

## CONSTITUTIONAL PRINCIPLE OF JUSTICE IN UKRAINE IN ITS GENESIS AND IMPLEMENTATION IN PRACTICE

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**Abstract.** The authors study the principle of justice in Ukraine, focusing on the problematic issue – the violation of the principle of justice in the administration of law. An example is the decision of the Constitutional Court of Ukraine of 27 October 2020 No. 13-r/2020 on the abolition of electronic declaration of officials, which led to a constitutional crisis in the country. To resolve the situation, the President of Ukraine submitted to the Verkhovna Rada of Ukraine a bill on the dissolution of the Constitutional Court of Ukraine and the annulment of the above-mentioned decision of the Constitutional Court of Ukraine. The situation in the country is of great concern, as Ukraine's visa-free regime with the European Union and Ukraine's expected membership in the European Union are under threat. Corruption, long-term judicial reform, the constitutional crisis, violations of the principle of justice lead to the outflow of foreign investment from Ukraine, mass migration of Ukrainians to developed countries of the European Union. All these factors hinder the development of the state as independent and democratic. It is concluded that a necessary step for Ukraine's European integration is not only the declaration, but first of all the implementation of the principle of justice by all branches of Ukrainian power.

**Keywords:** justice, principle of law, state, law, judge, court decision, court proceedings

### INTRODUCTION

Socio-political situation in Ukraine, the latest constitutional crisis caused by the decision of the Constitutional Court of Ukraine In the case of the constitutional petition of 47 people's deputies of Ukraine on the constitutionality of certain provisions of the Law of Ukraine *On Prevention of Corruption* No. 13-r/2020, as well as the attempt of the parliament to resolve the situation, testifies to the urgency of the fight against corruption in our country and its causes and manifestations. In practice, the problem of fighting corruption is closely linked to the implementation of the principle of justice. In Ukraine, there are problems with judicial reform. Therefore, the aim of the article is to study a key principle in law – the principle of justice.

The authors set themselves the task to analyze the development of the principle of justice in Ukraine and the practice of its application, to identify problematic issues regarding the implementation of the principle of justice in practice and to provide appropriate proposals for their solution. The research used such a method as historical and legal, because with its help the historical aspects of the origin, formation of the principle of justice are analyzed; with the help of the formal-legal method the problems of realization of the constitutional principle of justice in Ukraine are investigated.

## 1. PRINCIPLE OF JUSTICE IN THE HISTORICAL ASPECT

In ancient Rome, the principle of justice was referred to as “*aequitas*” and was used by both praetors and Roman jurists in the administration of justice when there was a gap in the current legislation, i.e. there was no relevant legal norm or it was insufficient. That is, as we see, in Ancient Rome the analogy of law or the analogy of justice was not applied, but the principle of justice was applied at once, on the basis of which law was built. As I. Babich notes, etymologically the Latin “*aequitas*” meant “uniformity, proportionality, equality.” In relation to legal phenomena in Roman jurisprudence, this concept acquired the meaning of “justice” and became a phenomenon of concretization of the concept of justice, which was defined by the word “*iustitia*.” The term “*aequitas*” was used by Roman jurists to contrast “*iniquitas*” (injustice), a legal situation that contradicts justice. “*Aequitas*” was an expression of natural justice, which significantly recognized and evaluated the existing law, which served as a guiding principle, a moral standard in the law-making of praetors, senates and lawyers, in the interpretation and application of law [Babich 2017, 8]. At the beginning of scientific the concept of “justice” was considered as a purely philosophical category. However, according to R. Dzhabrailov, perhaps in ancient times, when the civilized model of legal regulation of various spheres of social relations was emerging, the main components of the category of “justice” acquired those characteristics that today are beyond doubt and are perceived as a reflection of objective reality [Dzhabrailov 2017, 74].

“Law” and “justice” are synonyms. These two concepts are identified. According to E. Reniov, this suggests that the law was not considered unjust or detached from justice [Reniov 2016, 91]. According to the Regent-Professor of the University System of Maryland, Director of the Center for International and Comparative Law (University of Baltimore, USA) M. Sellers, philosophers from the time of Aristotle and Cicero, asserted the “rule of law” (*legum imperium*) as the main guarantee of practical justice [Sellers 2014, 212]. “The rule of law, not people” (to be more precise) requires a criterion beyond human will to protect the subjects of law and society from the arbitrariness of any other person. Cicero’s criterion of reasonableness draws the traditional distinction between the “rule of law,” which takes into account this external criterion of legitimacy, and the “rule

of man”, which does not take it into account. This does not mean that the law should ignore emotions, but rather that the law should include human emotions and direct them to achieve appropriate goals, which include the development and establishment of justice in society. The rule of law, as noted by Aristotle, Cicero and the founders of modern constitutionalism, requires constant adherence to the guidelines of reason and justice in lawmaking, interpretation and application of law [Reniov 2016, 91].

Justice is an eternal value, the basic principle of law. According to H. Perelman, “justice is a fundamental value” that must be considered in the context of the division into “a just deed, a just rule, a just man” [Perelman 2012, 95–115]. From time immemorial there has been an axiom that law must be just, because it is the embodiment of justice. D. Lloyd in his book “The Idea of Law” noted that “the idea of law has always been associated with the idea of justice” [Lloyd 1966]. All laws must be fair, because in case of violation of the principle of justice in their creation, it will lead to right-wing nihilism, non-compliance. No values can contradict justice. However, we often witness unfair laws being passed in Ukraine. Not all ideals of justice are always reflected in law. Usually in Ukraine, the law enshrines the ideas of justice only of those who created it, and public opinion about the justice of a law is not taken into account. That is, it turns out that lawmaking can realize both justice and injustice. It all depends in whose hands the power is.

Article 129 of the Constitution of Ukraine does not refer the principle of justice to the basic principles of justice. The principle of legality comes to the fore here. But this implies that laws are a priori fair and legal. If legality or constitutionality (after all, the Constitution is the expression of the sovereign will of the people, and therefore it must be the embodiment of the highest justice in the state), laws and other legal acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, legislative acts of the Verkhovna Rada of the Autonomous Republic of Crimea is questioned, then the relevant state authorities may send an appeal to the Constitutional Court of Ukraine to resolve the issue of their compliance with the Constitution of Ukraine – the will of the people. Therefore, in general, the principle of legality can be in some way correlated with the principle of justice [Holovchenko 2012, 6].

At the same time, it should be reminded that a number of constitutional requirements directly follow from the principle of justice – this also indicates the indirect enshrinement of this principle in the Constitution. For example, the idea of justice is concretized in the principle of non bis in idem, enshrined in Article 61 of the Constitution of Ukraine. The principle of justice also stipulates the obligation to promulgate regulations (Part 3 of Article 57 of the Constitution), the general prohibition of retroactive laws (Part 1 of Article 58 of the Constitution), the right not to be forced to testify against oneself (Part 1 of Article 63 of the Constitution), the right to judicial protection (Article 55 of the Constitution), etc. [Pogrebnyak 2009, 31–32].

An urgent issue today is the study of how the principle of justice is implemented in practice. In the light of recent events in Ukraine, it is advisable to analyze the case law, which will allow us to conclude how the courts adhere to the principle of justice. Legality is the constitutional basis of justice. The decision of the Constitutional Court of Ukraine of 30 January 2003 No. 3-rp/2003 in the case of consideration by the court of certain decisions of the investigator and prosecutor [ibid.] states that “legality is inherently defined only if it meets the requirements of justice and ensures effective restoration of justice rights.” Some constitutional requirements follow precisely from the principle of justice. Article 55 of the Constitution of Ukraine guarantees the right to judicial protection. Part 1 of Article 63 of the Constitution of Ukraine enshrines the right not to testify about oneself, family members or close relatives. The principle of justice enshrines the obligation to promulgate regulations (Part 2 of Article 57 of the Constitution of Ukraine). Justice is effective only if it is fair. The problem is that judges often only formally refer to the principle of fairness in the administration of justice.<sup>1</sup>

In Ukraine, in view of recent events, namely the decision of the Constitutional Court of Ukraine to abolish the electronic declaration of officials, the issue of justice is quite acute. As already noted, Ukrainian society did not accept the decision of the Constitutional Court of Ukraine In the case of the constitutional petition of 47 deputies of Ukraine on the constitutionality of certain provisions of the Law of Ukraine *On Prevention of Corruption*, the Criminal Code of Ukraine/2020, by which the Constitutional Court of Ukraine abolished criminal liability for false data in the declarations of officials and closed the public register of declarations. The norm, which was abolished provided that the submission by the declared subject of unreliable information in the person’s declaration authorized to perform state or local self-government functions. It was provided by the Law of Ukraine *On Prevention of Corruption* or intentional failure of the declared subject 3,000 non-taxable minimum incomes of citizens or public works for a period of 150 to 240 hours, or imprisonment for up to two years. It also means deprivation of the right to hold certain positions or be engaged in certain activities for up to three years.<sup>2</sup> The Court substantiates its position as follows: “The Constitutional Court of Ukraine considers that the establishment of criminal liability for declaring inaccurate information in a declaration, as well as intentional failure of the subject of declaring a declaration is an excessive punishment for these offenses. The negative consequences resulted from the prosecution of committing crimes under Article 366(1) of the Criminal Code of Ukraine are disproportionate to the dama-

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<sup>1</sup> Decision of the Constitutional Court of Ukraine in the case on the constitutional petition of the Supreme Court of Ukraine on the constitutionality of the provisions of part three of Article 120, part six of Article 234, part three of Article 236 of the Criminal Procedure Code of Ukraine (case on consideration by court of separate decisions of the investigator and the prosecutor) (2003). <http://www.ccu.gov.ua/docs/470> [accessed: 03.01.2021].

<sup>2</sup> *KSU skasuvav vidpovidal'nist' za nedostovirne deklarovannya: osnovni aspekty rishennya*, [https://jurliga.ligazakon.net/news/199232\\_ksu-skasuvav-vidpovdlnst-za-nedostovirne-deklaruvan-nya-osnovn-aspekti-rshennya](https://jurliga.ligazakon.net/news/199232_ksu-skasuvav-vidpovdlnst-za-nedostovirne-deklaruvan-nya-osnovn-aspekti-rshennya) [accessed: 03.01.2021].

ge that has occurred or could cause an event of the commission of the relevant acts. Thus, the above shows that the legislator did not observe the principles of justice and proportionality as elements of the principle of the rule of law, and therefore Article 366(1) of the Criminal Code of Ukraine contradicts part one of Article 8 of the Basic Law of Ukraine.”<sup>3</sup> We believe that such a fundamentally soft position of the body of constitutional jurisdiction in Ukraine is a direct “green” light for Ukrainian corrupt officials. This decision establishes complete irresponsibility for acts of corruption.

In our opinion, such a decision of this body of constitutional jurisdiction in Ukraine grossly violates the principle of justice and the principle of equality of all before the law and the court. The Venice Commission concluded that the actions of the Constitutional Court of Ukraine were an usurpation of the will of parliament. The President of Ukraine Volodymyr Zelenskyi reacted to this decision of the Constitutional Court of Ukraine and submitted to the Verkhovna Rada of Ukraine a draft law *On Restoration of Public Confidence in the Constitutional Judiciary*. There are two key points in this bill – the dissolution of the Constitutional Court of Ukraine and the recognition of its decision as null and void, i.e. one that does not create legal consequences. On January 27, 2021, the project was withdrawn. The Decree of the President of Ukraine of 26 January 2021 No. 26/2021 put into effect a new decision of the National Security and Defense Council of Ukraine.<sup>4</sup> The draft law to which this decision applies provides for the return of punishment in the form of restriction or imprisonment of false declaration and failure to file a declaration. Thus, it is proposed to amend Article 366(2) of the Criminal Code (declaration of inaccurate information), providing that intentional inclusion of inaccurate information in the declaration, which differs from the reliable in the amount of 500 to 2000 subsistence minimums for able-bodied persons, is punishable by a fine of 3000 to 4000 non-taxable minimum incomes of citizens or public works for a period of 150 to 240 hours, or restriction of freedom for up to two years, with deprivation of the right to hold certain positions or engage in certain activities for up to three years. If the declarant intentionally entered inaccurate information that differs from the reliable in the amount of more than 2000 living wage for able-bodied persons, it is proposed to impose a penalty of 4,000 to 5,000 tax-free minimum incomes of citizens or public works for a period of 150 to 240 hours, or restriction of liberty for up to two years, or imprisonment for the same term, with deprivation of the right to hold

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<sup>3</sup> The decisions of the Constitutional Court of Ukraine according to the approval of 47 Member Deputies of Ukraine regarding the constitutional correspondence to the laws of Ukraine in particular on the law of Ukraine *On corruption prevention*, according to the Criminal code of Ukraine (2020), <https://zakon.rada.gov.ua/laws/card/v013p710-20> [accessed: 03.01.2021].

<sup>4</sup> The decision of National Security and Defense of Ukraine on the Draft of the law of Ukraine on Changes of Ukraine Codex about administrative violations, on Criminal Law concerning the responsibility for declaring unreliable information and for not declaring a proper declaration by the subject who is empowered with the authority of state or local self-governing functions, <https://zakon.rada.gov.ua/laws/show/n0001525-21#Text> [accessed: 03.01.2021].

certain positions for up to three years. In addition, the bill proposes to amend Article 366(3) of the Criminal Code (failure to file a declaration of a person authorized to perform state or local government functions), according to which for intentional failure to file a declaration is punishable by a fine of 2,500 to 3,000 tax-free minimum incomes citizens or public works for a period of 150 to 240 hours, or imprisonment for up to two years, with deprivation of the right to hold certain positions for up to three years.

Another painful issue for Ukrainians is the sale of Ukrainian land. The following question arises: is such a sale fair or unfair? The next interesting issue is the “rescue operation” of PJSC CB “Privatbank,” which was declared insolvent. Such a rescue cost Ukrainians 116 billion hryvnias. Are such actions of the state in relation to the Ukrainian people fair?

## 2. PRINCIPLE OF JUSTICE IN UKRAINIAN LEGISLATION AND ITS IMPLEMENTATION

Justice is the foundation of the welfare state, which must ensure human rights. If we analyze the state of human rights in Ukraine, the principle of justice is treated quite formally, because it is considered as a theoretical stencil, from which there is no practical use. In any democratic state, the principle of justice is a fundamental principle in law that must permeate all spheres of public life. In their decisions, courts very often refer to the principle of justice. Thus, for example, the Constitutional Court of Ukraine in its decision of 2 November 2004 No. 5-rp/2004 in the case of imposing a milder sentence by the court notes that justice – one of the basic principles of law, is decisive in determining it as a regulator social relations, one of the universal dimensions of law. Justice is usually seen as a property of law, expressed, in particular, in the equal legal scale of behavior and in the proportionality of legal responsibility for the offense.<sup>5</sup> The decision of the Constitutional Court of Ukraine of 11 October 2005 No. 8-rp/2005 in the case of the level of pension and monthly lifetime allowance states that the activities of law-making and law enforcement bodies should be carried out on the principle of fairness.<sup>6</sup> In its judgment of 22 September 2005 No. 5-rp/2005 in the case of permanent land use, the Constitutional Court of Ukraine emphasized that “the con-

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<sup>5</sup> Judgment of the Constitutional Court of Ukraine in the case on the constitutional petition of the Supreme Court of Ukraine on the constitutionality of the provisions of Article 69 of the Criminal Code of Ukraine (case on sentencing by a court) (2004), <http://www.ccu.gov.ua/docs/504> [accessed: 10.12.2020].

<sup>6</sup> Judgment of the Constitutional Court of Ukraine in the case on constitutional petitions of the Supreme Court of Ukraine and 50 people’s deputies of Ukraine on compliance of the Constitution of Ukraine (constitutionality) with the provisions of the third and fourth paragraphs of item 13 Section XV “Final Provisions” of the Law of Ukraine *On Compulsory State Pension Insurance* and the official interpretation of the provisions of Part 3 of Article 11 of the Law of Ukraine *On the Status of Judges* (case on the level of pension and monthly lifetime allowance) (2005), <http://www.ccu.gov.ua/docs/519> [accessed: 31.01.2021].

stitutional principles of equality and fairness require the definition, clarity and unambiguity of a legal norm, as nothing else application, does not preclude unlimited interpretation in law enforcement practice and inevitably leads to arbitrariness.”<sup>7</sup>

In the field of law enforcement, justice is manifested, in particular, in the equality of all before the law, the conformity of crime and punishment, the goals of the legislator and the means chosen to achieve them. A separate manifestation of justice is the question of the conformity of punishment to the crime committed; the category of justice presupposes that the punishment for a crime must be commensurate with the crime. Fair application of legal norms is, first of all, a non-discriminatory approach, impartiality. This means not only that the *statutory corpus delicti* and the scope of punishment will be commensurate with each other, but also that the punishment must be in fair proportion to the gravity and circumstances of the offense and the identity of the perpetrator. The adequacy of punishment for the severity of the crime follows from the principle of the rule of law, from the essence of constitutional rights and freedoms of man and citizen, in particular the right to liberty, which can not be limited, except as provided by the Constitution of Ukraine [Holovchenko 2012, 7].

The problematic issue in practice is that corruption is rampant in Ukraine, especially in the courts, and it is very difficult to get a fair trial in court. We often witness the so-called “custom” decisions, when some “manual” judges make such decisions, because “telephone law” in Ukraine has not yet been *de facto* abolished. For example, according to the latest polls conducted by the Razumkov Center, distrust of the judiciary among Ukrainian citizens is preceded only by distrust of officials in general and the Russian media.<sup>8</sup>

The judicial system of Ukraine has a rather difficult situation. Currently, there is a “staff shortage” in the courts, which leads to an increase in the workload of current judges and violation of the terms of consideration of cases. The shortage of staff in local and appellate courts is about 30 percent, and in some courts there are no judges at all. A. Ovsienko, Chairman of the High Council of Justice, notes the following: the events during the last five years witnessed to the fact that in the continuing process of judicial reforms losing over 2500 judges, the state was able to fill in the vacancies only for 10%, despite the fact that there exists an urgent need in judges. It is connected with the work overload and as a result pro-

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<sup>7</sup> Judgment of the Constitutional Court of Ukraine in the case on the constitutional petition of 51 People’s Deputies of Ukraine on the constitutionality of the provisions of Article 92, paragraph 6 of Section X *Transitional Provisions* of the Land Code of Ukraine (case on permanent land use) (2005), <http://www.ccu.gov.ua/docs/519> [accessed: 31.01.2021].

<sup>8</sup> *Ukrayins’ki sudy hirshi za koruptsiyu, vvažhayut’ investory*, <https://www.bbc.com/ukrainian/news-54891061> [accessed: 31.01.2021].

longing the cases investigation and in the long run causing mistrust and in general deterioration of justice.<sup>9</sup>

Such a violation of the principle of justice in the judiciary leads to a deterioration of the economic situation in Ukraine due to the outflow of foreign investment. The situation was further complicated by the COVID-19 pandemic. In order for a foreign investor to want to work in Ukraine, he needs certain guarantees, including a guarantee of fair justice.

According to A. Selivanov, the first thing to understand the purpose and purpose of justice is the trust of citizens, when justice is done exclusively by law, and access to court is guaranteed. The task for judges is to completely exclude the possibility for each participant in the proceedings to seek means of illegal influence on judges, which may give him an advantage in obtaining the desired court decision. This is the main danger of losing the authority of professional judges and the right to judge. None of the citizens agrees to live in such a society with unforeseen circumstances, which deprives a person of confidence in his own legal protection and constitutional security. Isn't that why the "trembling of soul and body" penetrates deep into people's minds when they find themselves in a court deprived of the right to a fair trial. And this is the main factor inhibiting positive change in Ukraine [Selivanov 2017, 4].

We fully agree with T.R.S. Allan's argues that in responding to a claim, a judge or arbitrator must convince the plaintiff of the fairness of his or her treatment in terms that demonstrate the independence of his or her position. Judicial procedure presupposes respect for its participants, which is manifested not only in their specific treatment in accordance with the established rules, but also in the recognition of their dignity, in the manner in which, in their opinion, it should be expressed to make them feel gifted, equal rights of citizens. The use of an independent format of judicial procedure in courts, tribunals and other official institutions can be considered an integral component of the concept of constitutional government, which reflects the status of a citizen as an autonomous moral agent. The wider the individual's participation in the court proceedings – and hence his control over its course – the higher the moral authority of its outcome. And to the extent that the citizen will be able to obtain a justification for the administrative action presented in the most justified light, and will be able to challenge its consequences in their own interests, as he will be forced to make a decision of an impartial judge, proving his consent [Allan 2001, 106].

Violation of the principle of justice in Ukraine leads to mass migration of the population of Ukraine to the developed countries of the European Union. The situation in the country is complicated by the war in Eastern Ukraine, unemployment, a pandemic of coronavirus infection. The threat to Ukraine is that if effective reforms are not carried out in the near future, our state may become a state

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<sup>9</sup> *Holova VRP Andriy Ovsiienko: Kadrovyy holod u sudakh znyzhuye riven' dostupu hromadyan do pravosuddya*, <https://hcj.gov.ua/news/golova-vrp-andriy-ovsienko-kadrovyy-golod-u-sudah-znyzhuye-riven-dostupu-gromadyan-do> [accessed: 31.01.2021].

of “corrupt and retired people.” In order to achieve justice in the courts, judges are needed who, in addition to knowledge, will also have high moral qualities. In addition, the implementation of the principle of justice raises issues related to the imperfection of legal norms. Therefore, very often individuals are unfairly prosecuted, and there is no principle of justice in disciplinary liability. In general, the judge must bear in mind that in interpreting national law he must take into account the principle of fairness. Then the goal of justice will be achieved – protection of violated rights.

Ukrainians are one of the leaders in appealing to the European Court of Human Rights to protect their violated rights. This state of justice is a cause for concern. Mr. Guyvan investigates this issue and notes that of the 60,000 complaints before the Court, more than 20% are filed against Ukraine. However, not only the quantitative indicator is impressive. The fact is that most lawsuits before the European Court are based on the same grounds, so there is duplication of decisions [Guyvan 2019, 153]. In Ukraine, court decisions are often appealed to the European Court of Human Rights due to the fact that national courts do not implement the principle of fairness in practice, only formally refer to it. However, there are cases when the judge sees in the case that the law applicable to the disputed legal relationship is unfair. Modern law enforcement solves this problem by achieving a certain balance between the so-called established types of morality – “morality of aspirations” and “morality of duty,” taking into account the priority of the latter as a more universal type of morality that can serve as a basis for law [Fuller 1969, 51–52]. However, even if there is already a decision of the ECtHR to be used by national courts in the future, there are problems with law enforcement.

The problem for the Ukrainian judiciary is the lack of uniform criteria for the application of ECtHR precedents. Courts are often unaware of the legal meaning of their application. If the case law of the ECtHR is applied by national courts, then only at the formal level. This is a problem, as courts in Ukraine must not only refer to the ECtHR’s decision, but also interpret it [Guyvan 2019, 107].

The importance of the constitutional principle of justice is that it requires equal application of the law to persons in similar situations and differentiated application to those in different situations. The value of the principle of justice is revealed in the opposition to legal arbitrariness. Therefore, an important step for Ukraine is to strengthen the principle of justice as a fundamental principle of law. In the field of law enforcement, justice is manifested, in particular, in the equality of all before the law, the conformity of crime and punishment, the goals of the legislator and the means chosen to achieve them.

In constitutional and legal relations, the criterion for the legitimation of state power is justice. The procedure for access to public positions is open. In this way, according to V. Vasylichuk, the principle of justice is realized. He believes that officials should not abuse their rights in carrying out their activities. In this case, state power will be exercised on the basis of justice [Vasylichuk 2013, 16]. The right to a fair trial is a good example. It is the “political” branches of government

that must decide what resources the justice system can count on. The courts must assert their rights, because it is necessary to ensure a fair hearing for each individual. The right to a fair trial is of paramount importance when a citizen faces serious criminal sanctions [Allan 2001, 328].

It is the efficiency of the national judiciary that is a topical issue today. To address this issue, the ECtHR's statistics on the recognition of national judicial enforcement as illegal need to be improved. Ukraine's judicial system is currently being renewed and it is hoped that the new judges will use European principles of a fair trial. The requirements of morality and justice must be taken into account when making court decisions [Guyvan 2019, 107–108]. It should be noted that the principle of justice is implemented not only during the administration of justice, but also during the execution of a court decision. A problematic issue in practice is the fact that in Ukraine about 70% of court decisions remain unfulfilled. Then what is the meaning of justice? Such non-enforcement of court decisions affirms legal nihilism in the state, which is a dangerous phenomenon. In Ukraine, there is no effective mechanism to ensure the enforcement of court decisions. There are no effective coercive measures against the debtor, which leads to non-enforcement of court decisions. A fair court decision can remain a simple sheet of paper for years. We often witness that court decisions are not enforced fairly, there are significant delays in enforcement, enforcement deadlines are violated or decisions are not fully enforced.

## CONCLUSION

The principle of justice is a fundamental principle in law, which was applied in ancient Rome, but does not lose its significance and relevance today. “Aequitas” – justice means “equality.” In Ukraine, a number of constitutional requirements follow from this principle. The difficult situation in the country, caused by the scandalous decision of the Constitutional Court of Ukraine to cancel the electronic declaration of their income by officials leads to a violation of the principles of justice and equality before the law and the courts. The situation is currently unresolved.

Ukraine aspires to become a full member of the European Union. Therefore, one of the most important tasks for it is both overcoming corruption and carrying out judicial reform in order to ensure a fair trial. A necessary step for Ukraine is the implementation of the principles of democracy and the rule of law. However, in practice we are witnessing only the imitation of a fair trial in Ukraine. This leads to mass migration of Ukrainians to developed countries of the European Union. On the other hand, the number of ECtHR decisions against Ukraine is increasing.

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