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THE INFLUENCE OF EUROPEAN INTEGRATION PROCESSES ON SAFEGUARDING HUMAN RIGHTS AND BASIC RIGHTS IN UKRAINE

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Abstract

The purpose of the study is to analyze the impact of European integration processes on the protection of human rights and fundamental freedoms in Ukraine. To accomplish the proposed aim, a number of systematic methods were used: thematic analysis, comparative analysis, and content analysis. The main judicial documents related to changes in legislation and practice of implementing European legal standards were collected: The Constitution of Ukraine, Human rights legislation, Legislation on personal data protection, and The Maastricht Agreement. The study findings show that Ukraine's European integration involves the approximation of Ukrainian law to European standards. This process also encompassed the safeguarding of human rights and basic liberties that included reducing discrimination, ensuring security, guaranteeing protection and social support, etc. It is important that Ukraine implements these legal changes in cooperation with leading European institutions, such as the Council of Europe and the European Court of Human Rights. This makes it possible to take into account current trends in the practical implementation of the protection of citizens. Simultaneously, efforts to implement the European integration goals of judicial system transformation, media freedom and rights, and civil society institution development should be acknowledged as promising areas for additional Ukrainian legislative reform. Hence, the conclusions emphasize the importance of further cooperation with European institutions and adherence to the democratic path of development. Also, promising areas for further changes in Ukrainian legislation are the work on the implementation of the goals of European integration and the change of the judicial structure, and ensuring the rights and freedoms of the media.

Keywords: harmonization of legislation, establishment of institutions, strengthening of democracy, fundamental freedoms, European integration, cooperation.

Introduction

The European integration process in Ukraine has led to changes in many areas of legal relations. This strategic vector of Ukraine's diplomatic development is integration into the European structure and accession to the European Union. The process of organizing and implementing reforms will help to improve the growth rate of living standards, including through the implementation of social justice principles.

At the same time, modern Ukraine continues to face difficulties with the social, political, and economic aspects of the functioning of state mechanisms, which generally determine the continuation of a successful course towards European integration and the improvement of public life in general (Semenets et al., 2020). The reform process is increasingly taking into account social aspects and needs of the population, focusing on the implementation of European standards, which will eventually lead to better living and working conditions for people, protection of their rights and interests, overcoming the devastating consequences of the Russian invasion, etc. First and foremost, the social sphere includes elements of the state's social policy, which develops the foundations of social protection and social rights. Therefore, drawing attention to the effectiveness of the social sector is one of the most significant and vital tasks that are taken into account in the context of the current stages of the state's socio-economic development in line with European integration.

Speaking about the development of the social sector, it is necessary to emphasize the legal aspects as important elements of social unity and ways to implement social justice (Kroitor et al., 2019). The Constitution of Ukraine, in particular, guarantees inviolability of life and health, respect for dignity and honour, and complete safety of movement, which are proclaimed the highest social values in the country.

However, since 1996, when the Constitution was adopted, there have been a number of changes in the interpretation of social protection and its features. Obviously, further progress towards the protection of human rights is also being made through cooperation with European legislative structures. Institutions of human rights and freedoms, including the instruments for their implementation, are taking on leading roles in the harmonization (or adaptation) of Ukrainian legislation to the requirements of EU legislation in the proposed contexts. In fact, we are talking about borrowing and using many matrices of understanding regarding the protection of human rights, recognition of the means of legal reality aimed at achieving the goals of legal regulation, and preserving all legal interests.

Therefore, the purpose of the study is to analyze the impact of European integration processes on the protection of human rights in Ukraine. Thus, the research objectives include the analysis of the current literature on the selected topic, identification of the mechanisms of influence of EU integration on the legislative field of Ukraine, analysis of the development of the understanding of human rights and their protection as a result of the implementation of European norms in Ukraine.

Hence, the research questions are the following:

1. What are the main themes identified in the current literature on the influence of EU integration on Ukraine's legislative field?
2. How has the implementation of European norms in Ukraine contributed to the development of human rights understanding and protection?
3. What mechanisms of influence has EU integration employed to shape the legislative landscape in Ukraine?

Literature review

The issue of human rights development and protection in Ukrainian realities has repeatedly been the subject of scientific analysis. Researchers have focused on various aspects of this phenomenon, determining both the overall impact of European integration on social and legal processes and specifying the search for the main results of the application of European legal norms on a Ukrainian basis. In particular, the study by Dermine (2023), which identified the prospects for Ukraine's further EU integration into their legal area, is highlighted. Drobotov (2020) characterized the norms that have been integrated into the national security sphere of Ukraine and identified the specifics of their application in the Ukrainian context.

Some modern scholars have drawn attention to the impact of European integration in the field of economic relations, considering the movement towards European legal norms to be one of the keys to creating a successful business environment (Dluhopolskyi et al., 2023; BOBRO, 2024). The researchers also focused on the specificities of the development of EU law in Ukraine, trends in its evolution against the background of the educational system, and the formation of civil society institutions (Danilyan et al., 2021; Kalmykova, 2022; Kuzheliev et al., 2023).

It is worth noting the study by Redko (2017), which identified trends in the evolution of cooperation between the EU and the Ukrainian authorities, including in terms of human rights analysis. Timofeyeva (2020) also described the changes undergone in Ukrainian criminal law as a consequence of the approximation of its legislative structure to European requirements. Some studies point to the importance of European integration as an important process that has distinct legal consequences, i.e., it leads to the liberalization of public life and legislation (Yakoviychuk et al., 2018; Storozhyk, 2024). The provision of timely and guaranteed medical care has become an important area of human rights, which is also a consequence of the use of European experience in legal activities (Petrenchenko et al., 2021; Wulandari et al., 2023).

Among the little-studied issues, researchers also identify the possibility of taking into account the decisions of international legal institutions in Ukraine and analyzing their role in lawmaking (Ovechkina et al., 2022). Separately, researchers have drawn attention to the obstacles to European integration, including in the area of human rights (Kyryliuk, 2022). The proposed review demonstrates an extraordinary interest in the important issue of the impact of EU integration on the development of legal thought in Ukraine, in particular in the interpretation of human rights.

Obviously, important elements of this study are not only the information obtained from the scientific literature but also reflections on the further development of law in Ukraine against the background of the unfolding Russian aggression (Derviş, 2023; Zemskova, 2023). At the same time, it is important to take into account not only generalizing studies but also to compare the opinions of scholars on important challenges of harmonizing Ukrainian legislation with EU norms. This will help to formulate research problems for further study, which in practice will lead to further improvement of the scientific development of this issue.

Methodology

In pursuit of its main objective, the study uses qualitative data analysis, including scholarly works and legislative documents.

Data collection

Data collection was carried out in stages (see Figure 1).

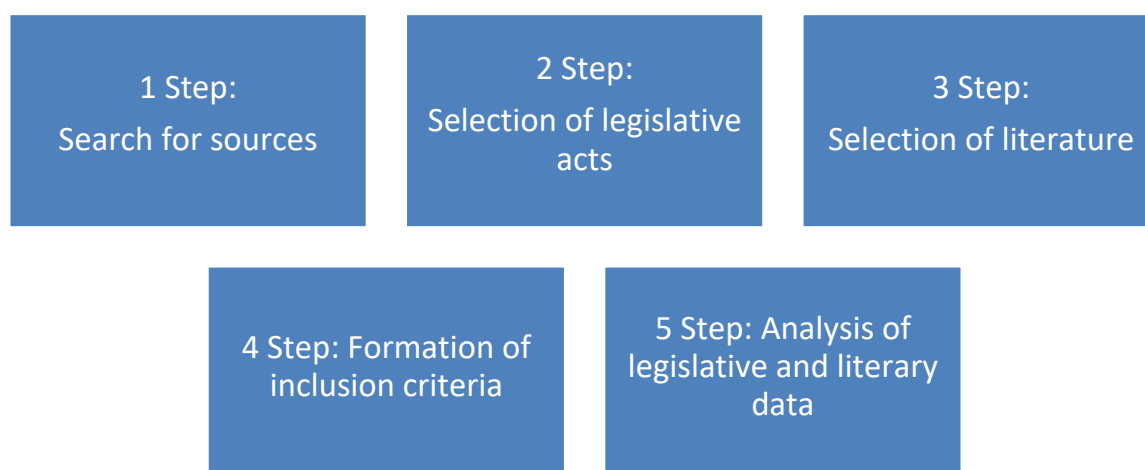


Fig. 1. Main stages of data collection

Source: Authors' development

First, the main legislative documents related to changes in legislation and practice of implementing European legal standards were found.

1. The Constitution of Ukraine.
2. Human rights legislation.
3. Legislation on personal data protection.
4. International treaties (The Maastricht Agreement).

After that, the literature was selected based on the keywords 'European integration', 'law', 'sustainable development', 'human rights', 'European norms' entered into databases. Some of these words were replaced by synonymous phrases. The criteria for including sources were based on the following principles:

1. The work deals with the general principles of observance of freedoms and human rights
2. The study describes various aspects of Ukraine's European integration process
3. The article describes the legislative aspects of human rights in Ukraine
4. The evolution of legislation in Ukraine is described
5. The paper outlines the research methodology
6. The study has a significant scientific novelty

Based on these criteria, 36 scientific materials were selected for the study.

Data analysis

The analysis of qualitative data included conceptual analysis and thematic analysis. In particular, these methods were used to identify the main trends in the observance of rights and freedoms in Ukraine within the framework of European integration aspirations. The study also utilised the method of comparison, which allowed comparing the findings with the works of other authoritative scholars. Thus, the study uses qualitative analysis of the selected issues.

Results

One of Ukraine's most important strategic tasks is to implement the European integration process. This is manifested in the focus on the further evolution of democratic institutions, the introduction of European standards of observance and guarantee of human rights, transformations in the economic sphere, and active adaptation of the EU's legislative norms. Researchers emphasize that potential accession to the EU can lead to significant political, economic, and social stability in Ukraine (Kregul et al., 2020). Legal harmonization with EU norms provides opportunities to improve further legislative standards, in particular in the areas of attracting investment, developing economic potential, and strengthening cooperation with many other member states.

Continued European integration will definitely lead to political consolidation of the state body and increase its international importance. Active accession to European structures (membership in the Council of Europe and Ukraine's EU candidacy status) has enabled Ukraine to successfully influence decision-making at the international level, create a Ukrainian vision of current events and demonstrate it to pan-European political forces, and facilitate the establishment of friendly contacts with other states. In particular, European integration can contribute to the growth of democratic values and the strengthening of human rights in the future (Blikhar et al., 2022). As a result of further work to implement ambitious transformations, in particular in the field of law, combating corruption, ensuring fundamental freedoms and freedom of speech, a solid foundation for a strong and sustainable democratic system is being built, which forms further vectors for the country's sustainable development (Danilyan et al., 2021; Drobotov, 2020).

Current researchers have determined that human rights today are conditions determined by the level of development of society and certain historical contexts that are objectively necessary to guarantee the life of an individual, take into account his or her needs, and build communication with other participants in public life, public institutions, etc. (Drobotov, 2020). These conditions determine the formation of general and equal opportunities, which are identical to international standards and are guaranteed by public authorities. For example, the principle of human freedom means providing a person with legal opportunities related to the individualization of behavioral patterns within the limits of the rights defined by law, as well as the right to be free from surveillance, restriction, or any other interference by public authorities in various aspects of a person's life and activities (Buriak et al., 2023; Petrov et al., 2015).

Human rights and freedoms are enshrined in legislation, recognized by public authorities, and spelled out in declarations and international human rights instruments. Ukraine's European integration has made it possible to take into account the position of leading democratic institutions that create conditions for the implementation of basic human rights, protect against violations, and defend them in case of unlawful actions.

As for taking into account the experience of certain specialized human rights documents within the European Union, this process began in 1989, when the Declaration of Human Rights was adopted and the Community Charter on fundamental social rights of workers was adopted. Another historic decision was the creation and implementation of the European Union Charter of Fundamental Rights, which has become a unique document for global practice, enshrining all types of human rights without any objections or exceptions. This document expands its actions both at the interstate and constitutional levels. Importantly,

the EU Court of Justice was established, which significantly complemented the mechanisms of the European Court of Human Rights (Kryshtanovych et al., 2022).

As of today, the Court is primarily a defender of 'functional' rights, which are formed in accordance with the content of the founding treaties and the specifics of the implementation of their protection mechanisms (Yakoviyk et al., 2018). Another aspect of its activities is to certify and defend the primary rights and liberties of EU citizens, as provided for in the Maastricht Treaty.

In addition, human rights and freedoms are protected within the framework of the Council of Europe, which Ukraine joined in 1995. Gradually, two independent types of human rights protection have been formed within Europe, which are implemented in parallel. Given the identification of priority areas for the realisation of rights and fundamental freedoms, Ukraine's European integration course in this area should primarily take place in certain areas (See Figure 2).



Fig. 2. Certain areas of Ukraine's European integration in the background of the realisation of rights and fundamental freedoms

Source: Authors' development

Therefore, as shown in Figure 2 the implementation of international and regional standards to guarantee human rights; ensuring freedom of expression; protection of national minorities, indigenous peoples, refugees, and other vulnerable groups; combating torture, human trafficking, inhuman and degrading treatment of others, xenophobia; observance of equal opportunities in the workplace; and implementation of European acts into Ukrainian legislation is the process of introducing norms and other provisions of international legal decisions into national legal practice are most important aspects of Ukraine's European integration in the background of the comprehension of rights and fundamental freedoms.

The state performs the main function of establishing and ensuring human rights and freedoms. Constitutional rights and freedoms are not exhaustive, and their system may be expanded and improved in the future. The constitutional proclamation of the protection of individual civil rights and freedoms defines the state's obligation to create special institutions and conclude the foundation of their legal status. In other words, the establishment of human rights and freedoms is a process where the state recognises these rights through various means, such as including them in declarations, laws, and international treaties.

Ensuring these rights means creating appropriate conditions for their realisation. This process includes three main aspects: promotion, protection, and defence of human rights and freedoms (Shcherbaniyk et al., 2020). The rights in the Constitution of Ukraine are not exhaustive and the system of rights and freedoms

may be subject to expansion and improvement in the future. The obligation of the State to establish institutions for the protection of human rights and freedoms, including courts, law enforcement bodies, and others, is determined by the defense of human rights and freedoms.

Discussion

The study shows that Ukraine's European integration contributes to the protection of the human rights and basic liberties of citizens, as it provides for the adaptation of Ukrainian legislation in agreement with EU standards. The study suggests that in terms of the progress of the Ukrainian legal system as a whole, the processes of aligning the national laws of Ukraine with the EU legislation are particularly important. Although modern authors note that the process of adapting the national legislation of Ukraine to the laws of the EU is long and requires systematization and phasing (Petrov et al., 2015).

It is worth confirming the researchers' opinion that while implementing the course towards European integration, transformations in the relevant legal field have become an urgent component of transformations in the legal life of Ukraine. This statement is also relevant for economic, political, social, cultural, and other factors of public life, which have been significantly affected by integration into European standards.

The proposed transformations were manifested in the practical integration of international human rights standards into the national legal system. This confirms the conclusions of scholars about the need for a corresponding modernisation of Ukrainian legal life (Babenko et al., 2020). At the same time, it is difficult to share the optimism of researchers who believe that the process of adaptation of Ukrainian legislation and its harmonisation is proceeding at a satisfactory pace (Fuley, 2022; Kozlovskiy et al., 2022). Even at the level of introduction and interpretation of European terms, there is a problem of integration, which to some extent does not guarantee the full implementation of mechanisms for the implementation of specific tasks on Ukraine's agenda today.

Decision-making problems lead to the formalisation of the process and the spread of political speculation, leading to an increase in unreasonable expectations in all spheres of public life. Such aspects, as rightly noted by Kaplina (2022), are related to the understanding and interpretation of certain terms and definitions that are actively borrowed and rather superficially studied in Ukrainian legal science. It is also worth supporting the conclusions of scholars that the rights and freedoms of citizens enshrined at the constitutional level do not guarantee their simultaneous implementation and protection at the level of social and legal relations (Dykan et al., 2021). The point is that the existing imperfections in the implementation mechanisms for the protection and enforcement of citizens' rights and freedoms may lead to difficulties with the practical implementation of these rights and freedoms, which will primarily negatively affect the creation and further work of civil society and the rule of law, respectively.

At the same time, scientific studies have shown that a country's innovation potential directly depends on legal development (Kubiv et al., 2020; Lysenko et al., 2024). Innovative solutions have an impact on creating new opportunities for the population and improving the quality of life, and thus have a positive impact on the protection of fundamental rights. In general, the role of European integration in the protection of human rights is the subject of various analytical studies, which highlight certain aspects. One of the important areas is the relationship between European integration and economic sustainable development, which can have a direct impact on the protection of citizens' rights and freedoms (Kozlovskiy et al., 2024).

In particular, some studies by modern scholars are important for determining the potential results of European integration processes on the economic situation in Ukraine (Lutsiak et al., 2020). Some fundamental studies of the innovation potential of European countries demonstrate that it is important within the framework of human rights. It should be referred to Lysenko et al. (2024), who describe the role of artificial intelligence in shaping stable cyber security. It is worth noting that the introduction and use of new innovative technologies has a significant impact on the protection of an individual's private data and, consequently, on the observance of their fundamental rights.

Other studies have shown that, in general, various aspects of economic development in European countries can play a significant role in protecting the rights of citizens (Mazur & Kozlovskiy, 2023; Zayukov et al., 2024). In particular, stable economic development creates various favorable conditions for improving the social protection system, access to education and healthcare, which are fundamental aspects of respect for fundamental freedoms and human rights. At the same time, modern scholars emphasize that the process of implementing European standards requires Ukraine to make efforts to reform law enforcement agencies, the judiciary, and other sectors that affect the observance of citizens' rights. This, in turn, includes not only the adoption of new legislative decisions but also the development of the institutional framework.

At the same time, it has been determined that European integration also affects the dissemination of best practices in the field of human rights and contributes to the creation of platforms for cooperation with other EU Member States. This, in turn, improves the direct mechanism of rights protection, including access to public assembly and fair trial. The main limitations of this study include the consideration of only current literature (for the last 8 years), however, other previous studies are ignored. At the same time, this study also opens up new perspectives for studying the impact of European integration on human rights; in particular, it would be worthwhile to dismantle the direct evolution of this process in different countries.

Conclusions

Thus, Ukraine's European integration has played a significant function in determining the legal structure for the protection of basic human rights or freedoms. First of all, this is due to the need for Ukrainian laws to comply with the established EU accession criteria, among which human rights issues, the fight against corruption, etc. are extremely important tools for building a democratic environment.

For this reason, Ukrainian legislators should take further measures to improve the protection of main human rights, in particular in the areas of fair justice, non-discrimination, freedom of speech and opinion, religion, combating xenophobia, protection of employees' rights, etc. Ukraine's further accession to European structures (in particular, further participation in the Council of Europe, obtaining candidate status for accession to the European Union, and new commitments for further changes) provided Ukraine with opportunities for political and economic integration and taking into account the legal experience of other EU Member States in reforming national legal systems.

In particular, European integration has contributed to an appreciation of the importance of citizens' rights for the implementation of democratic values in general. An important vector for further development is to consider the experience of the European Court of Human Rights, whose judgments can supplement the Ukrainian judicial system with modern interpretations of human rights.

At the same time, work on implementing the European integration goals of transforming the judicial system, guaranteeing the freedoms and rights of the media, and supporting the development of civil society institutions should be recognized as promising areas for further transformation of Ukrainian legislation. In general, the process of European integration is significantly improving the safeguarding of human rights and liberties in Ukraine, bringing the national legislative system closer to international standards and promoting a more transparent and democratic development of the state.

Therefore, the authors of this article can offer the following recommendations on the way to improve the system of human rights protection in the conditions of further European integration of Ukraine.

1. Strengthen democratic institutions and human rights in Ukraine. In particular, it is worth strengthening activities aimed at the further development of democratic institutions and ensuring the observance and guarantees of human rights. This can be done through greater integration of European standards. In addition, it is also worth focusing on the promotion of freedom of expression, protection of national minorities and refugees.

2. Carry out extensive legislative and economic reforms. In particular, it is worth prioritizing economic transformations and active adaptation of EU legislative norms. Such steps will help to attract investments in the system of development of economic potential.

3. Improve institutions for the protection of human rights. Therefore, it is necessary to create new and strengthen existing institutions dedicated to the protection of human rights and freedoms. They can have both governmental and public forms. It is also worth protecting and defending human rights and freedoms through adopted constitutional provisions and international treaties.

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