

SECTION III

FORMS OF THE SYSTEMATIZATION OF LEGISLATION

CHAPTER 7

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CODIFICATION PROCESSES IN THE SYSTEMATIZATION OF LEGISLATION

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INTRODUCTION

In the context of the quantitative increase in regulatory material, a pressing issue today is the systematization of Ukrainian legislation in order to ensure effective legal regulation of social relations, achieve internal unity of legal norms, and bring them into line with European Union law [1, p. 10]. The systematization of Ukrainian legislation is one of the important tasks of law-making activity, as defined by the Law of Ukraine “On Law-making Activity” dated August 24, 2023, № 3354-IX [2].

Legislation cannot function properly unless it is a mutually consistent system, the components of which are characterized by close interrelations and a hierarchical structure [3, p. 45]. Therefore, the systematization of legislation is an instrument for creating a harmonious, internally consistent system of

normative-legal acts, overcoming contradictions between legal norms, repealing or amending old normative-legal acts, replacing them with new ones in accordance with the needs of public life, ensuring the legal certainty of norms, which is the basis for their uniform application, thereby ensuring the stability of social relations. The level of legal security in the state also depends on the level of legal certainty, since vagueness, ambiguity, and inconsistency of legal norms lead to a decrease in the effectiveness of legal regulation [4, p. 58].

Codification of legislation is a key form of legal systematization, playing a fundamental role in ensuring the integrity, consistency, and effectiveness of a state's legal system. In modern conditions of rapid development of social relations, complication of legal regulation, the issue of systematization legislation acquires particular relevance. Codification, in particular, serves as an effective instrument for overcoming legal chaos and eliminating contradictions and gaps in the law.

The issues of law-making activity and systematization of the legislation of Ukraine in modern legal science and practice are quite relevant and require comprehensive study. This scientific direction was studied by such scientists as: L. Avramenko, V. Antonenko, O. Bandurka, S. Bobrovnyk, E. Getman, A. Gratsianov, V. Hryshchuk, O. Zaichuk, O. Ivanchenko, M. Kozyubra, A. Kolodiy, S. Komarov, N. Kuznetsova, N. Onishchenko, N. Parkhomenko, O. Petryshyn, E. Pogorelov, S. Pogrebniak, V. Ryndiuk, O. Rogach, O. Saynetsky, O. Skrypnyuk, R. Stefanchuk, M. Teplyuk, V. Tsvik, Yu. Shemshuchenko, O. Yushchyk and others. Among foreign scientists whose works are devoted to codification issues are: Ahlborn Christiane, Aniceto Masferrer, Braun Alexandra, Danae Azaria, Devika Hovell, Eva Steiner, Gould Jonathan, Jean Louis

Bergel, Lewis Grossman, Marinella Baschiera, Olivia F. Robinson, Paula Giliker, Peter-Christian Müller-Graff, Randall Lesaffer, Raul Narits, Reinhard Zimmermann, Yifeng Chen and others. At the same time, despite significant scientific achievements, solving many problems related to the systematization and improvement of Ukrainian legislation for the purpose of proper legal regulation of social relations creates new challenges. The relevant issues require constant scientific rethinking and thorough analysis, as well as the development of unified conceptual principles for the ordering and systematization of legislation in the context of European integration processes in Ukraine.

1. Codification as a way to modernize legislation

A special role in the systematization of legislation, which provides for the performance of certain actions, in which normative-legal acts and their norms are arranged in such an order that their use is most convenient and appropriate [5, p. 39], is played by codification. Codification is one of the most complex and advanced forms of systematization, aimed at fundamentally revising current legislation through the preparation and adoption of a codified act [6, p. 84]. This involves the in-depth elaboration of current legislation, its substantive updating, and systematization. This process results in the creation of codified acts (codes) that have an internal logical structure, uniform regulatory principles, and a high level of legal technique.

Codification of legislation ensures the internal consistency, structure, and accessibility of legal norms. Given Ukraine's current development, taking into account European integration processes, the importance of codification is significantly increasing. It serves

not only as a technical and legal means of ordering regulatory material, but also as a tool for modernizing the law and bringing it into line with European standards.

Codification is a special form of systematization of normative-legal acts, consisting of the substantive processing and unification of normative material into a single coordinated act – a code, charter, or fundamentals of legislation [7, p. 37]. In legal theory, codification is considered as: a form of drafting legislation; a means of eliminating gaps and conflicts; an instrument for increasing legal certainty; a mechanism for modernizing the legal system; a way of harmonizing national legislation with international standards.

Codification as a form of systematization normative material should be applied only when there is a need for qualitative revision (conceptual updating), the unification into a single structure of a large array of acts defining the internal structure of the legal system, the vector of development of the national legal system of a particular state [8, p. 70]. This determinant distinguishes codification as a legal phenomenon from other forms and systematization of legislation. Thus, unlike incorporation or consolidation, codification is substantive in nature: it involves the elimination of outdated norms, the elimination of contradictions, filling in gaps and the formation of a unified logic of legal regulation. This is precisely why codification is the most effective way of ordering legislation [9, p. 289].

Scientists note that legislation appears as a holistic, organic, self-organizing system only when regulatory and legal acts begin to be considered in their interrelationships and hierarchy, as a certain ordered integrity, when it becomes possible to distinguish the existence of various types of connections between normative-legal acts. Legislation is a system that must possess such integrating

features as flexibility, harmony, and consistency of all elements. Moreover, there are coordination and subordination relationships between normative legal provisions. The former express spatial orderliness, the consistency of parts, and their horizontal interaction (for example, the connections between the norms of the General and Special Parts of the Code). Subordination relationships regulate the vertical consistency of the components of the legislative system, their interaction, manifested in the form of subordination (an example is, in particular, the relationship between the norms of the Constitution and current legislation) [10, p. 8].

According to Ye. A. Hetman, the codification of legislation should be understood as a form of systematization carried out by authorized government bodies in the process of law-making and subordinate norm-making, which results in the adoption of a new codification normative-legal act, both in form and content [11, p. 54]. That is, codification is a law-making method of ordering legal acts, which is manifested in the substantive coordination and revision of a certain group of legal norms related to a joint subject of regulation and logically consistent unification of them in a single normative act [12, p. 12]. In the process of codification, the current norms of law that have not lost their significance, and norms that have been created and introduce qualitative changes in the regulation of a certain area of social relations, are included in the created draft normative-legal act. At the same time, the combination of the systematization of legislation and its renewal in codification allows us to consider it as the most perfect, highest form of law-making.

Thus, as O. P. Sainetskyi notes, codification is characterized by a pronounced law-making nature and provides for the substantive revision (elimination of disagreements and contradictions, abolition of obsolete norms) of normative-legal acts that have

a common subject and method of legal regulation and the creation of a new systematized normative-legal act [13, p. 121]. At the same time, legal regulations that have stood the test of time and proven their viability in established social relations are organically included in the normative act created as a result of the codification of legislation. That is, the principle of continuity and renewal is implemented in the creation of codified acts. The result of codification is the improvement of both the form and content of legal material, which, as a result of significant transformations, acquires the characteristics of unity and consistency.

In European legal science, the problem of updating codes has been studied by many scientists. Thus, scientists note that codification is a characteristic feature of the continental legal family, since it allows for the creation of a logically holistic and systemic model of legal regulation [14; 15]. Eva Steiner links the systematic nature of law with the need for logical consistency of regulatory material. In her opinion, codification is a form of ensuring the internal unity of law and a necessary condition for the stability of judicial practice [16, p. 28; 17, p. 30]. In his work, Raul Narits notes that a modern state cannot function effectively without a structured and systemic legislative framework [18, p. 163].

Italian researcher Marinella Baschiera views codification as a necessary element of the rule of law and an important means of ensuring legal certainty. Scientists argue that the chaotic accumulation of regulations inevitably leads to legal uncertainty, while codification ensures the logical consistency of the legal system [19, p. 283].

German researcher Reinhard Zimmermann argues in his work that modern recodification must combine the stability of legal tradition with the ability of legislation to adapt to new social challenges. According to the scientist, successful modernization

of codes is possible only by preserving the systematic nature of the law while simultaneously taking into account contemporary societal development trends [20; 21, p. 95]. Aniceto Masferrer also notes that modern codification processes must ensure the ability of legislation to respond to social changes without disrupting its systemic unity [22].

In modern legal doctrine, codification is increasingly considered in connection with the processes of European integration and harmonization of legislation. Scientists note that in the context of the development of European Union law, codification ceases to be an exclusively intrastate phenomenon and becomes a tool of interstate legal integration. That is why modern codification processes in European states are inextricably linked with the implementation of the EU *acquis* [23, p. 41; 24, p. 35].

In the scientific legal literature, various considerations are expressed regarding the tasks of codification of legislation, which include: 1) providing a new quality to the body of legislation, which is achieved as a result of the system of legal acts acquiring a new state that is significantly different from the previous one; 2) increasing the social significance of the law (right) in the sphere of social relations, which consists in implementing a real and meaningful codification of legislation, which, through changes in qualitative indicators, affects the consciousness of subjects of legal relations, thereby expanding the boundaries of the accessibility of the legislative framework; 3) improving law enforcement practice, which is achieved as a result of reducing the number of errors during law enforcement; 4) increasing the integrative quality of domestic legislation, which is determined by the action of global integration processes [25, p. 140; 26, p. 228].

According to V. M. Tsvik and O. V. Petryshyn, the tasks of codifying normative-legal acts include: firstly, ensuring the unification of national legislation (national legislation must be brought into a single system by eliminating discrepancies and providing uniformity in the legal regulation of similar or close types of social relations); secondly, guaranteeing that each person knows his or her rights and responsibilities (this is ensured by providing free and prompt access to citizens to the entire body of national legislation) [27, p. 313].

Taking into account the above scientific positions, it appears that one of the main goals of codification is to ensure the systematicity of legislation, as it allows for the unification of disparate norms into a single, coherent system, significantly simplifying legislative navigation. It facilitates the formation of a clear hierarchy of legal norms and increases their accessibility.

Codification is no less important for improving the quality of legislation. During the codification process, current norms are critically analyzed, outdated provisions are identified, and gaps and contradictions are eliminated. This allows for the creation of more sophisticated legal regulations that meet modern socio-economic conditions. Thus, codification serves not only a systematizing function but also a updating one.

Codification also significantly impacts the effectiveness of law enforcement by reducing the risk of ambiguous interpretation of norms, promoting the uniformity of judicial practice, and strengthening the rule of law. Furthermore, the accessibility and comprehensibility of codified acts enhances the public's legal awareness and promotes better compliance with the law.

In the context of a rule-of-law state, codification also plays an important safeguarding role, facilitating the implementation of

the principles of legal certainty, predictability, and equality before the law. When legal norms are collected in a single act, clearly formulated, and logically linked, this reduces the potential for abuse and arbitrary interpretation, which, in turn, strengthens the protection of human rights and freedoms.

Furthermore, one of the objectives of the codification process of Ukrainian legislation is its harmonization with European Union law and international treaties, the binding nature of which has been granted by the Verkhovna Rada of Ukraine. Without this, such a systematization of regulatory provisions will be incomplete and will not meet the goals of generalizing and ordering legal norms.

Scientists also highlight certain principles of codification of legislation, namely: the systematic nature of legislative work; social conditioning and economic justification of legislative acts; the completeness of the normative-legal regulation of public relations; overcoming internal inconsistencies and contradictions in the legal system; the stability of legislation and the associated stability of legal regulation; the establishment of the rule of law, the constitutionality of laws and the legality of subordinate regulatory legal acts; ensuring technical and legal perfection, unification and terminological consistency of legislative acts [28, p. 35].

It is also important to note that the content of codification activity is revealed through its functions, among which scientists highlight: 1) improvement of the form of legislation through the search for optimal forms of codification acts, the development of classification properties of acts of a codification nature, which, in turn, makes it possible to determine the features of codification acts, explore ways of their improvement; 2) improvement of the content of legislation in order to eliminate gaps in legislation, disagreements between its individual norms, elimination of conflicts, duplications,

abolition of outdated regulatory and legal regulations, improvement of existing legal institutions; 3) stabilization of legislation, which is expressed in the consolidation in a codification act, as a result of codification, only stable norms designed for a sufficiently long period of time; 4) the fundamental function, which consists in the fact that in the course of codification work, normative prescriptions are developed that regulate an important, fairly wide sphere of social relations. In turn, the codification acts containing these prescriptions predetermine the hierarchy of acts in the relevant industry and become the normative basis for the creation of an intra-industry system [29, p. 9]. A somewhat different list of codification functions is given in the works of Ye. V. Pohorielov: law-making, fundamental, integrative, elimination of defects in legislation, generalizing, system-forming, stabilizing, optimizing [30, p. 6].

Thus, codification, as a form of systematization of legislation, performs a number of important functions for the development and proper functioning of the normative-legal framework governing social relations in a given area. Taking into account the theoretical developments proposed by representatives of the doctrine of law, it is possible to distinguish direct and indirect functions of the codification of legislation. Direct functions have a direct impact on the codification of legal norms, determining their transformation, and, consequently, the features of the normative regulation of social relations. The direct functions of the codification of legislation include: 1) the legal function, which consists in the fact that during the codification of legislation, legal regulations are updated, namely: the development of new legal norms, the removal of outdated regulatory prescriptions, and the modification of existing ones. That is, the codification of legislation is associated with the formation (creation) of law in its

objective meaning as a system of legal norms regulating a certain range of social relations; 2) a modernizing function, which consists of updating regulatory provisions during the codification process: archaic provisions are removed, existing ones are optimized by eliminating gaps, technical errors, etc., and new legal regulations are introduced. This function stems from the fact that social life is constantly changing, requiring regulatory provisions to be adapted to current realities, and therefore there is a need for continuous improvement of legal norms.

In turn, the indirect functions of legislative codification only indirectly influence the codification process. That is, they are not capable of ensuring the transformation of legal norms and, consequently, social relations. However, their action determines the improvement of the general state of legislation, its understanding by legal entities, and the forecasting of the development of legal regulation. Such functions include: 1) the stabilizing function, which consists in the fact that the process of codification streamlines legal norms and defines a clear hierarchical system of legal regulation of a certain range of social relations by legislative and by-laws; 2) the guiding function, which boils down to the fact that, as a result of codification, codified legal acts are introduced, which serve as leading normative documents in a certain area of social relations and predetermine both the further development of legislation at the subordinate level and the forecasting of the development of certain legal categories.

An important regulatory framework for codification in Ukraine is the Law of Ukraine “On Law-Making Activity” dated August 24, 2023, № 3354-IX [2]. This law enshrines approaches to the systematization of legislation and defines the place of the code within the system of normative-legal acts. Specifically, a code is

considered one of the main types of laws adopted for the purpose of comprehensive and systemic regulation of a homogeneous sphere of social relations. It has an internally consistent structure, a high level of legal technique, and a stable nature, which distinguishes it from other legislative acts.

The quality of a code is determined by its content. However, content is always embodied in a specific form, the perfection of which determines the simplicity and scope of the code, the logical placement of articles within chapters, the clarity of its wording, and, consequently, its quality and accessibility. Vague wording of code articles, the complexity of their construction, the lack of legal definitions of legal concepts, and other imperfections in the code's form are potential sources of violations of the law [31, p. 128].

As N. S. Kuznetsova notes, although the code is no different from other laws in terms of legal force, it cannot be ignored that codified regulations occupy a special place in the legislative system. First and foremost, the code plays a pivotal role in the system of sectoral legislation [32, pp. 15–16].

According to Article 11 of the Law of Ukraine “On Law-Making Activity” [2], a code is a law created by systematizing legal norms, containing general principles on the basis of which it comprehensively regulates a homogeneous sphere of social relations, ensuring the stability of legal regulation. It is important that when adopting laws that develop the provisions of a code in the relevant area, the fundamental principles of legal regulation of social relations established by the code must be observed.

Part three of Article 11 of the Law of Ukraine “On Law-Making Activity” stipulates that if a subject with the right of legislative initiative submits to the Verkhovna Rada of Ukraine a draft law regulating social relations differently from the code,

they must simultaneously submit a draft law amending the code. Such a draft law is considered by the Verkhovna Rada of Ukraine simultaneously with the corresponding draft law amending the code. In turn, if the draft code provides for the adoption of other laws or subordinate legal acts in pursuance of these laws, a list of such legal acts, defining their purposes, objectives, structure, and main provisions, is attached to the draft code.

Legislatively enshrining the status of a code is essential for ordering Ukraine's legal system. It establishes clear requirements for the content, structure, and procedure for adopting codified acts, thereby improving the quality of legislation. Furthermore, it helps avoid excessive fragmentation of legal regulation and ensures the consistency of rule-making.

Thus, codification of legislation is a form of ordering and systematization, inherently law-making, based on the creation of a unified, innovative, and harmonious legislative act by applying the results of previous forms of systematization and analyzing social relations, with the goal of establishing effective and efficient legislation that meets public needs.

The distinctive features of this form of legislative systematization are that it: 1) is implemented by special entities within the Ukrainian government; 2) is implemented in accordance with a procedure established by legal norms; 3) is of a state-authoritative nature; 4) results in the adoption of a normative legal act as a result of codification; 5) regulates a specific area of public relations. Codification is capable of ensuring the necessary level of ordering of regulatory provisions and allows for the resolution of pressing issues related to the improvement and enhancement of the effectiveness of current legislation. During the codification process, all regulatory documents on these issues are reviewed,

their status and compliance with the Constitution of Ukraine, international treaties of Ukraine, and the realities of contemporary socio-economic life are established. In the course of such activities, contradictions and gaps are eliminated, and uniform and clear rules of regulatory regulation are established.

2. Prospects for updating codified acts in Ukraine

The prospects for updating Ukraine's codified acts are a key issue in the current development of the national legal system. In the current context of European integration, the adaptation of legislation to the EU *acquis*, the digitalization of social relations, economic transformation, and the functioning of the state under martial law, the issue of updating codes goes beyond the purely technical modernization of regulatory material. It essentially involves the formation of a new model of Ukrainian legislation based on the principles of consistency, legal certainty, legal stability, and compliance with European standards of legal regulation.

Codified acts typically form the basis of a continental legal system. Codes ensure the internal consistency of legislation, the stability of legal regulation, and the uniformity of law enforcement practice. At the same time, the Ukrainian legal system has long been characterized by an excessive number of amendments to codes, fragmented legislation, and the accumulation of a significant number of regulatory contradictions. This has led to the gradual loss of consistency in many codified acts and has highlighted the need for their comprehensive updating. Therefore, the concept of “recodification” is increasingly used in legal doctrine and legislative practice, which means not simply making changes to the code, but its conceptual rethinking and structural updating.

The law-making process not only generates new normative-legal acts containing provisions that eliminate gaps in the legal regulation of social relations, ensuring their current legal regulation, but also introduces necessary amendments to existing acts, eliminating outdated mechanisms and contradictions between individual legal norms [33, pp. 48–49]. Thus, paragraph 4 of the Final Provisions of the Law of Ukraine “On Law-Making Activity” obliges the Cabinet of Ministers of Ukraine, within six months from the date of entry into force of this Law, to submit to the Verkhovna Rada of Ukraine proposals for the systematization of legal norms related to the subjects of regulation of the fundamental principles of Ukrainian legislation and decrees of the Cabinet of Ministers of Ukraine in force on the date of entry into force of the recodification of national legislation.

The term “recodification” is used to mean systemic, significant substantive and structural innovations of the current code (or group of codes and laws) [34, p. 28]. The implementation of recodification follows from the logic of the further transformation of society, in particular, the formation of an effective market economy as an integral component of civil society and the European integration orientation of all components of society.

A key step in the development of a modern policy for updating national legislation was the adoption of the Law of Ukraine “On Law-Making Activity” dated August 24, 2023, № 3354-IX [2], which enshrined the principles of systematicity, scientific support, and legal certainty as the foundation of law-making. For the first time, the law comprehensively defined requirements for the consistency of normative-legal acts and the need to ensure the integrity of legislation, creating the normative basis for the comprehensive updating of Ukraine's codified acts.

Particular importance for the prospects for updating Ukraine's codified acts is the National Program for the Adaptation of Ukrainian Legislation to European Union Law (EU *acquis*), approved by Resolution № 438 of the Cabinet of Ministers of Ukraine dated April 1, 2026 [35]. The Program defines a large-scale mechanism for harmonizing Ukrainian legislation with EU law and, in effect, provides for a comprehensive modernization of legislation in line with European standards, which is impossible without reforming the main codified acts. It is important to consider both the requirements of EU law and national legal tradition. Ukrainian legislation must not only formally implement the provisions of the EU *acquis* but also ensure their effective functioning within the national legal system.

The prospects for updating Ukraine's codified acts are directly linked to the processes of digitalization and technological transformation of society. Contemporary European research increasingly emphasizes the need to develop new models of legal regulation capable of taking into account the impact of digital technologies, artificial intelligence, and automated control systems on social relations. Indeed, Danae Azaria, in his study, draws attention to the transformation of the relationship between law and technology in modern society. In his view, the development of digital technologies requires a new approach to the structure of legislation and the mechanisms for its implementation [36, p. 177]. Braun Alexandra also notes that modern recodification must combine the stability of legal tradition with the law's ability to respond to new challenges [37, p. 206].

Today, the most large-scale area of recodification in Ukraine is the update of the Civil Code of Ukraine. Thus, this year the Verkhovna Rada of Ukraine adopted as a basis the draft Civil Code

of Ukraine (registration № 15150 dated April 9, 2026) [38], which is aimed at approximating national legislation to the legislation of the European Union, increasing the level of legal certainty, improving the mechanisms for regulating private legal relations, strengthening guarantees of favorable conditions for economic activity and the investment climate of the state. At the same time, one of the most important stages of the current modernization of private law legislation of Ukraine has become the repeal of the Commercial Code of Ukraine, the loss of effect of which is provided for by the Law of Ukraine “On the specifics of regulating the entrepreneurial activities of certain types of legal entities and their associations during the transition period” dated January 9, 2025 № 4196-IX [39].

It should be noted that most EU member states implement private law regulation through civil codes, without the existence of a separate commercial code. The European legal tradition is based on the principle of the unity of private law, according to which business relations are an integral part of civil law regulation. Therefore, the repeal of the Commercial Code of Ukraine should be considered an important step towards harmonizing Ukrainian legislation with the European legal tradition; an element of the recodification of civil legislation; a means of eliminating regulatory duplication; a mechanism for ensuring the consistency of private law; and an instrument for modernizing legislation in a market economy.

Contemporary societal developments, the practice of the European Court of Human Rights, the digitalization of private life, and the transformation of the institution of family highlight the need to update Ukrainian family law. Ukrainian society is increasingly confronted with new forms of cohabitation, issues regarding the legal status of children born through reproductive

technologies, problems of international family law, cross-border adoption, and the protection of children's rights under martial law.

The need to harmonize Ukrainian family law with European human rights standards is particularly important. The practice of the ECHR significantly influences the development of family law in European countries, and therefore Ukrainian legislation needs to be adapted to the modern understanding of the principles of the best interests of the child, equal parental rights, and the protection of privacy. The European trend toward strengthening the contractual foundations of family relations has a significant impact on the prospects for updating family law. Modern legal doctrine increasingly emphasizes the need to expand the autonomy of will of participants in family relations, particularly in the area of property rights of spouses.

An equally important area for updating codified legislation is labor legislation. The Labor Code of Ukraine, adopted back in 1971, clearly does not meet the current conditions of the market economy, the development of digital employment, remote work, or European labor rights standards. This is why a draft Labor Code of Ukraine has been actively developed in Ukraine in recent years.

Updating labor legislation has become especially urgent since the outbreak of a full-scale war, when mechanisms for labor organization, labor mobility, and state regulation of the labor market have significantly changed. Ukrainian labor legislation needs to be harmonized with European Union directives and International Labor Organization standards, and modernized to take into account the digitalization of production processes and the need to protect workers' rights in the digital environment.

No less pressing is the prospect of updating Ukraine's housing legislation to take into account current real

estate market conditions, private property, housing policy mechanisms, the protection of the rights of internally displaced persons, the digitalization of the housing and utilities sector, and European standards of housing rights. The modernization of land legislation, in turn, is driven by the need to adapt land legislation to the functioning of the land market, ensure guarantees of land ownership, mechanisms for protecting landowners' rights, state control over land turnover, digitalization of the land cadastre, transparency of land auctions, and the environmentally responsible use of land resources. Indeed, in modern conditions, land is viewed not only as an object of property rights but also as a component of the environment and an element of the state's environmental safety. Therefore, the prospects for updating national land legislation are increasingly aligned with the concept of sustainable development and the greening of land legislation.

The consequences of the war pose a serious challenge to land legislation. Large-scale pollution, the destruction of land resources, the problem of land demining, the restoration of agricultural production, and the protection of landowners' rights in the temporarily occupied territories require new legal regulation mechanisms. Academic literature is increasingly raising the need for a comprehensive modernization of land legislation, taking into account Ukraine's post-war reconstruction.

The prospects for updating Ukraine's tax legislation are also extremely important, primarily due to European integration processes, as Ukraine is obliged to harmonize its tax legislation with EU law. Current trends in the development of international tax law also have a significant impact on the prospects for updating tax legislation. Taxation mechanisms for digital platforms, virtual assets, cryptocurrencies, and transnational digital companies are

rapidly evolving worldwide. Ukrainian tax legislation is gradually being forced to adapt to new economic models.

Martial law and Ukraine's post-war economic transformation have a significant impact on the prospects for updating tax legislation. The state is forced to simultaneously fund defense, support business, stimulate investment, and fulfill international financial obligations. In this regard, the prospects for tax liberalization, stimulating an innovative economy, reforming the tax administration system, and digitalizing tax procedures are increasingly being discussed. Modern challenges related to war, international crime, cybercrime, terrorist threats, and digital technologies require conceptual and criminal legislation updates.

Thus, the prospects for updating Ukraine's codified acts encompass virtually all areas of public relations, which presupposes a comprehensive modernization of the entire Ukrainian legal system with the goal of creating modern, systemic, stable, and European-oriented legislation capable of effectively regulating public relations in the context of digital transformation, military challenges, and Ukraine's integration into the European Union. Therefore, the further development of codification processes is crucial for the formation of a modern legal regulation model based on the principles of systemicity, scientific validity, European integration, and technological adaptability, as well as ensuring the effective functioning of the rule of law.

3. Codification traditions of European states

Codification of legislation is one of the fundamental features of the continental legal tradition and one of the most important mechanisms for shaping the systemic nature of law in European

states. It was the European legal tradition that developed the classical model of codification as a method of systematically organizing legislation through the creation of internally consistent, structured, and comprehensive normative legal acts – codes.

In modern conditions, codification is not limited to the adoption of new codes. It is increasingly linked to processes of recodification, modernization of existing codes, harmonization of legislation with European Union law, digitalization of law, and ensuring legal certainty.

European integration has had a significant impact on modern codification processes. The European Commission actively utilizes various mechanisms for systematizing the EU *acquis* to ensure accessibility of law, transparency of legal regulation, and effective law enforcement [40].

European codification traditions have deep historical roots and are distinguished by a high level of theoretical understanding and practical implementation. It was in Europe that codification acquired its classical forms and became the basis for organizing legislation in most states of the continental legal system.

The historical origins of European codification are primarily linked to the reception of Roman law and the codification activities of Emperor Justinian. The 6th-century *Corpus Juris Civilis* became the first large-scale example of the systematization of legal material, which had a colossal influence on the subsequent development of European legal culture. It was the Roman tradition that laid the foundation for the idea of law as a logically ordered system, which later became the basis for modern European codes [41].

Modern European states employ various models of codification, but most are based on common principles: the systematic nature of legislation, the stability of legal regulation, the internal consistency

of normative material, and the accessibility of law for parties to legal relations. Codification in Europe is today seen not only as a technical means of systematizing legal acts, but also as a tool for modernizing the state and adapting law to new social, economic, and technological challenges.

The French legal system is one of the most influential models of modern codification. A distinctive feature of French codification is the gradual modernization of codes in response to the evolving needs of society. The Codification Commission (Commission supérieure de codification), which systematizes and revises legislation, plays a significant role in this process.

For example, the French Civil Code remains one of the most well-known codified acts in Europe, although it has undergone significant modernization over the course of its existence. The reform of French contract law in 2016 was particularly extensive, updating provisions on obligations, contracts, and evidence. This demonstrates a significant feature of European codification traditions: the combination of code stability with its ability to adapt to new social realities.

The French codification model, focused on the practicality, accessibility, and comprehensibility of the law, encompasses not only classical areas of law but also new areas of social relations. For example, the current French Environmental Code is an example of a comprehensive codification of environmental legislation, combining norms on environmental protection, natural resources, climate policy and environmental safety [42].

Germany has one of the most developed systems of codified legislation in Europe. A distinctive feature of the German model, based on the pandect system and providing for a clearly structured legal material, is its high level of consistency and legal technique.

Codification in Germany is carried out on the basis of scientific doctrine and careful preliminary preparation of bills. Federal ministries, scientific institutes, and the legal community play an important role in the process of updating codes [43].

The current German Civil Code (*Bürgerliches Gesetzbuch* – BGB) demonstrates one of the most effective models of stable, yet flexible, codification. Although the code has been in force since 1900, it has been repeatedly modernized in accordance with new social conditions without losing its consistency. The German recodification model is particularly useful for Ukraine in the process of modernizing the Civil Code of Ukraine. German approaches to the following are also important for Ukraine: the systematic nature of private law; the unity of civil law regulation; a clear distinction between private and public law; the role of legal doctrine in codification actions; the stability of codes; high standards of legal technique. The German codification tradition had a significant influence on the legal systems of Austria, Switzerland, Greece, Portugal and many countries of Central and Eastern Europe.

Italy occupies a special place in European codification traditions. Italy implemented the concept of the unity of private law by integrating civil and commercial law within a single Civil Code, which avoided duplication of regulatory material, ensured the unity of private law regulation, increased the consistency of legislation, and simplified law enforcement. Italy's experience in modernizing digital legislation is also important. The current Italian Digital Governance Code (*Codice dell'amministrazione digitale*) demonstrates the latest trend in European codification – the systematization of norms in the areas of digital legal relations, e-governance, and electronic identification [44, p. 238].

The Netherlands occupies a special place among modern codification models. The current Dutch Civil Code (*Burgerlijk Wetboek*) is considered one of the most modern civil codes in Europe. Its distinctive features include its modular structure and high level of adaptability. The Dutch model demonstrates that modern codification can be more flexible and oriented toward the continuous updating of legislation [45].

The Polish codification model is important for Ukraine, as Poland, after joining the EU, carried out extensive harmonization of its legislation in accordance with the European Union *acquis*. Polish experience demonstrates that European integration has a significant impact on the process of updating codes. EU law itself has become a key factor in the modernization of Polish civil, labor, and administrative legislation.

The experience of Scandinavian countries, particularly Sweden and Denmark, is equally valuable for Ukraine. Although Scandinavian countries are traditionally less focused on classical codification, they demonstrate effective models of functional legislation, high regulatory stability, minimized legislative duplication, simplified legal procedures, and the digitalization of public administration.

Thus, an important feature of European codification is its focus on the principles of legal certainty, predictability, and accessibility. Legislation must not only be systemic but also understandable to a wide range of subjects. This is why considerable attention is paid to legal technique, the structure of regulations, and the clarity of wording. European codification traditions also imply a balance between the stability and dynamism of the law. On the one hand, codes must be stable to ensure the predictability of legal regulation. On the other, they must be updated in response to changes in society.

In this context, a systematic approach to amendments plays an important role, preserving the internal logic of codified acts.

European Union law occupies a special place in the development of European codification traditions. Although the EU does not have classical codes in the traditional sense, it actively uses codification as a method of streamlining its legislation. In particular, secondary law (regulations and directives) is codified, which involves consolidating numerous amendments into a single, consolidated text. This ensures the clarity and accessibility of EU law, gradually bringing national legal systems closer together through legislative harmonization. Among the most well-known results of this work are the Principles of European Contract Law (PECL); the Draft Common Frame of Reference (DCFR); the Acquis Principles; and the Common European Sales Law proposals. These documents are not codes in the traditional sense, but they perform an important codifying function, as they establish the general principles of European private law and promote the unification of legal regulation in EU countries.

Reinhard Zimmermann notes in his works that modern codification in Europe can no longer be purely national, as legal development is increasingly determined by European integration. The European Union is effectively creating a new model of “supranational codification”, whereby law develops not through the creation of a single code, but through the gradual harmonization of national systems [21, p. 95].

The Court of Justice of the European Union plays a significant role in the development of EU codification traditions. Its practice ensures uniform interpretation of EU law and, in effect, fulfills a system-forming function in the European legal space. It is through judicial practice that consistency between national legal systems and supranational EU law is ensured.

Thus, the codification traditions of European states are characterized by a high level of consistency, stability, and, at the same time, the capacity for continuous renewal. European countries actively utilize mechanisms for recodification, harmonizing legislation with EU law, and adapting codes to new societal challenges. The experience of France, Germany, Italy, Poland, the Netherlands and other countries demonstrates that modern codification is not only a way of systematizing normative legal acts, but also an important tool for ensuring the effectiveness of the legal system, legal certainty and modernization of the state in the context of the modern development of European society.

For Ukraine, in the context of European integration and the adaptation of national law to the European Union *acquis*, the experience of those European states whose codification traditions better meet the needs of modernizing the Ukrainian legal system is of particular importance. This does not mean mechanically copying individual legislative models, but rather borrowing conceptual approaches to codification, legal technique, systematization of normative material, recodification, and ensuring legislative stability.

CONCLUSIONS

In the current context, systematization of Ukrainian legislation, oriented toward the needs of law enforcement practice and capable of addressing both prospective and current challenges in establishing proper legal order in the country, is an urgently needed measure on the path to European integration for Ukraine, whose experience during a large-scale war is unique. Effective legal regulation of social relations is impossible without further systematization of legislation, the effectiveness of which directly depends on the quality of the normative-legal acts comprising it.

Codified normative acts occupy a special place in the legislative system. Codification is capable of ensuring the necessary level of ordering of regulatory provisions and allows us to address pressing issues of improving and enhancing the effectiveness of current legislation. The process of codification involves a thorough revision of existing legal norms, eliminating inconsistencies, duplications, contradictions, and gaps in legal regulation, and repealing ineffective and outdated norms.

In the current context of the Ukrainian state, the issue of codification is particularly important due to Ukraine's European integration, the reform of law-making mechanisms, the need to ensure the rule of law, and the overcoming of excessive fragmentation in national legislation. Therefore, codification is now viewed not only as a technical and legal form of systematization regulatory material, but as a comprehensive mechanism for updating the legal system and bringing it into line with modern European standards.

In European countries, the impact of codification on the systematization of legislation is manifested primarily in ensuring legal certainty and predictability. Clearly structured codes facilitate law enforcement, reduce the risk of conflicts, and promote the uniformity of judicial practice. For Ukraine, adopting European codification practices means maintaining high standards of legal technique, ensuring the consistency of legislation and avoiding excessive fragmentation, and combining stability with dynamism in the legal regulation of social relations.

SUMMARY. In the context of Ukraine's current development, codification serves as a special form of systematization normative material, an instrument for modernizing the law and bringing it into line with European standards. The purpose of this study is to provide a comprehensive theoretical and legal justification for the specifics of

codification processes in systematization and modernizing Ukrainian legislation, the specifics of codification traditions in European countries, and the prospects for updating codified acts in Ukraine. The methodological basis of the study was general scientific and specifically legal methods of scientific cognition, which provided a comprehensive approach to the study of codification as a form of systematization of legislation, namely: the method of analysis and synthesis, and the comparative legal method. The authors established that the codification of legislation is a form of ordering and systematization endowed with a law-making nature and consists of the creation of a unified, innovative, and harmonious legislative act by applying the results of preliminary forms of systematization and an analysis of social relations, with the goal of establishing effective and efficient legislation that meets public needs. This article analyzes the prospects for updating Ukraine's codified acts, which entails a comprehensive modernization of the entire Ukrainian legal system with the goal of creating modern, systemic, stable, and European-oriented legislation capable of effectively regulating public relations in the context of digital transformation, military challenges, and Ukraine's integration into the European Union. It concludes that for Ukraine, the use of European codification experience, whose impact on the orderliness of legislation is manifested primarily in ensuring legal certainty and predictability, necessitates maintaining high standards of legal technique, ensuring the consistency of legislation and avoiding excessive fragmentation, and combining stability and dynamism in the legal regulation of public relations.

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