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## Application of Law as a Special Form of its Implementation: The Ukrainian Case

### Krystyna Rezvorovych

Doctor of Juridical Sciences, Head of the Department of Civil Law and Procedure, Faculty of Training Specialists for Criminal Police Units, Dnipropetrovsk State University of Internal Affairs, Dnipro, Ukraine, <https://orcid.org/0000-0003-1183-613X>

### Zoryana Skaletska\*

PhD, Associate Professor Law School, National University Kyiv-Mohyla Academy, Kyiv, Ukraine, <https://orcid.org/0000-0001-9162-4836>

### Antonina Dorosheva

PhD in Historical Sciences, Assistant Professor, Prydunai Branch of Private joint-stock company “Higher educational institution “Interregional Academy of Personnel Management”, Izmail, Ukraine, <https://orcid.org/0000-0003-3257-7173>

### Yuliia Sushytska

Senior Lecturer, Department of Law and Law Enforcement, Faculty of National Security, Zhytomyr Polytechnic State University, Zhytomyr, Ukraine, <https://orcid.org/0000-0001-7310-3914>

**\*Corresponding Author:** [o.skaletska@ukma.edu.ua](mailto:o.skaletska@ukma.edu.ua).

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**Abstract:** Ukraine's current legal system, a mix of its Soviet past and changes since it became independent makes it a unique place to explore how law can be used as an argument. This article highlights essential points from scientific papers about Ukraine's unique legal system. The study aims to find out how well law enforcement works in Ukraine and contrast it with legal systems from other countries that used to be part of the Soviet Union and from the West. This study employs a qualitative approach and is presented as a literature review. The search for relevant sources was conducted in the Scopus and Web of Science databases, focusing on articles published in Ukrainian and English between 2010 and 2022. This approach allowed for the selection of the highest-quality scientific works. The study shows that these factors significantly affect law enforcement in Ukraine. The results make it clear how important it is to improve legal institutions, fight corruption, and strengthen the rule of law over the long term. We have found that political instability and negative attitudes towards authority are two big problems that make it hard for police to do their jobs. The study shows how important it is for legal systems to be consistent and vibrant by comparing Ukraine's with those of other post-Soviet states and Western systems. This study is unique in the scientific community because it compares Ukraine's legal system in great detail with other systems. This gives us new information about how past events and current political situations affect law. This study shows how important it is to do longitudinal research to track changes over time and cross-jurisdictional learning to develop sound policy options.

**Keywords:** Anti-corruption laws, Judicial independence, legal system, political influences, Ukraine, social norms, legal reforms

## Introduction

The Ukrainian legal system also provides a useful case study, for it exemplifies two contending processes of institutionalism and operationalization that are visible everywhere in East European socialist states (Krieger et al., 2019; Tyushka & Schumacher, 2022). Before the dissolution of the Soviet Union, Ukraine was integrated into a highly centralized and totalitarian-type regime with strong commanding institutions placed under Party-state control (Wiatr, 2021). In that setup, law appeared as an executive tool for achieving state objectives rather than providing justice itself or securing individual rights. The laws themselves were often broad and made to be molded around the interests of the state, with little consideration being given to individual liberties or just trial practices. Such historical background strongly influences the legal culture and practice in Ukraine, even now determining how laws are both written and understood.

Ukraine declared its independence in 1991, and especially after the constitutional reforms of 2004–2010 (January–September). More recently, after a ruling by an anti-corruption court in Kyiv years ago, changes started to happen in all areas that were mostly in line with EU standards (Warf and Warf, 2019). At first, democratisation was a big deal that had to do directly with Ukrainian life. Over the past few decades, there have been more and more heated arguments about how real leaders in this instead of former Soviet legal framework could bring together different ideas (Oleinikova, 2020; Zheltovskyy, 2019). At that time, strict suggestions like the ones we have now would have helped people move closer to these elusive ideals, giving them the right kind of direction during hard times and helping western oil reserves recover. For peace during just wars, both sides enforced global justice while dealing with the effects of their actions and building post-socialist mentalities. These changes include major changes to the constitution and the creation of new legal institutions like the Constitutional Court and High Councils. They have also included systemic laws to stop corruption, protect human rights, and keep the courts independent (Popova & Beers, 2020; Vashchenko, 2022). The process has not been smooth at all, even after all the changes. Soviet legal remnants, along with durable political instability and economic turmoil render the law a treacherous landscape which often reveals itself as two incompatible systems existing in parallel.

Other disciplines of law complicate the operation of Ukrainian administration and rule-of-law, and are integral to explaining contemporary developments with respect to governance in Ukraine (Borkowski & Sovgyria, 2019). The rule of law has an essential role in any well - functioning democracy as it is the tool to protect human rights, establish justice and provide for public trust within a legal system. In Ukraine, enforced law is dictated by political winds as well as pervasiveness of corruption and social norms (Bhagat & Hubbard, 2022). Ukraine has, over the years experienced various forms of political instability due to frequent changes in government / Ministers which does not predict well for organising or prioritising legal reforms. All of this has the potential to create such an unstable environment that legal priorities will be twisted in unpredictable ways and effective law enforcement becomes impossible. Furthermore, corruption is still a massive issue that they are facing. That it infiltrates many layers of government-siding against the independence and equal enforcement regulations within its own judicial system. This rampant corruption undermines confidence in the law may be difficult to enforce consistently and fairly. Also, how people feel about things and how they think about the law can change how it is interpreted. Not only do the laws of a jurisdiction or sovereignty affect how laws are enforced and followed, but so do people's attitudes towards following the law. For example, a culture of impunity or tolerance for corrupt behaviour can make it very hard to enforce anti-corruption laws correctly. The reason it's important to think about the connections and gaps between people is that these are the building blocks for systematically figuring out why laws don't work and making changes that can be widely implemented and last. This study is unique in the way it compares different legal systems to find larger patterns. It does this through examining at both the problems Ukraine faces and how they are similar or different from other post-Soviet and Western legal systems. This two-sided view helps us learn more about how past events and current political situations affect the way the law is applied. In real life, the study's findings are useful for shaping policy changes, giving a plan for improving legal systems and reducing corruption. This study adds to the field of legal studies by looking at both theoretical and empirical aspects. It also gives useful suggestions for how to improve the rule of law in societies that are transitioning.

### ***Research Problem***

As Ukraine's political and social changes continue, it's important to think about how the law is applied there. It's now necessary to have a deeper understanding of how laws are put into action. This is part of the good governance agenda and makes it possible to keep an eye on how laws are followed in real life. Ukraine is an important case because of its complicated path from being a Soviet republic to becoming an independent country and joining Europe. This makes us wonder how historical legacies affect how the law is applied today. This study therefore seeks to inform debate on what is a crucial issue, transparency in the legal system -minimizing corruption and fostering public confidence. Still, it will be very advantageous for society if they get more insights about how laws are implemented in Ukraine. Greater transparency of legal processes and lesser corruption are expected as results from this analysis. Through exploring mismatches between legal theory and practices, this work can help improve the integrity of the justice system. Such enhancements are crucial for encouraging the respect from general public and enhancing improvements in stability within society.

In scientific terms this research adds to legal studies by exploring practical challenges and theoretical implications of law application in a during transition society. This work meets a great need in the literature by providing an analysis of this legal system and its reforms, both for itself and more generally. These conclusions have wider implications for scholarly work and public discourse on legal change in transitional settings. In the case of post-Soviet and transitioning legal systems, so far little attention has been paid to how law is applied within Ukraine. There have been reforms and modifications, but little is known about the extent to which these are changed on the ground. This research attempts to fill the void by evaluating Ukraine's legal enforcement today. The research provides a history of how law is put into practice in Ukraine, thus offering fresh insights regarding the factors at play. This paper does so by taking an in-depth look at how these factors affect legal practices,

particularly with respect to the key problems and potentials for reform. This in turn not only adds valuable insights to the academic discourse surrounding how law operates within transitional legal systems, but also may suggest concrete guidelines for reform with respect to certain key unfair competition-related principles and provisions in Ukraine.

### ***Objective***

The study reviews and summarizes the available literature in order to detail key aspects of how law is implemented within Ukraine, identifying historical, political and social forces that shape this process. Its purpose is to paint a broader, more nuanced picture of how the rule of law functions in Ukraine and identify current obstacles as well as potential areas for reform. It may take a look at any or all of the political ramifications, how corruption is involved, and even consider social norms as they are played out in society with respect to public perceptions. In this section, all these aspects will be considered more closely and backed up by a large number of scientific publications as well empirical studies. Moreover, through the prism of other post-Soviet states and Western legal systems, the article will compare law enforcement practices in Ukraine to show common problems that arise as well as possible lessons from them for this country.

These are the questions that we hope to address in this comprehensive view of judicial responses to and deployments within transition - motivated by a desire with more challenges than answers - as part of the continued problematical discussion on legal development and governance between societies moving from one way of life towards another. It aims to provide meaningful contributions, accessible for both policy makers and legal practitioners who are interested in the Ukrainian context as well as academics/researchers working on future reform initiatives which might seek to further strengthen rule of law in Ukraine. This knowledge will enable stakeholders to be more capable of addressing the underlying issues that prevent good governance and enforceable laws in Ukraine, contributing towards greater social justice generally.

### ***Research Focus***

We plan to access scientific publications related specifically to the enforceability of law in Ukraine and summarize the main factors influencing this process, which will form an integral view.

### ***Research Aim and Research Questions***

The purpose is to study the impact of historical, political and social factors in the legal process of Ukraine. Concerns based research problems consisting of:

- i. How do political dynamics impact the application of law in Ukraine?
- ii. What role does corruption play in hindering effective law application?
- iii. How do societal attitudes towards the legal system affect compliance and enforcement?

### ***Literature Review***

This part of this scientific publication includes more than 50 references on the essence, origin and ways to solve issues in law enforcement methodological approach in Ukraine. This review is crucial to setting the stage for a theoretical mechanism, and also annotates what studies are most important. These sources have been taken from the peer reviewed scientific literature of last five years, so as the information based on those articles provide recent and updated dated conclusion.

### ***Common Patterns of Law Enforcement***

**Legacy of the Soviet Union Reforms Today.** A major trend that has been identified by recent literature is the continuing battle between traditional Soviet-influenced legal procedures and modernization reforms based on Western-inspired rule of law, aiming at aligning Ukraine's path towards integrated Europe with higher statutory standards. Under the Soviets, Russia had a dominant party-authorized top-down legal model which viewed laws as tools to control public life rather than

instruments of justice and individual rights (Frankel et al., 2023). Such was the vagueness of legal norms that a creative application tended to be necessary, one constructible in ways that would accommodate state priorities (Asgeirsson, 2020; Makridis & Englander, 2021). In Ukraine, the legacy of this approach continues to haunt its legal culture with many officials and practitioners working in a Soviet-style environment-focussed on state control and bureaucratic processes rather than using law as a tool for justice and transparency among citizens (Bennich-Björkman, 2018). Ukraine, after gaining independence had to literally start from the scratch but in recent years have been able to reform its legal system greatly (Olszański, 2017). These reforms include passing new laws, restructuring legal institutions and establishing measures to enhance judicial independence as well respect for human rights (Minakov, 2019). New anti-corruption laws have been introduced in favor of European principles but the long-standing practices can be obstacles to its implementation period and due resistance which might arise from within (Harasymiw, 2019; Wolczuk, 2019). This duality results in a rather convoluted legal system where the old and new do not work together towards that end - making laws less effective.

**Political Instability.** Another significant factor affecting the exercise of law in Ukraine is political instability (Tomczewska-Popowycz & Quirini-Popławski, 2021). Considering the habitual high turnover of government and leadership changes, successive priorities landed with incoming administrations bringing their varied laws on subsequent reforms. Such instability can only be disembodied law and order havoc, dismantling any of the continuity or consistency we need in managing the country. Every time a new government takes office, it seeks to replace old legal frameworks and institutions with bodies that are compatible with its policies thus not allowing for continuous law policy and application (Lendel, 2019; Natorski, 2018). Such sudden and dramatic shifts can sow doubt and confusion amidst the legal profession, as lawyers struggle to consistently apply the law. Further, interference by the ruling party in judicial process is quite a concern. Judges and other law enforcement officers are also sometimes subject to inappropriate influence by politicians or parties, meaning that the independence of their bodies is not maintained (Mykhailiuk & DiMatteo, 2020). It undermines not just the rule of law but also public trust in national legal systems. The ever-changing political landscape has resulted in legal reforms that have not been consistently enforced, and ones introduced by past government which tend to be reversed after any change of power makes the domestic legal environment exceedingly complex.

**Corruption.** The spread of corruption in Ukraine greatly hinders the functioning and effectiveness of legal institutions, including court proceedings (Cherniei et al., 2022; Reznik et al., 2017). In spite of the multiplicity of anticorruption efforts, that is: specialized anti-correspond bodies corruption still cannot be separated from many spheres in public life; this also applies to the legal system. Corruption, kickbacks, aerial distribution of favors is rampant from law enforcement to judgements. This presents a key point of the laws which is that corruption not only breaks down enforcement measures, but also acts an enabler to allow those with money or political influence commit crimes and be blind sighted by decisions made in court. This then results in an episodic, irregular legal environment where lawlessness prevails. Therefore, for example, big companies might be able to avoid punishment and jail time only because with their golden bribe guys. This is not a good thing for justice and it weakens the public trust in our judicial system (Zabyelina, 2019). Those challenges were only compounded by the seeming lack of readiness on some politicians' parts to completely buy into such reforms; an ongoing, substantial battle against corruption in Ukraine (Mylovanov & Roland, 2022). These practices are largely the labour of a smallish group of people who have an interest in supporting such a system, and usually work inside it to resist change. It can take the form of slowing down investigations, or undermining anti-corruption agencies; using legal processes to benefit corrupt individuals.

**Uneven Enforcement/Applicability of the Law.** It is a well-known issue in the sphere of law that legal actions must be consistently taken to generate posture (Sacco, 2017). This is tied to frequent changes in government and the political instability that accompanies them, as well as persistent aspects of Soviet-era legacies. Based on a legally irrelevant, non-judicial standard called 'Applies Court Justice' and this will come into play for political or personal decision-making (Kaluzhna & Shevchuk, 2022). This



selective enforcement is corrosive of the principle of equality before the law and sow's perceptions that justice depends on who you are (Savytska, 2022). Furthermore, the laws are poorly enforced because law enforcement authorities lack the resources as well as they have no training and willingness. Thus, it is possible that the police and other law enforcement bodies have insufficient skills or knowledge to enforce laws effectively. Those sources may also for one reason or another be undermined by corrupt practice, political pressure and thus result in their being enforced arbitrarily or with prejudice. Such weak enforcement fails to yield the desired results in legal reforms and encourages a cycle of non-compliance and impunity.

**Norms and Perception.** In Ukraine, how laws are enforced and obeyed has been largely determined by social attitudes towards authority, compliance (Arel, 2017). For example, a culture of impunity or tolerance to corrupt acts can present challenges for the implementation and enforcement of anti-corruption legislation (Symkovych, 2018). By continuing to create the impression that corruption is widespread and not punished, this may make it less likely people will comply with laws or support legal change. Public confidence is an important aspect of enforcing the law efficiently. In Ukraine, legal institutions are frequently perceived corruptly staffed, politically loaded and often pursue the application of laws selectively. When that trust is absent people are much more likely to avoid legal recourse or counter any legal judgments, which in turn undermines the rule of law (Matsiyevsky, 2021). These social elements must be addressed to create a culture of lawfulness and empower the legal system.

### ***Theoretical Framework***

Legal realism is prior to formalist or "mechanical" interpretations of law, which are based on the insights that it is a practical science, and it constructs itself in each new case from doctrine and legal policy (Miller, 2021). It asserts that judges often rely on their experience, societal norms and the broader political as well economic atmosphere in making judicial decisions. With respect to Ukraine, legal realism is a useful set of tools for discussing the practical problems in law enforcement (Rösch, 2022). As a result of its Byzantine socio-political landscape, laws in Ukraine are as subject to interpretation and application according the country's sui generis historical, economic and political embedding (Opoka, 2016). Corruption, for example, is a ubiquitous problem that mirrors the underlining social and economic circumstances were participating in corrupt practices make perfect sense. Likewise, we also examine the impact of political instability on judicial decision using legal realism approach where external factors influence a legal outcome. Legal realism is also a view of the law that highlights the importance of considering informal practices and unwritten norms as well when determining what laws apply to which facts.

Legal positivism is another important theoretical perspective to address within this study. Legal positivism emphasizes the necessity of obeying established legal norms and procedures, insisting that law is valid on the basis only because it represents a norm (independence from its ethical or social value) (Spaak, 2018). It is in this framework that coming into play the theory of law has a role: to guarantee an effective and predictable legal order, where laws can be enforced almost as if they were logical sentences (Dindjer, 2020). For Ukraine, legal positivism underscores the challenge in implementing new laws within an old structure. Although many legal reforms have been introduced in Ukraine to bring its law closer into line with European standards, the way that these laws are applied is frequently inconsistent and unpredictable. Indeed, legal positivism offers a conceptual basis to account for the necessity of legal certainty and rule of law-without those institutional elements working effectively, no actually functioning system will emerge. It underlines the importance of transparent, predictable rules and regulations that are administered uniformly by an impartial judiciary. Ukraine presents a typical example of the discrepancy between formal legal framework and its practical implementation (Borysova et al., 2019). Legal reforms have brought new laws and institutions, but the old Soviet methods and practices remain alive in parallel with corruption and political interests that also limit their effectiveness. In addition, Legal positivism agrees with the necessity of enhancing legal institutions so

that laws are enforced in a nonpartisan and equitable manner. This will require not only formal legal reforms, but broader efforts to re-shape the underlying culture and practices that drive how law is carried out.

On the basis of legal realism and positivism there may be created a complete theoretical model suitable for understanding law application in Ukraine. In particular, legal positivism insists on the importance of clearly defined (and properly publicised) norms and procedures within the law - enabling persons to rely in advance upon what will be done with respect to various other individuals or situations (Hart, 2017). This research seeks to synthesize the two, offering a layered interpretation of law in Ukraine. It takes into account both the formal legal framework and informal practices, as well as external influences on how laws actually play out. Such an integral approach provides a more rounded insight into what problems Ukraine encounters in the process of legal reforms and raising standards to the level of democratic rule. Studying how the laws actually end up being interpreted and enforced allows for researchers to identify exactly what is impeding successful enforcement by targeting specific processes that can be addressed. Finally, the theoretical framework stresses that legal reforms should be subjected to ongoing monitoring and evaluation (Cosens et al., 2017). This will make Ukraine a fairer nation and prevent further miscarriages of justice by dealing with the root cause.

Case studies offer insights on select legal issues from a Ukrainian perspective. This requires conducting detailed-recruiting interviews for specialized research topics, e.g., corruption prevention, human rights bills or commercial legislation to look into the actual application of the law and submits magistrates confronted. Human rights cases, are case studies that analyze the implementation of laws concerning civil and political human rights (Welch, 2017). This could involve an analysis of the occurrence of human rights abuses, legal responses to such abuse and use by non-governmental organizations (NGOs) on behalf of victims. Case studies in commercial law traditionally focus on the problems faced by companies operating within Ukraine's legal framework (Gusarov, 2021). Scholars might focus on individual arguments concerning everything from property rights to contract enforcement and regulation. These studies are able to flag out varying commercial laws that cause uncertainty for businesses due to the inconsistencies and ambiguity.

### ***Empirical Findings***

Recent studies examining the literature and empirically presented research, further attest to Ukraine strengthening its anti-corruption laws but being ineffective in their application due to deeply rooted legal and political corruption (Králíková, 2022). The existence of these laws is supported by the introduction of severe sanctions against corruption activities, setting up anti-corruption interference organs and actions to enhance transparency as well as accountability in public administration (Teichmann et al., 2020). On the other hand, enforcing any of these laws is considerably hampered by corruption throughout Ukraine. A primary hurdle in the implementation of anti-corruption laws is corruption at the level of enforcement agencies and judiciary. Research has shown that the officials themselves are often involved in corrupt activities, which hampers anti-corruption actions from being effective (Huss et al., 2020). Bribes for law officers to look the other way in criminal activities, Judges ruling one-sided when they are paid off by those lobbying. The remaining entities then are inclined to allow, and often impose corrupt practices following the precedent established by elites. The system of limited transparency contributes significantly to a vicious cycle that allows corruption with impunity (Omelchuk et al., 2022).

In Ukraine, the key anti-corruption institutions - including National Anti-Corruption Bureau of Ukraine (NABU) and Specialized Anti-Corruption Prosecutor's Office (SAPO) face many challenges (Becker et al., 2022). Among them are limited resources, political interference and threats against officials engaged in major corruption cases. Empirical work shows that some anti-corruption officials being threatened, intimidated or even physically attacked has prevented the full enforcement of existing anticorruption laws. The state of human rights legislation in Ukraine thus remains rather a tainted

mixture, with small steps taken to protect the democratic standards and huge fiascos resulting from non-enforcement as well as lack of judicial independence (Podgor, 2020). Through the ratification of important human rights treaties and the passage of tolerant civil liberties legislation, the country has brought its human rights laws up to par with international norms. However, existing data reveals that these legislative frameworks often fail to safeguard individuals in actuality.

There have been some encouraging developments in the field of rights protection. For example, in response to a flood of IDPs from Crimea and Eastern Ukraine, Ukraine has instituted measures to ensure the rights of IDPs (Sakhanienko et al., 2021). So, in order to ensure that internally displaced people have access to social services and housing or job assistance, laws have been enacted to that effect. There have been initiatives in Ukraine to strengthen anti-discrimination laws and safeguard minority rights. This problem is only exacerbated by a lack of judicial independence, where judges are inclined to favor political pressures or other corrupt practices and in turn provide non-neutral judgements. Businesses operating in the territory of Ukraine often have to cope with arbitrary acts or ambiguous regulations within commercial law (DiMatteo, 2021). The empirical evidence shows that these situations affect economic growth and foreign investment, because it makes the business setting unpredictable. Indeed, commercial regulations are not entirely clear in the Ukraine which leaves many enterprises scratching their heads (Yekelchuk, 2020). Empirical evidence suggests that the resulting ambiguity and uncertainty in existing regulations leads to more corruption as businesses tend to bribe officials for securing permits or bypassing regulatory complexity (Adam & Fazekas, 2021). The enforcement of commercial laws is inconsistent, making the business environment even more challenging. Laws may be interpreted and applied differently in different regions or by individual officials, such that there is no uniformity in legal enforcement. Such inconsistency is especially harmful in the realms of property rights and contract enforcement, as well as tax collection. Some companies get away with tax law violations while others face hefty fines and, in the case of fee-related infractions, pass-through costs.

### ***Comparative Analysis***

Ukraine, like many other post-Soviet states, is dealing with a number of issues stemming from its legal legacy under the Soviet Union. Among the hallmarks of the Soviet legal tradition that Moldova has inherited are a centralization of power, an erosion of judicial independence, and rules that prioritise state interests over individual human dignity (Morris, 2018). A really democratic and open legal order is impossible to achieve because of the lingering effects of the past on current legal practices. Soviet law was so centralized and rigid that it was more frequently used as a political weapon in a show trial than as a means to achieve justice (Foglesong, 2017). The effect of this has been a deep-seated suspicion with the law, and in its wake - an aversion to change. This is because judicial decisions are often politicised, and there remains a degree of ambivalence towards the norms of judicial independence and rule of law in general.

There are structural and cultural changes required to transition from a Soviet type legal system to a modern one (Sharlet, 2016). The process is compounded by political instability, economic hardships and systemic opposition to reforms within society. The difference between Ukraine and other post-Soviet states is Ukraine's efforts to bring its legal system closer to the European Union standards. This means confluence of legal structures towards democracy, human rights and the rule of law which can ensure respect for European standards including legislative support mechanisms. Ukraine has been working hard on an overhaul of its legal system, to be closer with the European Union (Jayasundara-Smits, 2018). These reforms cover everything from improving thrust in fight against corruptions to judicial independence and improved human rights protection. The reforms in the legal system were facilitated by two major regional developments: (a) The Association Agreement with EU and full-scale implementation of its trade-related part - Deep and Comprehensive Free Trade Area (DCFTA), which have injected unprecedented levels of transparency, prompt access to judicial justice as well individual responsibility toward authorities. This imperative of EU association might create some interesting dynamics for the modernization prospects available to Ukraine regarding its legal system-the



opportunity in front of it is one that is already partly aligned with best practice. Legal Reforms Support and Conditionality: Collaboration between the EU and its member states have yielded significant legal reforms. Similarly, this process of integration provides Ukraine with access to technical and financial resources as well as skills from EU Member States that can influence its capacity in enforcing law.

As a relatively new system, Ukrainian law enforcement is very different from its Western counterpart. In the West, the rule of law means that the law is applied consistently and in a way that is predictable. This is made possible by strong institutions, independent courts, and the fair application of the law. The same thing gives Western legal systems the institutional frameworks they need to follow the law all the time. A fair court system, strong police forces, and regulatory bodies that make sure people follow the rules are just a few of the things that the rule of law depends on. Unfortunately, these legal frameworks are often only partially put into place because of problems with institutions and political interference in key state actors in Ukraine. This trend undermines the overall application of law across the country. A highly esteemed aspect of Western legal systems is the independence of the judiciary. Judges are expected to carry out their duties without interference or coercion, regardless of any political motives. Corruption and political meddling in Ukraine's judicial system undermine public faith in the system and make it difficult to achieve justice. There are still many obstacles to overcome in the ongoing effort to make the Ukrainian judiciary more independent (see Table 1).

**Table 1**  
*Comparative Analysis Table*

| Aspect                        | Ukraine   | Other Post-Soviet States                     | Western Legal Systems                     |
|-------------------------------|---|--|---|
| Soviet Legal Culture          | Strong influence, centralized control           | Similar legacy, centralized control          | No Soviet influence                       |
| Judicial Independence         | Compromised by political interference           | Compromised by political interference        | Strong, independent judiciary             |
| Anti-Corruption Measures      | Robust laws, weak enforcement                   | Varies, often weak enforcement               | Effective laws and enforcement            |
| Human Rights Protection       | Mixed results, lack of enforcement              | Mixed results, varying levels of enforcement | Strong protection, effective enforcement  |
| Commercial Law                | Ambiguous regulations, inconsistent application | Ambiguous regulations, varying application   | Clear regulations, consistent application |
| Political Stability           | Frequent changes, political interference        | Frequent changes, political interference     | Stable political environment              |
| Integration with EU Standards | Ongoing reforms, unique opportunities           | Varies, limited integration                  | Fully integrated                          |
| Public Trust in Legal System  | Low due to corruption and inconsistency         | Low to moderate, varies                      | High due to consistency and fairness      |
| Institutional Frameworks      | Weak, influenced by old practices               | Varies, often weak                           | Strong, well-established                  |

Source: Authors' development.

Conclusions drawn from comparative analyses, including post-Soviet and Western legal systems, share both commonalities and differences with the current dynamics of the application of law in Ukraine. Common features of the post-Soviet system include the heritage of Soviet legal culture and the challenge of building judicial independence under conditions of post-totalitarian society. However, one of the features offering peculiarities to the case of Ukraine is the way the country uses the so needed opportunity to harmonize its legal system with EU standards. In terms of differences, one can highlight the insufficient predictability of the application of law limited by the high influence of Parliaments' and Presidents' will and public calls and demands. At the same time, Western States do not have such problems due to the effective independence of judicial powers. These comparative insights are significant for developing effective strategies for improving the legal system in Ukraine and promoting

the rule of law in the future. Identification of gaps and strong sides. Longitudinal studies. \*One of the gaps that should be mentioned is the lack of longitudinal studies that investigate the shifts in the application of law over an extended period of time.

## **Materials and Methods**

### ***Study Design***

This is a qualitative study which reviews the relevant Ukrainian literature. This allows to review the available literature on the topic in a more comprehensive way and identify existing gaps of knowledge, as well potential areas that could be interesting in future investigations. To ensure that the studies reviewed are of high quality and have gone through rigorous peer review, only indexed publications based on credible sources which include Scopus database and Web of Science databases were considered.

### ***Data Collection***

In order to compile data for this study, researchers sought out and selected academic articles concerning the application of law in Ukraine. Scopus and Web of Science, two of the most prominent academic databases, were utilised in the search because of their extensive collections of scholarly articles spanning many disciplines. This keyword encompassed "human rights legislation Ukraine," "judicial independence Ukraine," "law application in Ukraine," "Ukrainian legal system," together with "anti-corruption laws Ukraine." Within the scope of the review, studies published within the past five years were considered. This guarantees that the findings are grounded in the most current patterns and occurrences. We merged qualitative and quantitative research to paint a full picture of the topic. Grey literature, which includes government reports, policy papers, and legal documents, was read alongside peer-reviewed articles to complete out the findings.

### ***Data Analysis***

The literature was sorted through a multi-step, data analysis journey to establish significant features and trends. This started with reading all our books and articles to see if there were any tidbits of knowledge concerning how the law was interpreted in when it came time. Details involved the objectives, designs, outcomes and main conclusions of these studies. The next step was to group the data under these frequently repeated topics, some of which were efforts made in fighting corruption; ensuring human rights as well as independence for courts and commercial law.

### ***Thematic Analysis***

Using thematic analysis of the literature, themes were identified across articles We summed up the codes for main and subthemes of each publication to identify patterns or trends that were common across several publications. The approach reconciled seemingly conflicting outcomes from the varied studies and allowed us to gain a comprehensive view of what was happening in Ukraine with respect to law implementation. Several visual aids assisted the presentation of results. We were set up with tables to depict pivotal issues and designs so that the contents of data conveyed accurately. Multiple checks were made on the data to make sure that the analysis was fair and complete. To make sure we were combining the right parts, we compared the extracted data and themes with their original sources. The research team cleared up any questions or disagreements by talking about them and coming to an agreement.

## **Results**

Some important problems were brought up by the review that need to be fixed in Ukrainian law. At this point, it's very important to understand how complicated and hard things are in the Ukrainian legal system. The political situation in Ukraine has a big effect on how the law is used (Bereziuk et al., 2020). The rule of law is called into question by the fact that governments change all the time and politics are generally unstable. Every new administration touts its own set of legal priorities, and such shifts in

law enforcement or judicial practices tend to occur abruptly. Political manipulation, as an example mentioned by Bashir and Nisar (2020), also results in selective application of laws: "laws can be enforced and ignored selectively according to political expediency". This fosters an environment of fear and lawlessness that makes it next to impossible for reforms that focus on rule of law ever to be implemented, or if they are enacted, non-sustainable.

Corruption has been and remains a pervasive societal challenge that often goes unpunished in Ukraine, with considerable legal infractions within the hierarchy of state administration up to the court level. Corruption can be in terms of biases so that the judgment given by judges who received bribes (or other favours) is not independent and there may also have been abuses captured when such corrupt judicial decisions were disseminated publicly leading to public scepticism concerning the independence or fairness on courtroom judgments. Strong anti-graft laws do exist, but they remain poorly enforced in part because of a deeply ingrained culture amongst officials who are expected to implement those laws themselves. This makes the whole thing into a vicious circle as [those that corrupt benefit from perpetuating it further, thus have no incentive in breaking].

The enforcement of the law in Ukraine is largely dependent on social norms and public opinion. The normative character of laws reflects the attitudes and beliefs about law that are commonly shared within a given society - by both officials as well as citizens, parties to judicial orders. In a society accustomed to corruption and where authority figures are not particularly trusted, adherence to the laws may often be considered non-obligatory (Gholami & Salihu, 2019). The cultural emphasis makes it difficult for laws to be enforced uniformly and efficiently, because of the failure on societal norms against legal regulation. These comparisons with the experiences of other post-Soviet states, as well as Western legal systems point to common struggles and recent advancements in Ukraine. Yet Ukraine is also a unique case by presenting, inter alia providing opportunities to carry out legal and institutional reforms due to its efforts in alignment with European Union standards. Understanding these different models is essential to considering the future of legal reforms for Ukraine and researchers need to avail themselves not only with regional experiences, but those in Western countries. Key themes extracted from literature are presented in Table 2. While in Table 3 Impact of Corruption on judicial expansion has been explored. Moreover Ukraine legal system is compared with other post-soviet states and Western legal systems in Table 4.

**Table 2**

*Summary of Key Themes in Literature on Law Application in Ukraine*

| Theme                 | Key Findings  | Sources                                    |
|-----------------------|---|--|
| Political Environment | Frequent changes in government lead to inconsistent legal practices | Nasuti (2016)                              |
| Corruption            | Significant challenge, undermines judicial independence             | Elbasani and Šabić (2018); Smirnova (2020) |
| Social Norms          | Societal attitudes towards authority affect compliance              | Aasland and Lyska (2016)                   |
| Comparative Analysis  | Highlights common challenges and unique opportunities for reform    | Jimenez and Iyer (2016)                    |

Source: Authors' development.

**Table 3**

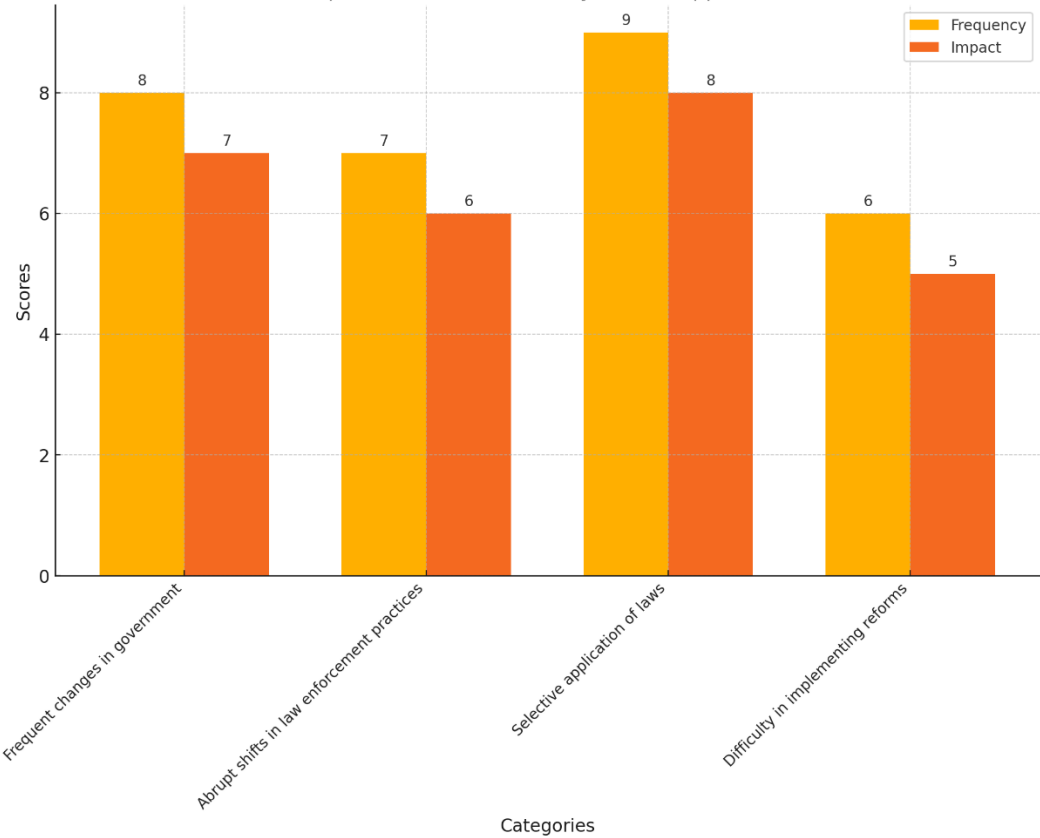
*Impact of Corruption on Judicial Independence*

| Impact Area   | Description                                       | Examples  |
|---------------|---|---|
| Judicial Bias | Judges influenced by bribes or political pressure | Favorable rulings for powerful individuals/businesses |



**Figure 2**

*Impact of Political Instability on Law Application*



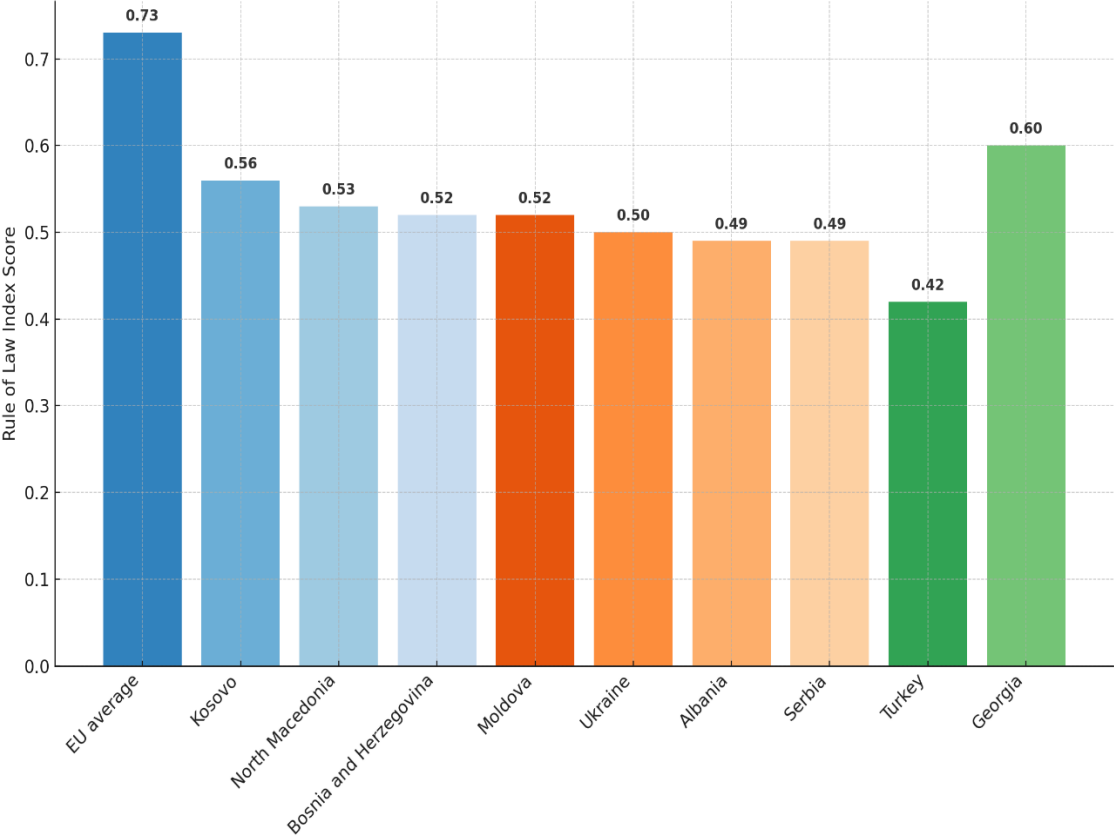
Source: Authors' development.

Figure 2 illustrates the frequency and impact of political changes on the application of laws in Ukraine. The findings highlight multifaceted political, and societal-institutional determinants supporting law application within Ukraine. This political context, marked by its instability and government turnover creates a contradictory complex of legal practices. Corruption is rife, compromising judicial independence and weakening public confidence. Societal attitudes help shape the way laws are obeyed, and what may be regarded as applicable to one aspect of life or behavior but not another; such perceptions complicate law enforcement. Moldova and Ukraine Both countries have scores around 0.50-0.52. Ukraine's score of 0.50 in Figure 3 and 4 indicates moderate challenges in the rule of law, slightly better than Albania and Serbia but still significantly lower than the EU average.



**Figure 3**

*Rule of law Index Scores in Europe by Country, 2022*

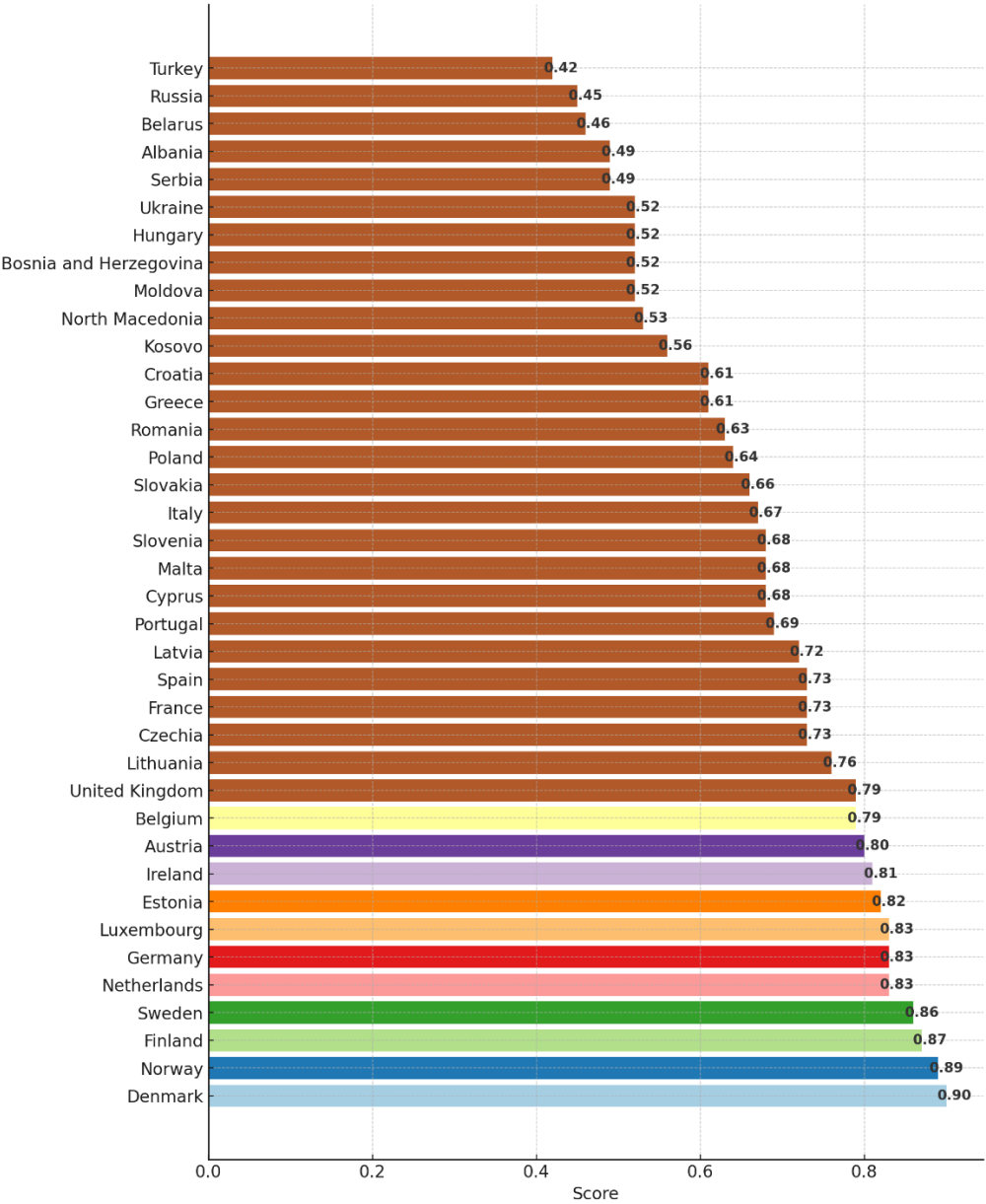


Source: Statista (2022).

The comparative analyses offer insights focusing on both common challenges as well some of the bespoke opportunities for reform in Ukraine. At the same time, they underscore those efforts to reform legal institutions and decrease corruption as well as ensuring adherence of laws consistently across cases will all be necessary for sustaining improvements in governmental effectiveness.

**Figure 4**

*Adherence to Rule of law Index in Europe by Country, 2022*



Source: Statista (2022).

**Discussion**

The main proven facts, elucidated in the selected literature review, are about certain implications on law application due to political dynamics and Corruption Breaking Related Cases in Ukraine. Prior studies led in Ukraine and other post-Soviet conditions have indicated that political instability, lack of governance and corruption limit the effectiveness and implementation of laws (Aliyev, 2018). The frequent changes in government and political interference into judicial processes cause wide range of corruption issues, which together with fluctuations dictate the lack of uniformity and justice law applying across Ukraine. Political factors often guide legal decisions (Khmelko & Bonnal, 2020) which results in law enforcement being implemented on selective bases and the rule of the game becoming closer to the level of a sham. This matches the findings of Cavandoli and Wilson (2022), who also said that unstable politics in Ukraine have made it harder to follow the law. Similar trends can be seen in other post-Soviet states, where political control stops efforts to improve the quality of justice and protect judges' independence. Another important thing that hurts the rule of law in Ukraine is corruption. Pehlman (2020) says that corruption makes the judiciary less independent. This should

make people not trust the system and lead to laws being applied in an unfair or biased way. The transfer of high-quality efforts for a competent process is slowed down by the fact that corruption in political and legal institutions keeps people from being punished.

The results suggest that to stop political interference and corruption, we need to be committed to openness and responsibility, as well as making big changes to institutions and frameworks. To reach this goal and lessen the impact of politics, it is important to strengthen the institutions that protect the rule of law and the independence of the courts. As an example, making sure that political connections don't play a role in promotions or appointments to the judiciary; making sure that judges and law polygraphs have enough money to do their jobs; and finally, putting in place protections against threats from people inside the government. If you look at Western countries with high-level judicial independence as part of their legal model, you can learn about the best ways to run Ukrainian institutions. Such legal reforms should further feature stringent enforcement of anti-bribery laws, more transparent governance and citizen-enabled whistle -blowing mechanisms to combat corruption. Promoting transparency and accountability will require promoting ethical standards in the legal profession, citizen participation in governance processes as well as a stronger role of civil society organizations to monitor and advocate for reforms initiatives. In this, experiences in other countries can provide us with valuable lessons about fighting corruption. Our results are consistent with other project reports on the implementation of law in Ukraine, as well as post-soviet states. In particular, recognized that political pressure has become one of the real threats to judicial independence, as well as appropriate justice. The empirical evidences obtained from these studies that we reviewed in our piece corroborate the institutional reforms necessary to safeguarding judiciary independence and fair implementation of laws.

Works on corruption within states of transition from the Soviet system have also borne witness to that deep-seated nature, as seen in research by Bialer (2019). These results suggest anti-corruption drives need to be comprehensive and accountability culture needs more strengthening. Such comparisons have shown the benefits of robust institutional mechanisms and clear governance practices in Western legal systems. In Western countries, judicial independence and Anti-corruption laws that are rigid in application foster effective rule of law (Hoadley & Hatti, 2020). These findings provide lessons for Ukraine, where recent reforms seek to do the same.

## **Conclusion**

The legal system of Ukraine is a strange mix between its past, the current political situation and local mindsets. However, although the country has made considerable advances since obtaining independence in 1991, it still faces barriers preventing laws from being sufficiently and equitably enforced. At the same time, however, as an echo from the remnants of Soviet-era legal culture that has never completely died away here on which still exerts a powerful influence today. So, we can say Russia actually exists eastern legal system in itself disintegrated by recent innovations. law ultimately did not work with old practices. The problem is compounded by political instability, and the frequent change of government which means there are changes in enforcement based on whimsical readings of laws with public trust weakened over time. Corruption continues to be, and corruption downgrades judicial independence on one hand as well as the enforcement of law in a fair manner being made very difficult. A mature society respects laws and works in accordance with them.

## ***Suggestions for Future Research***

Priority for future research should be in conducting longitudinal studies to monitor the continued development of legal changes and their consequences. This information would be indispensable for determining whether the reforms were leading to long-term improvement, or if setbacks occurred due to political or social pressure. Longitudinal research can bring to the forefront trends and patterns not visible in short-term studies, providing a more complete picture of how is law abide in Ukraine. Moreover, like Canada to draw on experiences that may be relevant and suitable for others with

comparable links or improved legal environments. Such comparisons would enable Ukraine to learn from the experiences of other countries which strengthen its legal framework.

This mid-term studies could thus be followed with proper long-term research on how such changes in legislation and legal practice can influence different phenomena of our society. This would involve examination of the impact of anti-corruption programmes, human rights safeguards and compliance with commercial law. Additionally, what other role international cooperation has in strengthening the legal capacity of Ukraine requires some clarification. Ukraine also can get technical assistance, financial support and expertise to carry out the most profound legal reforms with international partnerships. Focusing on cooperation aspects allows identifying in which directions Ukraine should be further supported and where to imitate experience of other countries so the best results are achieved. These lines of research will not only contribute to a better academic understanding of law in action in Ukraine, but they can also deliver pragmatic benefits for those working on the ground to improve rule-of-law practices.

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