place in full and in a qualitative manner.

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