



DOI: 10.18523/2414-9942.11.2025.36-47

Dmytro Koval

<https://orcid.org/0000-0003-3271-7228>

PhD

*National University of Kyiv-Mohyla Academy
Kyiv, Ukraine*

Andrii Latsyba

Ukrainian lawyer

*National University of Kyiv-Mohyla Academy alumnus
Kyiv, Ukraine*

JUDICIAL REFORM IN UKRAINE IN THE TIMES OF POST-REVOLUTION OPENING AND THE LESSONS THE EU CAN LEARN

Abstract

The article analyses the progress and results of judicial reform in Ukraine after the Revolution of Dignity through the prism of interaction between key stakeholders – civil society, state bodies, and international partners, particularly the European Union. The study combines an analysis of scientific literature with empirical data obtained through interviews with direct participants in the reform processes after 2014. The authors trace how the window of opportunity created by mass protests and a change in the country's political course influenced institutional transformations in the field of justice. The study identifies factors that contributed to and hindered the implementation of reforms: on the one hand, public demand for the purification of the judiciary, the activation of civil society and the support of international partners, and on the other hand, resistance from the old elites, the superficial commitment of new political actors to deep transformations and the lack of proper dialogue between key stakeholders. The study concludes that the success of judicial reform in Ukraine is partial, demonstrating that even in a favorable context, systemic changes require sustained political will and effective cooperation between internal and external actors.

Key Words: Revolution of Dignity; Ukraine; judicial reform; democratization; civil society; European Union; post-revolutionary transformations.

Introduction

The last months of 2013 in Ukraine witnessed one of the most significant and transformative experiences in Ukraine's

modern history – the beginning of mass protests that later became known as the Revolution of Dignity. The protests were

triggered by the decision of then-President Yanukovych and the government to make a U-turn in the country's course, changing the economic and political vector of Ukraine out of the EU towards Russia and its Customs Union. Before the change of course was announced, Ukrainian society, to some extent, tolerated, at least for the time being, the lack of governmental transparency, high level of corruption, encroachments on private business, and a distrusted and lackingly independent judicial system that were endemic to Yanukovych's Ukraine.

The observed tolerance may partly stem from the expectation that even those endemic problems can be addressed during the process of aligning with the EU standards of good governance, corruption prevention, building an impartial and independent justice system, etc. Therefore, the signing of the Association Agreement between the EU and Ukraine, which was at risk before Yanukovych and was influenced by his government's decision to abandon the EU in favor of Russia, was regarded as a necessary

first step to initiate Ukraine's transformation into a better and more transparently governed state.

As a result of the Revolution of Dignity, Yanukovych and some of his key lieutenants abruptly left the country in February 2014. The subsequent reorganization of the government and parliament, along with the signing of the Association Agreement and increased engagement with EU programs aimed at supporting Ukraine's democratic development, created a 'window of opportunity' for major changes in critical areas of state and society. Notably, these included building anti-corruption structures and judicial reform.

This article recounts how judicial reform in Ukraine developed and, in greater detail, examines how stakeholders perceive this reform. The background context in which these issues are discussed includes the EU's support for the reform and how much the opportunity created by the Revolution of Dignity has been utilized by the EU.

Conceptualization of the Revolution of Dignity in relation to democratization

Scholars from various disciplines have studied the Revolution of Dignity through the lens of the democratic reforms it enabled. While some of the studies looked at the implementation of the EU-oriented reforms as steps towards better governance, liberalization, and democratization¹, others, in addition to that, inquired into the "embeddedness of the changes ongoing at the policy level in the various segments of society and the interaction of individual and collective agency with these changing

structures."² This line of literature emphasizes that societal change cannot be reduced to a set of formal reforms and requires contextualization to be fully understood, i.e., taking into account factors such as armed conflict, precariousness, low levels of trust between key actors, and external legitimization factors, among others.³ Here, the authors usually try to go beyond the legalistic understanding of the reforms and look at the potential changes of (and blockages from) the power structures,

¹ Henry E. Hale and Robert Ortung, *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine* (Stanford University Press, 2016), <https://doi.org/10.11126/stanford/9780804798457.003.0014>.

² Zuzana Novakova, "Four Dimensions of Societal Transformation: An Introduction to the Problematique of Ukraine." *The*

International Journal of Social Vol. 7, no. 2 (2017): 2. <https://www.jstor.org/stable/26883324>.

³ Ibid, 6; Anastasia Tataryn, "From Social Uprising to Legal Form," *Law Critique* 30 (2019): 44-45, <https://doi.org/10.1007/s10978-018-9235-x>.

the Soviet legacy in governance, neopatrimonial values, and the EU political efforts to advance reforms.⁴ Another important prism through which the democratic developments in Ukraine have been examined is the transitional justice perspective.⁵ In this sense, democratic reforms are viewed as part of the Ukrainian response to the war and anti-democratic inclinations from the pre-revolution era. However, scholars using the transitional justice prism predominantly focus on war crimes investigations, compensation for victims, and similar measures, overlooking the impact of sectoral democratization reforms on rebuilding the state after the war and during the period of electoral democracy.

A significant volume of scholarship exists investigating the emergence of openings for certain structural reforms in Ukraine after the Revolution of Dignity, claiming that “2014 was a time caesura that divided two different periods in Ukraine’s history, as well as two different developmental trajectories of the state and society as a consequence”.⁶ It seems that one of the most academically covered reform that springs from the Revolution of Dignity is an

anti-corruption one.⁷ Scholars examine the political climate that led to the creation of the National Anticorruption Bureau of Ukraine, the effects of power distribution among domestic political actors competing for ownership over reforms,⁸ the role of civil society in shaping anti-corruption efforts, and related factors.⁹ On the issue of judicial reform, the existing body of literature largely agrees that this reform has been a relative failure.¹⁰ As some authors stress, this happened as a result of the “political elites’ shallow commitment to powerful, independent courts, as well as the absence of a strong reformist constituency within the Ukrainian judiciary.”¹¹

This article builds upon the existing body of literature and attempts to look beyond the legal peculiarities of the post-revolution judicial reform in Ukraine. To achieve this, it focuses on the analysis of the interaction between different stakeholders involved in tailoring the reform and on the role and impact of the EU in facilitating the transformation of the judicial sector.

This study differs from existing work in its methodology. The authors mainly rely on interviews with key participants directly

⁴ Marta Králiková, "Power Structures and Normative Environment: Limits to the Rule of Law and the EU's Normative Power in Ukraine," *UPTAKE Working Paper* No. 3 (2017): 13-16 <https://doi.org/10.13140/RG.2.2.36684.72325>.

⁵ Konstantin Zadoya, "Transitional Justice in Ukraine: Challenges and Opportunities," *Leges si Viata*, 2018, <http://smtp.kpi.kiev.ua/archive/2018/9-2/13.pdf>.

⁶ Wojciech Siegień, "War and Modernization in Ukraine: A Comparative Study of Systemic Education Reforms," in *Global Agendas and Education Reforms*, ed. Birol Akgün and Yusuf Alpaydin (Palgrave Macmillan, 2024), 116, https://doi.org/10.1007/978-981-97-3068-1_6; "Three Years of Reforms: Has Ukraine Reformed Enough for Surviving," *VoxUkraine*, https://voxukraine.org/longreads/three-years-of-reforms/index-en.html?utm_source=chatgpt.com.

⁷ Nicholas Pehlman, "Patrimonialism through Reform: Public Participation in Police Reform, Institutional Capture, and Bureaucratic Independence in Ukraine," *Harvard Ukrainian Studies* 37, no. 3/4 (2020): 323-327, footnotes 1-9, <https://www.jstor.org/stable/48626498>.

⁸ Marina Zaloznaya and William M. Reisinger, "Mechanisms of Decoupling from Global Regimes: The Case of Anticorruption Reforms in Russia and Ukraine," *Demokratizatsiya: The Journal of*

Post-Soviet Democratization 28, no. 1 (2020): 77-111, <https://muse.jhu.edu/article/747821>; John Lough and Vladimir Dubrovskiy, "Are Ukraine's Anti-Corruption Reforms Working?," *Chatham House* (blog), November 19, 2018, <https://www.chathamhouse.org/2018/11/are-ukraines-anti-corruption-reforms-working>.

⁹ Oksana Huss et al., "Explaining Variation in the Effectiveness of Anti-Corruption Activism in Ukraine's Regions: The Role of Local Context, Political Will, Institutional Factors, and Structural Factors," *Demokratizatsiya: The Journal of Post-Soviet Democratization* 28, no. 2 (2020): 201-27, <https://muse.jhu.edu/article/754565>; Felix Blatt and Caroline Schlauder, "The Influence of Civil Society on Ukrainian Anti-Corruption Policy After the Maidan," *Central European Journal of Public Policy* 15, no. 1 (2021): XXXX, <https://doi.org/10.2478/cejpp-2021-0001>.

¹⁰ Tataryn, "From Social Uprising to Legal Form," 53; Maria Popova and Daniel J. Beers, "No Revolution of Dignity for Ukraine's Judges: Judicial Reform after the Euromaidan," *Demokratizatsiya: The Journal of Post-Soviet Democratization* 28, no. 1 (2020): 130-137, <https://muse.jhu.edu/article/747827>.

¹¹ Popova and J. Beers, "No Revolution of Dignity for Ukraine's Judges: Judicial Reform after the Euromaidan," 130-137.

involved in reform processes since 2014. To provide a comprehensive and balanced view, the study examines judicial reform from the perspectives of various stakeholders, including civil society representatives, government officials, and the European Union through its international support mechanisms. Therefore, the work combines analysis of academic sources with materials obtained from respondents, mainly aiming to identify which factors, according to those surveyed, contributed to the reform and which factors impeded it. The authors recognize that this approach may include inaccuracies due to the subjectivity of respondents' assessments and the limited ability to verify non-public processes associated with the reform's development. At the same time, this perspective, emphasizing dialogue and the experiences of those involved, together with more "legalistic" research, can provide valuable insights. This

study does not seek to track every step of the reform or determine all the causes of individual failures, but instead offers a broader view of the systemic issues that have hindered the full implementation of judicial reform.

Within this study, interviews were carried out with representatives of civil society, including experts involved in various non-governmental organizations, active participants in the Reanimation Package of Reforms, and members of the Public Integrity Council. On the state side, the study references the work of a government official who represented the Presidential Administration in multiple judicial reform processes after the 2014 Revolution of Dignity. On the European Union side, a senior expert on judicial reform, who holds a leading role in the judicial reform component of the EU Pravo Justice project, was interviewed.

The timeline of judicial reform in Ukraine after 2014

Judicial reform in Ukraine is a long-term process, with its origins dating back to the restoration of independence in 1991, when the newly formed state inherited the Soviet judicial system. Although de jure this system appeared to be an orderly state model of justice, de facto, it remained under constant political influence.¹² It often adapted to changes in the ruling regimes.¹³ This led to low levels of trust and satisfaction with the work of national courts among the general

public.¹⁴ In the following decades, Ukraine underwent several waves of reforms. These included: the so-called "small judicial reform" laid down in the Transitional Provisions of the Constitution¹⁵; the reform during the presidency of Viktor Yushchenko, which was characterized by certain liberal tendencies¹⁶; the period of Viktor Yanukovych, when the independence of the judiciary was significantly restricted¹⁷; and the era of the Revolution of Dignity, when the

¹² Maria Popova, "Ukraine's Politicized Courts," in *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, ed. Henry E. Hale and Robert W. Ortung (Stanford University Press, 2016), 145, <https://doi.org/10.11126/stanford/9780804798457.003.0008>.

¹³ Ibid.

¹⁴ Králiková, "Power Structures and Normative Environment: Limits to the Rule of Law and the EU's Normative Power in Ukraine," 6.

¹⁵ Ukraine, *Constitution of Ukraine, Transitional Provisions*, Constitution 254k/96-BP, adopted June 28, 1996, Chapter 15, para

12, <https://zakon.rada.gov.ua/laws/show/254k/96-bp#Text>; Oksana Khotynska-Nor, "The impact of the "small judicial reform" on the development of the judicial system of Ukraine: organisational aspects," *Sudova apeliatsia* 1, no. 42 (2016): 6-15, https://scholar.google.com/citations?view_op=view_citation&hl=ru&user=kOLIXtMAAAJ&citation_for_view=kOLIXtMAAAJ:qjMakFHDy7sC.

¹⁶ Serhiy Yarosh, "Judicial reform in Ukraine: reform of the judicial system in 2001–2010," *Rakurs*, September 11, 2019, <https://racurs.ua/ua/2417-sudova-reforma-v-ukrayini-2001-2010-roky.html>.

¹⁷ "White Book of Reforms 2025. Chapter 3. Judicial reform and law enforcement," VoxUkraine, May 6,

courts effectively became an instrument of repression against political opponents and civil society.

The Revolution of Dignity was a pivotal event that sparked the process of judicial reform, which has since become one of the top priorities for both civil society and the new political elites. Post-revolutionary changes occurred in three main stages: 2014, 2015, and, most significantly, 2016. Already in 2014, the Law of Ukraine "On Restoring Trust in the Judiciary in Ukraine"¹⁸ was adopted, which established a Temporary Special Commission to review judges involved in making "political" decisions during the Maidan protests. The same law removed heads of courts from their posts and introduced a mechanism for re-election to these positions by the judges of the respective courts themselves. Nevertheless, in approximately 80% of cases, judges re-elected the same people who had previously held leadership positions.¹⁹

The next important step was the adoption of the Law of Ukraine "On Ensuring the Right to a Fair Trial" in 2015.²⁰ Its purpose was to restart the work of the High Qualification Commission of Judges of Ukraine (HQCJ) and the High Council of Justice (HCJ).²¹ However, the new composition of these bodies was mainly formed from old judicial personnel, which did not contribute to the further advancement of the reform.²²

The most ambitious wave of judicial reform in the history of independent Ukraine

began in 2016. The main changes touched amendments to the Constitution of Ukraine, and the adoption of the Law 'On the Judiciary and Status of Judges'.²³ The innovations included:

- Conducting mandatory qualification assessments of all judges, the results of which, in the event of failure to confirm the ability to administer justice according to the criteria of competence, integrity, or professional ethics, would be grounds for dismissal from office;
- Establishment of a new Supreme Court and holding of a new competition for the selection of judges.
- Creation of the High Council of Justice, empowered to suspend, transfer, and dismiss judges, submit proposals to the President for their appointment, and give consent to their detention or arrest.
- Redistribution of powers and re-election of members of the High Qualification Commission of Judges;
- Creating a Public Integrity Council (PIC) as an auxiliary body that checks judges and candidates for compliance with standards of integrity and professional ethics;
- Establishment of higher specialized courts – the High Anti-Corruption Court and the High Court of Intellectual Property

2025, <https://voxukraine.org/en/white-book-of-reforms-2025-chapter-3-judicial-reform-and-law-enforcement>.

¹⁸ Ukraine, Verkhovna Rada Ukrayny, *On Restoring Trust in the Judiciary in Ukraine*, Law 1188-VII, adopted April 8, 2014, <https://zakon.rada.gov.ua/laws/show/1188-18#Text>.

¹⁹ Center of Policy and Legal Reform and DEJURE Foundation, *Formation of the New Supreme Court: Key Lessons* (2018), para 4, <https://pravo.org.ua/wp-content/uploads/2024/10/1518518656formuvannya-novogo-vs-klyuchovi-uroki.pdf>.

²⁰ Ukraine, Verkhovna Rada Ukrayny, *On Ensuring The Right To A Fair Trial*, Law 192-VIII, adopted February 12, 2015, <https://zakon.rada.gov.ua/laws/show/192-19#Text>.

²¹ "Vyshcha Rada Yustycyi" which was later reorganised into the "Vyshcha Rada Pravosuddia", both names translate as High Council of Justice

²² Center of Policy and Legal Reform and DEJURE Foundation, *Formation of the New Supreme Court: Key Lessons*, para 4.

²³ Ukraine, Verkhovna Rada Ukrayny, *On the Judiciary and Status of Judges*, Law 1402-VIII, adopted June 2, 2016, <https://zakon.rada.gov.ua/laws/show/1402-19#Text>.

Other changes concerned the age of judges, the term of their appointment, the reshaping of the President's powers in the field of the judiciary, and many other aspects. More detailed analyses of the specific legislative and institutional steps undertaken during the reform can be found in works that more closely focus on the legalistic dimension of the reform²⁴

Despite seemingly large-scale changes, judicial reform has not brought the expected results, as almost every innovation has revealed significant gaps.²⁵ In particular, the revamped HQCJ and HCJ once again raised doubts about their independence and objectivity, particularly in matters of

disciplinary sanctions against colleagues. A particular stumbling block was the process of selecting judges in 2016–2018, which was characterized by a low level of transparency, unclear and inconsistent criteria, poor quality assessment, and disregard for the information and conclusions prepared by the Public Integrity Council.²⁶ Similar criticism was levelled at the selection of judges to the Supreme Court in 2017.²⁷ At the same time, the creation of the High Anti-Corruption Court and the selection process for it, with the participation of international experts, is usually recognized as a relatively successful step.

Unfolding of the reform and the EU role in its implementation

Overall, the experts interviewed consider judicial reform to be partially successful, as some essential achievements have been made, but addressing deep-seated systemic changes remains unfulfilled. Additionally, perceptions of its effectiveness differ greatly among various groups: civil society largely criticizes the reform and often views it as a failure, while representatives of the state and some international support projects do not share this view.

In light of the above, this study aims to analyze various perspectives on the implementation process of reform and to determine the positions of key actors regarding the factors, in their opinion, that contributed to or hindered its implementation in the post-revolutionary period. At the same time, the study does not aim to establish the reasons for each failure of the reform, but rather to identify general trends that led to the

incomplete utilization of the reform momentum after the Revolution of Dignity.

a. Positively contributing factors

Although judicial reform had many critical moments, its implementation still marked significant progress compared to the pre-revolutionary period. The 2016 reform represented the most comprehensive transformation in Ukraine's judiciary history, including constitutional amendments and the creation of new institutions. It is therefore important to examine the factors that enabled this reform to better understand how periods of crisis and mass mobilization can act as catalysts for democratization.

The main factor driving the intensification of judicial reform was the Revolution of Dignity, as consistently and unanimously emphasized by all respondents. Primarily, it sent a clear signal of public demand for the cleansing of power and a

²⁴ Popova and J. Beers, "No Revolution of Dignity for Ukraine's Judges: Judicial Reform after the Euromaidan," 120-125

²⁵ Tataryn, "From Social Uprising to Legal Form," 43-44. Center of Policy and Legal Reform and DEJURE Foundation, *Formation of the New Supreme Court: Key Lessons*.

²⁶ Center of Policy and Legal Reform et al., *Qualification assessment of judges 2016-2018: interim results*(2019), <https://dejure.foundation/kvalifikaciyne-ociniuvannia-sudiv-2016-2018-promizhni-rezulaty/>.

²⁷ Center of Policy and Legal Reform and DEJURE Foundation, *Formation of the New Supreme Court: Key Lessons*.

complete overhaul of the system. During this period that the judiciary revealed itself to be a repressive tool of the state: judges imprisoned protesters without bail and effectively justified police violence.²⁸ The call for change originated from the general public, which exerted strong pressure on the new government. Simultaneously, representatives of the political elite noted that after the Revolution, they also recognized the need for reform as part of a new social contract with society. They stressed that it would be incorrect to view the reform solely as an initiative of civil society, since the driving force was a broader social consensus. However, as the analysis of judicial reform failures will demonstrate, real change is only achievable through the involvement of all key stakeholders and genuine cooperation among them.

The revolution caused a major shift, creating a "window of opportunity" for large-scale changes. The new political direction focused on increased openness to cooperation, which encouraged civil society to become more active and strengthened its role in pushing for reforms. All respondents stressed that such changes would not have been possible under the previous government. Public sector experts pointed out that most of the earlier reform efforts, from Yanukovych's era, were mostly superficial – they were formal and symbolic, without any real aim to transform the system. Meanwhile, civil society was in a fragile situation, as its activities were heavily restricted due to fears of repression by the authorities.

The second key factor was the increase in dialogue between civil society and the government. It involved two connected elements: the energizing of civil society and the rise of new political elites in power. After the Revolution of Dignity,

public representatives reported a sense of excitement and unity around a shared goal in society. This unity encouraged the formation of new types of organizations, particularly the Reanimation Package of Reforms, a coalition of civil society groups that coordinated working groups of experts on various reforms, including judicial and anti-corruption. Conversely, the emergence of a new political elite significantly improved communication with the government, as the new parliament members included individuals ready to work with civil society and international partners to push reforms. However, as will be explained below, not all key government officials shared this proactive stance.

The third factor was the active involvement of international partners, who began supporting both the new government and civil society shortly after the Revolution. Respondents specifically highlighted the roles of the European Union and the Council of Europe. This support was multi-faceted, encompassing project, organizational, and political aspects. The European Union was among the first to provide core financial backing for the Reanimation Package of Reforms, which allowed the coalition to establish its own office and hire administrative staff. Additionally, civil society experts underline the significance of the EU's political influence, which clearly signaled that judicial reform is a crucial part of Ukraine's push for European integration. Government representatives also pointed out the vital role of the Pravo-Justice project, which systematically offered expert assistance to authorities. Notably, its contribution was key to the creation and operation of the Council for Judicial Reform, an advisory body to the President of Ukraine, serving as a platform for dialogue between

²⁸ Popova, "Ukraine's Politicized Courts," 148.

the government, the public, academics, and international partners.

b. Factors hindering reform

At the same time, despite positive developments and the opening of a ‘window of opportunity’, judicial reform has not achieved the expected results and remains a subject of active criticism. This study summarizes key trends from the perspective of the main participants in the reform process regarding the factors that, in their opinion, have hindered the success of the reform. The clear conclusion is that the most consistent critical stance is expressed by representatives of civil society, owing to their role in exercising public oversight.

First, civil society representatives point out that one of the biggest obstacles to the success of the reform remained the actors inherited from the previous government. Primarily, this refers to the so-called ‘judicial mafia’ – a part of the judiciary that has persisted since pre-revolutionary times and has firmly defended the *status quo*. Resistance from them was not always driven by a direct interest in maintaining corrupt practices; often, it was due to an unwillingness or inability to act differently, as the system had been functioning according to established rules for a long time. Additionally, significant barriers were created by representatives of certain political forces linked to oligarchic circles or private interests, who systematically obstructed the reform of the judicial system. Public disinformation backed by Russia or anti-reform politicians was identified as an additional negative factor. One expert noted that this was the source of a discrediting narrative about the so-called ‘Sorosites’ — accusations that all civil society activists act solely in the interests of grants and impose a ‘foreign agenda’ on Ukraine. Representatives of international projects also reached similar conclusions, citing the reluctance of the old

authorities and issues with corruption within the judiciary.

Secondly, one of the main concerns of civil society is the lack of initiative from authorities or their reluctance to accept proposals from civil society organizations. Experts note that they cannot recall a single instance where their proposals were fully considered; almost always, decisions were made as a result of some kind of compromise. At the same time, it is emphasized that immediately after the Revolution of Dignity, the state authorities showed much greater openness to cooperation, as confirmed by legislative changes from 2014 to 2016. However, this level of interaction gradually declined, especially in relations with the Presidential Administration, which hindered further reform implementation.

From the perspective of state representatives, one issue was civil society's inability to ‘celebrate joint victories.’ An example is the situation with law adoption in 2016 after a lengthy process of preparation: immediately afterward, public organizations began to push for new changes to the newly updated legislation. Additionally, state representatives emphasized that they had provided all necessary platforms for cooperation, particularly through the Council on Judicial Reform, which was intended to serve as a communication platform between the authorities and the public. Moreover, as noted by state representatives, in its 2019 report “Assessment of the 2014–2018 judicial reform in Ukraine,” the Council of Europe considered the judicial reform successful, noting that 90% of the tasks outlined in “The 2015–2020 Justice Sector

Reform Strategy," adopted in May 2015, had been completed.²⁹

Thirdly, one of the main obstacles in the reform process was the difficulty in communication and cooperation between the key stakeholders. Specifically, as mentioned earlier, this involves the interaction between civil society and the government in determining the best methods for implementing reforms and the criteria for evaluating their success. An important factor in this was the length of the judicial reform, which greatly increased differences in the perspectives of various actors. At the same time, there are examples of shorter-term and more effective processes, particularly the creation of the National Anti-Corruption Bureau, even though anticorruption reform in the larger context faces similar challenges. Post-revolutionary enthusiasm helped pass the bill quickly and without major opposition.

Nevertheless, civil society experts expressed concern that cooperation with individual international projects was complicated by their long-term presence in Ukraine. In their view, this created a perception of excessive cooperation between such projects and the judicial system, giving disproportionate influence to the old judiciary and calling into question their impartiality. It seems that an additional factor contributing to the misunderstandings was the limited capacity of these projects for self-reflection due to the significant funds already invested in the relevant areas. The 2010 selection of judges and the 2017 selection of Supreme Court judges were cited as examples.

In response to the latter (2017), international project representatives noted that they believed the selection was quite successful because Supreme Court judges came from diverse professional

backgrounds—academia, the legal sector, and other fields—which contributed to a more balanced judicial system. Additionally, they highlighted that although the Supreme Court's image was damaged by allegations of corruption against its president, this does not necessarily mean that the stigma affects all other judges. Therefore, a gap exists between civil society representatives and international partners regarding the criteria used to define the success of reforms.

Another point of disagreement was the involvement of international experts. Civil society representatives emphasized that international projects sometimes misused their involvement: despite their undeniable importance, such experts did not always fully understand the local context. It was also noted that international experts were typically less critical of the authorities, which is why the authorities favored them. Nevertheless, support for national experts is a long-term investment that would benefit from their continued participation in policymaking or government activities over time. Representatives of international projects, in turn, justified this practice as essential during the transition period, as it promotes greater transparency.

Government representatives also criticized international projects, accusing them of creating excessive advantages for the so-called 'civil oligarchy'. The argument was that resources and opportunities for representation were predominantly allocated to the largest organizations, thereby overlooking many local actors, which contradicted the multidimensional and complex nature of civil society. Another issue affecting cooperation was the excessive bureaucratization of specific projects, which limited their ability to adapt to changes in the political environment. In particular,

²⁹ Council of Europe, *Assessment Of The 2014-2018 Judicial Reform In Ukraine And Its Compliance With The Standards And*

Recommendations Of The Council Of Europe Consolidated Summary (2019), para 7, <https://rm.coe.int/doc-00-assessment-consolidated-summary/168097a777>.

following the revolutionary events, the political context underwent significant transformations; however, some projects

proved unable to adapt to the new, more dynamic challenges.

Conclusions

The Ukrainian case demonstrates that periods of crisis and mass mobilization can create significant opportunities for democratization. However, these chances stay fragile unless they are supported by ongoing political will, genuine commitment from the elite, and effective cooperation between domestic and international stakeholders. This conclusion adds to the comparative debate on judicial reform in transitional democracies, illustrating that partial success, rather than complete transformation, might be the most common result when deep-rooted interests remain strong.

Among the overall factors that positively influenced the progress of judicial reform after the Revolution of Dignity, the following stand out: strong public demand for change; the shift in the political landscape; the rise of new political elites who largely shared the values of the reform-minded segment of society; active and effective dialogue among key stakeholders—state institutions, civil society, and international partners—as well as political and material support from these international

partners. The political engagement of international partners helped to clearly define the reform direction, boosted civil society's position, and motivated the government to carry out changes. Material support, in turn, was vital for ensuring the capacity of civil society and state institutions, which remained especially vulnerable when implementing practical steps in the post-crisis period.

At the same time, the reform faced several factors that greatly limited its results. First, the strong influence of old power structures and political elites played a major role, as they were mostly uninterested in breaking out of the system built over decades and did not help push for bold systemic changes. Second, the new political elites showed a lack of strong commitment to carrying out consistent and thorough reforms, often accepting compromises that compromised quality. Third, misunderstandings among key stakeholders and the absence of effective dialogue to resolve these issues created a major obstacle. This caused communication breakdowns and generally weakened the reform's effectiveness.

Bibliography

1. Blatt, Felix, and Caroline Schlaifer. "The Influence of Civil Society on Ukrainian Anti-Corruption Policy After the Maidan." *Central European Journal of Public Policy* 15, no. 1 (2021): 15–31. <https://doi.org/10.2478/cejpp-2021-0001>.
2. Center of Policy and Legal Reform and DEJURE Foundation. *Formation of the New Supreme Court: Key Lessons*. 2018. https://pravo.org.ua/wp-content/uploads/2024/10/1518518656formuvannya-novogo-vs_klyuchovi-uroki.pdf.
3. Center of Policy and Legal Reform, DEJURE Foundation, and NGO AutoMaidan. *Qualification Assessment of Judges 2016–2018: Interim Results*. 2019. <https://dejure.foundation/kvalifikaciyne-ociniuvannia-suddiv-2016-2018-promizhni-rezulstaty/>.
4. Council of Europe. *Assessment of the 2014–2018 Judicial Reform in Ukraine and Its Compliance With the Standards and Recommendations of the Council of Europe Consolidated Summary*. 2019. <https://rm.coe.int/doc-00-assessment-consolidated-summary/168097a777>.
5. Hale, Henry E., and Robert Ortung. *Beyond the Euromaidan. Comparative Perspectives on Advancing Reform in Ukraine*. Stanford University Press, 2016. <https://doi.org/10.11126/stanford/9780804798457.003.0014>.
6. Huss, Oksana, Max Bader, Andriy Meleshevych, and Oksana Nesterenko. "Explaining Variation in the Effectiveness of Anti-Corruption Activism in Ukraine's Regions: The Role of Local Context, Political Will, Institutional Factors, and Structural Factors." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 28, no. 2 (2020): 201–27. <https://muse.jhu.edu/article/754565>.

7. Khotynska-Nor, Oksana. "The Impact of the "Small Judicial Reform" on the Development of the Judicial System of Ukraine: Organisational Aspects." *Sudova apeliatsia* 1, no. 42 (2016): 6–15. https://scholar.google.com/citations?view_op=view_citation&hl=ru&user=kOLIXtMAAAAJ&citation_for_view=kOLIXtMAAAAJ:qjMakFHDy7sC
8. Králiková, Marta. "Power Structures and Normative Environment: Limits to the Rule of Law and the EU's Normative Power in Ukraine." *UPTAKE Working Paper*. 3 (2017). <https://doi.org/10.13140/RG.2.2.36684.72325>.
9. Lough, John, and Vladimir Dubrovskiy. "Are Ukraine's Anti-Corruption Reforms Working?" *Chatham House* (blog). November 19, 2018. <https://www.chathamhouse.org/2018/11/are-ukraines-anti-corruption-reforms-working>.
10. Novakova, Zuzana. "Four Dimensions of Societal Transformation." *International Journal of Social Quality* 7, no. 2 (2017): 1–29. <https://doi.org/10.3167/ijsq.2017.070202>.
11. Pehlman, Nicholas. "Patrimonialism Through Reform: Public Participation in Police Reform, Institutional Capture, and Bureaucratic Independence in Ukraine." *Harvard Ukrainian Studies* 37, no. 3/4 (2020): 323–66. <https://www.jstor.org/stable/48626498>.
12. Popova, Maria, and Daniel J. Beers. "No Revolution of Dignity for Ukraine's Judges: Judicial Reform After the Euromaidan." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 28, no. 1 (2020): 113–42. <https://muse.jhu.edu/article/747827>.
13. Popova, Maria. "Ukraine's Politicized Courts." In *Beyond the Euromaidan: Comparative Perspectives on Advancing Reform in Ukraine*, edited by Henry E. Hale and Robert W. Orttung. Stanford University Press, 2016. <https://doi.org/10.11126/stanford/9780804798457.003.0008>.
14. Siegień, Wojciech. "War and Modernization in Ukraine: A Comparative Study of Systemic Education Reforms." In *Global Agendas and Education Reforms*, edited by Birol Akgün and Yusuf Alpaydin. Palgrave Macmillan, 2024. https://doi.org/10.1007/978-981-97-3068-1_6.
15. Tataryn, Anastasia. "From Social Uprising to Legal Form." *Law Critique* 30 (2019): 41–65. <https://doi.org/10.1007/s10978-018-9235-x>.
16. "Three Years of Reforms: Has Ukraine Reformed Enough for Surviving." VoxUkraine. 2025. https://voxukraine.org/longreads/three-years-of-reforms/index-en.html?utm_source=chatgpt.com.
17. Ukraine. *Constitution of Ukraine - Section XV*. Constitution 254k/96-BP. Adopted June 28, 1996. <https://zakon.rada.gov.ua/laws/show/254k/96-bp#Text>.
18. Ukraine. Verkhovna Rada Ukrayiny. *On Ensuring The Right To A Fair Trial*. Law 192-VIII. Adopted February 12, 2015. <https://zakon.rada.gov.ua/laws/show/192-19#Text>.
19. Ukraine. Verkhovna Rada Ukrayiny. *On Restoring Trust in the Judiciary in Ukraine*. Law 1188-VII. Adopted April 8, 2014.
20. Ukraine. Verkhovna Rada Ukrayiny. *On the Judiciary and Status of Judges*. Law 1402-VIII. Adopted June 2, 2016. <https://zakon.rada.gov.ua/laws/show/1402-19#Text>.
21. "White Book of Reforms 2025. Chapter 3. Judicial Reform and Law Enforcement." VoxUkraine, May 6, 2025. <https://voxukraine.org/en/white-book-of-reforms-2025-chapter-3-judicial-reform-and-law-enforcement>.
22. Yarosh, Serhiy. "Judicial reform in Ukraine: reform of the judicial system in 2001–2010." Rakurs, September 11, 2019. <https://racurs.ua/ua/2417-sudova-reforma-v-ukrayini-2001-2010-roky.html>.
23. Zadoya, Konstantin. "Transitional Justice in Ukraine: Challenges and Opportunities." *Leges si Viata*, 2018, 55–58. <http://smtp.kpi.kiev.ua/archive/2018/9-2/13.pdf>.
24. Zaloznaya, Marina, and William M. Reisinger. "Mechanisms of Decoupling From Global Regimes: The Case of Anticorruption Reforms in Russia and Ukraine." *Demokratizatsiya: The Journal of Post-Soviet Democratization* 28, no. 1 (2020): 77–111. <https://muse.jhu.edu/article/747821>.

Acknowledgements. The article stems from the research project "Embracing change: Overcoming Blockages and Advancing Democracy in the European Neighbourhood" funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Research Executive Agency (REA). Neither the European Union nor the granting authority can be held responsible for them.

Дмитро Коваль

кандидат юридичних наук

Національний університет «Києво-Могилянська академія»
Київ, Україна

Андрій Лациба

адвокат, випускник Національного університету «Києво-Могилянська академія»
Київ, Україна

УРОКИ ДЛЯ ЄС ЩОДО ВИКОРИСТАННЯ ПІСЛЯ-РЕВОЛЮЦІЙНИХ ВІДКРИТТІВ НА ПРИКЛАДІ СУДОВОЇ РЕФОРМИ В УКРАЇНІ

Анотація

У статті аналізуються прогрес і результати судової реформи в Україні після Революції гідності через призму взаємодії між ключовими зацікавленими сторонами – громадянським суспільством, державними органами та міжнародними партнерами, зокрема Європейським Союзом. Дослідження поєднує аналіз наукової літератури з емпіричними даними, отриманими в результаті інтерв'ю з безпосередніми учасниками процесів втілення реформ після 2014 року. Автори простежують, як вікно можливостей, створене масовими протестами та зміною політичного курсу країни, вплинуло на інституційні перетворення у сфері правосуддя. У дослідженні визначено фактори, що сприяли та перешкоджали впровадженню реформ: з одного боку, суспільний попит на очищення судової системи, активізація громадянського суспільства та підтримка міжнародних партнерів, а з іншого – опір старих еліт, поверхнева прихильність нових політичних акторів до глибоких трансформацій та відсутність належного діалогу між ключовими зацікавленими сторонами. У дослідженні робиться висновок, що успіх судової реформи в Україні є частковим, що свідчить про те, що навіть у сприятливих умовах системні зміни вимагають стійкої політичної волі та ефективної співпраці між внутрішніми та зовнішніми акторами.

Ключові слова: Революція гідності; Україна; судова реформа; демократизація; громадянське суспільство; Європейський Союз; післяреволюційні перетворення.



Creative Commons Attribution 4.0 International License