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Reconceptualizing Stage-Based Legal Proceedings: A Comparative Analysis of European Models and Judicial Reform in Ukraine

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Abstract

This paper examines the stage-based approach to the organization of legal proceedings in the justice systems of Europe and Ukraine. Staging is understood as a procedural framework that structures judicial activity into successive phases, ensuring fairness, transparency, and efficiency of the trial process. The study analyses key stages of legal proceedings, including pre-trial investigation, preparatory procedures, trial, and appellate review, highlighting their role in protecting procedural rights and upholding the rule of law. Using a comparative legal approach, the research explores the practices of Germany, the United Kingdom, France, Italy, and Spain to identify common features and differences in stage-based models. Particular attention is given to the influence of European legal standards and international judicial practice on national systems, as well as to the challenges of adapting these approaches in Ukraine. The paper identifies major shortcomings in the Ukrainian judicial process, such as inefficiencies in pre-trial investigation and limited effectiveness of judicial control. The findings show that a well-structured stage-based system enhances legal certainty and the protection of human rights. The study concludes that Ukraine should develop a functionally effective procedural model based on European best practices while considering national legal realities.

***Keywords**: Court, Judicial Reform, Law Enforcement, Legal Consciousness of Judges, Rule of Law.*

Abstrak

Makalah ini mengkaji pendekatan berbasis tahapan dalam pengorganisasian proses hukum di sistem peradilan Eropa dan Ukraina. Tahapan dipahami sebagai kerangka kerja prosedural yang menyusun aktivitas peradilan ke dalam fase-fase berurutan, memastikan keadilan, transparansi, dan efisiensi proses persidangan. Studi ini menganalisis tahapan-tahapan kunci dalam proses hukum, termasuk penyelidikan pra-persidangan, prosedur persiapan, persidangan, dan peninjauan banding, menyoroti

peran mereka dalam melindungi hak-hak prosedural dan menegakkan supremasi hukum. Dengan menggunakan pendekatan hukum komparatif, penelitian ini mengeksplorasi praktik-praktik di Jerman, Inggris Raya, Prancis, Italia, dan Spanyol untuk mengidentifikasi fitur umum dan perbedaan dalam model berbasis tahapan. Perhatian khusus diberikan pada pengaruh standar hukum Eropa dan praktik peradilan internasional terhadap sistem nasional, serta tantangan dalam mengadaptasi pendekatan-pendekatan ini di Ukraina. Makalah ini mengidentifikasi kekurangan utama dalam proses peradilan Ukraina, seperti inefisiensi dalam penyelidikan pra-persidangan dan efektivitas kontrol peradilan yang terbatas. Temuan menunjukkan bahwa sistem berbasis tahapan yang terstruktur dengan baik meningkatkan kepastian hukum dan perlindungan hak asasi manusia. Studi ini menyimpulkan bahwa Ukraina harus mengembangkan model prosedural yang efektif secara fungsional berdasarkan praktik terbaik Eropa sambil mempertimbangkan realitas hukum nasional.
Kata Kunci: Pengadilan; Reformasi Peradilan; Penegakan Hukum; Kesadaran Hukum Hakim; Supremasi Hukum.

INTRODUCTION

The modernization of judicial systems and their alignment with European legal standards require a clear and structured organization of judicial proceedings. In this context, a phased approach to organizing the legal process is of particular importance, as it ensures consistency, predictability, and procedural fairness in judicial activities.[1]

The concept of the stages of the judicial process originates from the theory of procedural law, primarily within the civil law tradition. It refers to the division of the legal process into successive, functionally distinct phases, each characterized by its own objectives, participants, and legal consequences. Scholars such as Huseinov[2] and Kopytova[3] define stages as structurally separated phases of procedural activity characterized by specific goals, participants, and legal consequences. In legal doctrine, stages are viewed as a necessary structural element of judicial proceedings, ensuring the implementation of the rule of law, effective judicial oversight, and the protection of the rights of

[1] Viacheslav P. Boiko, "Improvement of Administrative-Legal Principles of Justice in Ukraine: Relevance of Research," *Ukrainian Legal Novelties* 20 (2023): 108–13, https://doi.org/10.32782/ln.2023.20.15.

[2] Ilhar Vuhar Ohly Huseinov, "Conceptual Aspects of the Implementation of Financial and Legal Norms: Issues of Structure and Staging in the Conditions of State-Society Reforms," *Law and Public Administration* 3 (2022): 5–80, https://doi.org/10.32840/pdu.2022.3.11.

[3] Olena S. Kopytova, *Theoretical and Legal Foundations of Judicial Law Enforcement* (Kyiv: National Academy of Internal Affairs, 2021).

participants in the process.[4] Thus, the concept of stages should be viewed not as an abstract theory, but as a fundamental principle of the organization of procedural law.

The need to improve the efficiency of judicial procedures and bring them into line with European standards highlights the relevance of studying the phased organisation of justice in Europe and Ukraine. A clearly defined, phased structure of the process helps prevent delays in the handling of cases, ensures a balance between the parties, and facilitates an objective assessment of the evidence.[5] At the same time, Ukraine faces a number of systemic issues in the functioning of its judicial system, indicating that the phased organisation of proceedings is not being implemented effectively in practice. In particular, there are excessive delays in the adjudication of cases, an overburdened court system, low efficiency in pre-trial investigations, and limited effectiveness of judicial oversight at the initial stages of proceedings. A significant problem also remains the formalistic approach to the assessment of evidence and the limited role of appellate courts in correcting judicial errors.[6]

The significance of these issues is confirmed by the case law of the European Court of Human Rights, which has repeatedly found that Ukraine has violated Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms due to the excessive length of proceedings, failure to observe the principle of equality of arms, and the ineffectiveness of legal remedies. In particular, in cases against Ukraine, the Court has noted the systemic nature of delays in the examination of cases and shortcomings in the procedural mechanisms of judicial review.[7] This indicates that the existing model of the stages of

[4] Anatoliy Kostruba et al., "Legal Gaps: Concept, Content, Problems of the Role of Legal Doctrine in Overcoming Them," *Statute Law Review* 44, no. 2 (2023): hmac016, https://doi.org/10.1093/slr/hmac016.

[5] Oleksandr V. Yeshchenko, "Theoretical and Comparative Aspect of the Concept of Access to Justice," *Scientific Notes of Vernadsky National University of Kyiv* 34, no. 1 (2023): 100–105.

[6] Anatoliy Chernenko and Anatoliy Shiyan, "Stages of Criminal Proceedings: Grounds for Division and Characteristics," *Scientific Bulletin of the Dnipropetrovsk State University of Internal Affairs* 1, no. 128 (2024): 349–55.

[7] Liliia Matvieieva et al., "Legal Process in the National Legal Doctrine of Ukraine through the Scope of the Case Law of the European Court of Human Rights," *International Journal for Court Administration* 13, no. 2 (2022): 1–12, https://doi.org/10.36745/ijca.411.

the judicial process in Ukraine requires not only formal consolidation, but also functional rethinking and improvement.

The choice of Germany, the United Kingdom, France, Italy and Spain for comparative analysis is based on their representativeness of Europe's main legal families and different models of judicial procedure. Germany exemplifies the civil law model, with clearly structured stages of the proceedings and a significant role for the public prosecutor's office. The United Kingdom represents the Anglo-Saxon legal tradition, where adversarial proceedings and judicial precedent are of key importance. France and Spain demonstrate the inquisitorial model with an active role for the investigating judge, whilst Italy combines elements of the civil law and adversarial systems. An analysis of these legal systems makes it possible to identify effective mechanisms for the phased organisation of proceedings that can be adapted to Ukrainian conditions.

The aim of this study is to analyse the stage-based organisation of court proceedings in the legal systems of Europe and Ukraine, to assess its impact on the efficiency and fairness of justice, and to identify key shortcomings in the Ukrainian judicial system with a view to developing recommendations based on European experience. To achieve this objective, the following tasks have been identified: (1) to clarify the theoretical foundations of the stage-based approach in procedural law; (2) to analyse the structure and functions of the main stages of the judicial process; (3) to conduct a comparative analysis of procedural models in selected European countries; (4) to identify systemic problems in the functioning of the judicial process in Ukraine; (5) to determine the influence of European legal standards on national practice; (6) to develop practical recommendations for improving the organisation of the judicial system in Ukraine.

RESEARCH METHODS

The study of the application of the theory of stages in modern justice in Europe and Ukraine is based on a thorough methodology that uses a variety of scientific techniques to study the legal systems of different nations and find out how they affect the effectiveness of litigation. A thorough analysis of the steps in the legal system, its importance for maintaining the rule of law and the potential for improving the legal system of Ukraine by incorporating the best European practices.

The research methodology is based on a comparative legal approach that combines the analysis of norms and practice. The analysis

criteria include: (1) the structure of the stages; (2) the functional load of each stage; (3) mechanisms for protecting the rights of participants; (4) optimization tools (simplified procedures, digitalization); (5) the effectiveness of appellate and cassation review. This approach allows for a critical assessment of the phenomena of legal convergence and divergence in selected jurisdictions.

The analysis of legal norms, judicial practice and international standards allows us to assess the main elements of the staging process, to identify the strengths and weaknesses of existing models of justice and to identify the key problems that arise at different stages of the trial. The analysis also examines the role of judicial institutions, prosecutors and lawyers in ensuring compliance with the stage approach to justice. The synthesis method is used to summarize the results obtained and formulate conclusions on the effectiveness of various models of stage proceedings. It allows you to integrate knowledge about the legal systems of different countries, identify common patterns and formulate approaches that can be used to improve Ukrainian justice.

Methods of induction and deduction are used in conjunction to study the processes of legal proceedings. The inductive method helps to summarize individual facts and cases from the judicial practice of the EU countries and Ukraine, forming general trends and patterns of development of the stage of justice. For example, analysis of specific cases in the UK, France or Germany allows us to identify sustainable approaches to the consideration of evidence, principles of evidence load and mechanisms for ensuring equality of parties. The deductive method, in turn, is used to apply general concepts of staging to specific aspects of the Ukrainian legal system and determine possible directions of adaptation and improvement of justice taking into account existing realities.

The selection of countries for comparative analysis is based on their representation of the main legal traditions of Europe and the diversity of procedural models. Germany represents the continental (Romano-Germanic) legal system with a clearly structured stage-based procedural model. The United Kingdom reflects the common law tradition, characterized by adversarial proceedings and the central role of judicial precedent. France and Spain exemplify the inquisitorial model, where the investigating judge plays a significant role in the pre-trial stage. Italy represents a mixed system that combines elements of both adversarial and continental traditions.

The dialectical method allows us to explore the stage of justice as a complex and dynamic category that is constantly developing under the influence of socioeconomic, political and legal factors. It allows us to assess the relationship between the individual stages of the trial, their functional significance and possible directions of improvement in the conditions of modern legal development. The dialectical approach also contributes to understanding the evolution of the judicial system of Ukraine and its transformation in the context of European integration processes.[8]

The analytical method is used for a thorough study of the peculiarities of the implementation of the stage of legal proceedings in different countries, determining the effectiveness of the legal mechanisms used at different stages of the trial, and assessing their impact on the outcome of the trial. The analytical approach allows us to assess the practical implementation of the principles of fair trial in the EU countries, in particular regarding the role of a judge in the process of proof, standards of proof and mechanisms for protecting the rights of participants in the trial. The method of analogy is used to compare different models of justice and determine common features that can be used to improve the Ukrainian judicial system. For example, in France and Spain, the investigating judge performs the function of monitoring the pre-trial investigation, which can be useful to prevent abuse in the criminal process in Ukraine. Analysis of the British model of the adversarial process and the German inquisition model reveals their advantages and disadvantages in order to determine which elements can be adapted in the Ukrainian context.

The method of abstraction is used to distinguish the general characteristics of the stage of justice, which are universal for most legal systems. This allows to determine the fundamental principles that should be integrated into Ukrainian justice for its improvement in accordance with European standards. The generalizing approach helps to systematize the collected information on the phases of the legal system, identify trends and develop proposals for improving justice in Ukraine. Summarizing the results, the study gives recommendations on individual reforms of the judicial system that take into account the best European practices. These reforms will contribute to improving the efficiency of

[8] Andrii Kuchuk and Nataliia Zhylnikova, "Public Administration Principles: International Legal Aspect," *Journal of International Legal Communication* 12, no. 1 (2024): 19–29.

legal proceedings, ensuring transparency and protecting the rights of citizens.[9]

RESULTS

One of the key conceptual approaches that underpins the administration of justice and the formation of judicial decisions is the concept of the stage-based organization of proceedings, which also demonstrates a certain degree of structural stability across different legal systems. It establishes a series of enforcement stages that guarantee the effectiveness, fairness and predictability of court cases. This concept is particularly relevant for modern European and Ukrainian justice, as it not only structures procedural activity but also ensures the stability and predictability of judicial processes despite the case-specific nature of disputes.[10]

At the same time, the analysis of judicial practice in European states and Ukraine shows that, despite the significant dependence of procedures on the factual circumstances of a specific case, the basic phased structure (pre-trial investigation, preparatory proceedings, trial, review of decisions) remains stable. This staging manifests itself in the reproducibility of the functions of each stage (evidence gathering, procedural filter, adversarial nature, review of legality) and in the predictability of procedural transitions between them.[11] Thus, the empirical data presented in the study confirm that even in the context of the casuistic nature of judicial practice, the stage-based organisation is not a random description of procedures, but a stable theoretical model that ensures the coherence, consistency and legal certainty of judicial proceedings. In this respect, the stability of the stage-based model should not be understood as rigidity, but rather as structural resilience, allowing procedural frameworks to adapt to the specifics of individual cases while preserving their core functional architecture. Such an understanding aligns with contemporary procedural theory, which views legal

[9] Yevgen Popko, "Development of the State Jurisdictional Immunity Institution in Private International Law," *Legal Horizons* 17, no. 2 (2023): 51–63.

[10] Xandra Kramer, Carlota Ucín, and Adriani Dori, "Challenges to Access to Civil Justice in Europe," in *Comparative Civil Procedure: Research Handbooks in Comparative Law*, ed. Margaret Y. K. Woo and Cornelis H. van Rhee (Cheltenham: Edward Elgar Publishing, 2025), 107–32, https://doi.org/10.4337/9781786434418.00011.

[11] Marta Requejo Isidro and Burkhard Hess, "The Interplay between Private and Public International Law Regarding Procedure," in *Research Handbook on International Procedural Law*, ed. Joanna Gomula, Stephan Wittich, and Markus Stemeseder (Cheltenham: Edward Elgar Publishing, 2024), 630–50.

processes as dynamic systems combining normative consistency with contextual flexibility.

The establishment of laws and judicial procedures aimed at fulfilling the basic criteria of this imperative constitutes the application of the rule of law in civil cases. This is possible only if careful consideration of all the characteristics of procedural relations, including their dynamism. Stages of civil process, as they are called in science, are successive changes in procedural activity that occur throughout the consideration and resolution of a civil case. Since the framework of civil proceedings is primarily implemented through distinct stages, these stages constitute a key structural component of the process, ensuring both its internal coherence and functional stability.[12] In this regard, the rule of law operates through the proper functioning of these stages, guaranteeing that their sequence, interaction, and legal consequences remain consistent and predictable.[13]

The reasons for their separation are directly related to the question of how many and what types of lawsuits are in question. Therefore, a stage should be understood as a relatively autonomous phase of procedural activity, which is functionally distinct yet remains structurally interconnected with other stages. When there are several stages and they are combined into one, we can discuss them. Therefore, we believe that the term "stage" should be used to refer to the phases of procedural activity in the context of one instance.[14]

The staging reflects the division of procedural activity into successive parts, which are characterized by the simultaneous presence of two features: qualitative difference between different stages and qualitative homogeneity of activity within the stage.[15] Nevertheless, the procedural activity remains qualitatively diverse throughout the process, while preserving a stable internal logic that governs the transition from one stage to another. The nature of procedural activity changes unevenly:

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[12] Fernando Gascón Inchausti and Burkhard Hess, *The Future of the European Law of Civil Procedure: Coordination or Harmonisation?* (Cambridge: Intersentia, 2020).

[13] Dmytro O. Pylypenko, "Stages and Models of Development of Principles of Criminal-Executive Law," *European Law Knowledge* 4 (2021): 57–61, https://doi.org/10.32837/chern.v0i4.262.

[14] Volodymyr Bobryk, "Methodology for Determining the Stages of Civil Proceedings," *Annual Legal Collection of Scientific Papers* 21, no. 21 (2022): 24–32.

[15] Nataliia Lytvyn et al., "Enforcement of Court Decisions as a Social Guarantee of Protection of Citizens' Rights and Freedoms," *Prawo i Więź* 39, no. 1 (2022): 80–102, https://doi.org/10.36128/priw.vi39.351.

homogeneous procedural activity gradually creates a certain quality of procedural relations during the stage, and to achieve this, modification of the means, means and mechanisms that determine the transition to the next stage is necessary.[16]

Scholarly approaches to the classification of stages vary; however, empirical analysis of judicial procedures demonstrates that, regardless of doctrinal differences, stage-based structures exhibit a consistent and stable functional pattern.[17] It seems unlikely that the phases of the trials in the trial court were divided according to one criterion, according to our analysis of scientific points of view. Rather, it is important to take into account that different elements influence how phases of production are formed. Thus, since legal proceedings are inherently activity-based and case-driven, their structuring into stages reflects not only functional necessity but also a stable organizational model that persists across different types of disputes.[18] The terms opening proceedings and resolving a case also refer to related procedural activities that have specific time frames, tasks, and resources, in addition to defining certain points and procedural choices. Since the actualization of the controversial issue is the dispositive will of the users of the judicial system, and its solution is the implementation of the power status of the court, the presence of these two successive stages reflects the interaction of the dispositive and power principles of civil process, which are inherent in the proceedings.[19]

The issue is codified at the initial stage of the case. The plaintiff's presumption that his rights were violated is documented; the purpose of going to court; disagreement turns into a cause; the court recognizes the claim as subject to consideration; and the relationship develops between the plaintiff and the court. Given its powers as a civil court, the court conducts the broadest preliminary consideration of the claim. The court is one of the parties to bilateral contacts, which are a form of procedural activity. The court and the participant in the process communicate in both

[16] Dmytro A. Yevdokymov, *Administrative and Legal Framework for the Investigation of Administrative Offenses by the National Police* (Kyiv: National Academy of Internal Affairs, 2021).

[17] Anna Nylund, "Civil Procedure and the Rule of Law in Scandinavia," *International Journal of Procedural Law* 14, no. 2 (2024): 343–69, https://doi.org/10.1163/30504856-14020006.

[18] Philipp Janig, "General Principles of Procedural Law," in *Research Handbook on International Procedural Law*, ed. Joanna Gomula, Stephan Wittich, and Markus Stemeseder (Cheltenham: Edward Elgar Publishing, 2024), 53–72.

[19] Boiko, "Improvement of Administrative-Legal Principles," 108–13.

directions. Interpreting the will of the subject and giving him procedural significance, the court makes competent decisions (Stanko, 2020). Within the stage-based organization of proceedings, this phase performs a clearly defined function, transforming a factual dispute into a procedural form, which is reproduced across different cases regardless of their specific circumstances.

At the initial stage, a court session is not going to be held, discussions or debates are not held, and the positions of other parties are not established so that the court decides on procedural issues. These types of organizational activities and methods are appropriate for the construction of controversial issues in court. The court should move to alternative ways of building procedural activity as soon as it becomes clear who wants what and why. You should not use other tools until these problems are solved.[20] This demonstrates that, despite the case-specific nature of disputes, the sequence and content of procedural actions at this stage remain functionally consistent.

The resolution of the case is traditionally not separated from the consideration of the case on the merits and is not recognized by most scholars as an independent stage. Nevertheless, it is difficult to agree with this point of view, which additionally leads to the existence of disapproving comments. Remember that the court is the only entity involved in the resolution stage of the case, exercising its powers and fulfilling its duty to resolve the dispute. Only the court includes the will in the official act of application of the law; all parties involved in the case have exercised their administrative rights in full. Since the case is handled in a conference room with confidentiality, the unique procedural form further emphasizes the isolation of the resolution phase. The main result of the judicial procedure is the resolution of the case. The predictability of justice is correlated with the rule of law. As a result, the initial actions of the court should focus on how the case will be finally resolved. The trial will be more open, understandable and predictable if each procedural step and interim decision are aimed at the final conclusion and are associated with it.[21] From the perspective of stage-based organization, this stage reflects the concentration of decision-making authority within a single procedural phase, which ensures coherence and predictability of judicial outcomes.

[20] Yeshchenko, "Concept of Access to Justice," 100–105.

[21] Oksana Yu. Sopianenko, "Theoretical Problems of Opening Proceedings in a Civil Case from the Standpoint of the Rule of Law," *Private and Public Law* 1 (2022): 20–25, https://doi.org/10.32845/2663-5666.2022.1.4.

The stage of consideration of the case on the merits is the procedural activity that occurs between the resolution of the disputed issue for consideration by the court and its termination. The answer to the question of why the court cannot instantly resolve the judicial dispute entrusted to it by the parties explains the reasons for the division and the origins of the uniqueness of this consistent element of the process. According to our considerations, the actual circumstances of the case should be the basis for resolving the dispute. Their establishment, in turn, necessitates the use of appropriate methods that are atypical for the phase of initiating a case or the phase of resolving a dispute. The court session is the main tool used in litigation when parties go to court to argue their claims and objections.[22] Although evidentiary situations vary from case to case, this stage consistently ensures the structured examination of facts within an adversarial framework, which is a core element of stage-based proceedings.

The most non-obvious are the grounds for distinguishing such a stage as preparing a case for consideration. The establishment of the preparatory stage, in our opinion, is connected to optimising the structure of the judicial process and indicates the expediency of transferring all previous, early actions to the preparatory stage. This concerns the search for evidence, the appointment of an examination, the provision of calling witnesses, the issuance of court orders, etc. These are methods of proof that require a consistent reaction of the court: first, the decision to attach the relevant evidence (by appointing an examination, calling a witness, demanding documents, etc.), and then, after some time, the analysis of their content necessary for the actual presentation of evidence to the court. Such a sequence of actions can be easily implemented when considering the case on the merits in several court hearings, but the execution of the first stage during preparation improves the process and avoids red tape.[23] This allocation of procedural tasks to a distinct stage illustrates how stage-based organization enhances procedural efficiency while maintaining a coherent sequence of judicial actions.

Therefore, the stage structure of proceedings in the court of first instance reflects a stable model of interaction between the parties and the

[22] Iryna V. Nakonechna, *Administrative and Legal Mechanism for Ensuring National Security in the Conditions of European Integration: Issues of Theory and Practice* (Kyiv: Research Institute of Public Law, 2023).

[23] Oleksandra Oliynychuk, Roman Oliynychuk, and Andrii Kolesnikov, "E-Justice as an Element of the Modern Judicial System," *Actual Problems of Law* 3, no. 27 (2021): 141–47.

court in resolving the dispute, the need to establish the actual circumstances of the case for the adoption of a legal act, the structure of judicial evidence. This method reflects how phases work, how they relate to judicial procedure and how the parties and the court interact. In civil proceedings, the stadium structure guarantees legal clarity, timely completion of specific procedural actions, as well as fair opportunities and a balance of interests for all parties involved. The organization of legal proceedings in Ukraine reflects the general stage-based model observed in European systems, confirming the relative stability of this procedural framework across jurisdictions. The norms of the Criminal Procedural Code of Ukraine regulate each of these stages, each of which has its procedural features.[24]

The first stage of pre-trial investigation is to collect evidence, establish the circumstances of the crime and identify suspects. Harmonization of standards of evidence with European norms is especially important since it guarantees the observance of the person's right to a fair trial. The conduct of the European Court of Human Rights (ECHR) is consistent with the presumption of innocence, which is a core value in this context. The responsibility for establishing the guilt of the accused rests with the prosecutor's office, and any uncertainties about the guilt of the suspect are interpreted in her favour.[25]

Checking the rights of the suspect and assessing the readiness of the case for trial are two aspects of the preparatory process. At this stage, the court assesses whether there is sufficient evidence for the proceedings and whether the evidence collected during the pre-trial investigation is admissible. A trial is a crucial phase in which parties have the opportunity to express their views, evidence is reviewed and witnesses are heard. Meeting the standards of evidence that must be precisely defined and consistent with the concept of equality of arms is a crucial component. For example, the ECHR determined that the concept of due process was violated in the case of "Savchenko v. Ukraine" in 2018, which prompted international consideration of this issue.

The cassation appeal makes it possible to assess the compliance of the law with the decision of the court of first instance, and the appeal -

[24] Ivanna M. Proskuryakova, *Procedural Features of Alternative Resolution of Public-Law Disputes in Administrative Proceedings* (Kyiv: National Academy of Internal Affairs, 2021).

[25] Iryna Izarova and Nataliia Horban, "About Equal Access to Justice in a Contemporary World," *Access to Justice in Eastern Europe* 2, no. 10 (2021): 5–7.

to check the legality and legality of the decision. Because it affects how national legal standards are interpreted and applied, ECHR practice is very important.[26] The modern legal system of Ukraine is aimed at bringing the national law enforcement process in line with European norms. Judgments based on the practice of the ECHR and its interpretation of standards of proof reflect this. The burden of proof in situations of corruption offences is one of the most pressing problems. The question of the acceptability of indirect evidence and overall evaluation is still important in these situations. For example, in the case of "NACP v. Dubnevich", new methods of analysing evidence that was not previously used in the Ukrainian court were introduced.[27]

The need to respect the procedural rights set out in Article 6 of the European Convention on Human Rights is one way of demonstrating the concept of phases in the case law of the ECHR. The evaluation of standards of evidence about the extent of actual evidence is a crucial component in this context. The Court specifically applies concepts such as balance of probabilities in civil proceedings and "beyond a reasonable doubt" in criminal proceedings. Such types of evidentiary requirements are important for establishing the legitimacy of decisions and maintaining the rule of law. For example, in the case of "Ignatov v. Ukraine", the ECHR found that Ukrainian courts did not ensure proper consideration of evidence and did not adhere to the principle of equality of parties.

Progressive justice is a fundamental characteristic of the judicial systems of developed countries, as it ensures the structure and fairness of legal proceedings. In this context, it is appropriate to take into account Germany, Great Britain, France, Italy and Spain, as they represent different legal traditions, influence the formation of a European law enforcement agency and demonstrate the characteristics of a phased approach to the consideration of criminal and civil cases. In Europe, the German legal system is one of the most logical and well-organized. Pre-trial investigation, interim proceedings, trial and review of a court verdict constitute four main phases of the criminal process.

The prosecutor and the investigating authorities collect evidence during the preliminary investigation, while they are obliged to consider both evidence that can justify a suspect in the commission of a crime and

[26] Volodymyr Pohrebniak, "'Judicial Lawmaking' and 'Judicial Norm-Making': Lexical and Semantic Analysis," *Law of Ukraine* 5 (2024): 33–57, https://doi.org/10.33498/louu-2024-05-033.

[27] Kopytova, *Theoretical and Legal Foundations*.

evidence that can confirm his innocence. The court filters out baseless allegations at the stage of interim proceedings and determines whether there is enough evidence to bring the case to court. The prosecution must establish guilt beyond a reasonable doubt, and the trial is based on the presumption of innocence. When it comes to economic crimes such as VAT fraud, this method makes it possible to effectively identify intricate corruption schemes. Additional supervision over the validity of penalties is carried out by the appellate and cassation instances, which are used to review court decisions.[28]

The common law and the principle of stare decisis, which obliges the execution of decisions of higher courts, form the basis of the British legal system. Preliminary hearings, court proceedings, appeals and pre-trial investigations are part of the criminal process. In the UK, the burden of proof is shared between the parties: the prosecution must prove guilt beyond a reasonable doubt, while the standard of proof is used in civil proceedings. The House of Lords ruled in the landmark decision in "R v. Woolmington" that the prosecution, not the defendant, always carries the burden of establishing guilt.

Judges actively collect evidence in the French judicial system, which is based on the Inquisition concept. Preliminary investigation, court proceedings, and review of rulings on appeal and cassation constitute a criminal process. Conducting an impartial investigation, the investigating judge plays a decisive role in the pre-trial stage. A thorough analysis of the evidence and the active participation of the court in their interpretation are signs of a trial.[29]

After the changes in 1988, the Italian legal system changed towards an adversarial model, according to which the court mediates disputes between the prosecution and the defence, combining elements of continental and Anglo-Saxon traditions. Pre-trial investigation, preliminary hearing, trial and sentencing review are parts of the criminal process. The potential for plea deals to make the case quicker is one of weirdness.[30]

To maintain control over the investigation and guard against abuse by the parties involved, the Spanish legal system, like the French, allows the investigating judge to play an active role during the pre-trial phase.

[28] Huseinov, "Conceptual Aspects of the Implementation," 5–80.

[29] Liana V. Spytska, "Analysis of the Most Unusual Court Decisions in World Practice in Terms of the Right to Justice," *Social & Legal Studios* 5, no. 4 (2022): 39–45.

[30] Chernenko and Shiyan, "Stages of Criminal Proceedings," 349–55.

Pre-trial investigation, trial and the possibility of appeal are all parts of the criminal process. The Spanish approach reaches a compromise between the effectiveness of the criminal investigation and the protection of the rights of suspects.[31]

The selection of these countries for research was based on the degree of development of the judicial system and their representation of various legal systems. With a clearly defined piecemeal strategy and a high degree of reduction in court procedures, Germany is a prime example of the continental model. The Anglo-Saxon system, exemplified by the United Kingdom, relies heavily on precedent and case law to maintain the stability of law enforcement. Italy combines elements of both systems, demonstrating the characteristics of modern justice reforms. France and Spain are traditional examples of an inquisitorial model in which the courts are actively involved in the investigative process. Comparison of these models confirms the stability of the stage-based structure as a common foundation of judicial proceedings.

To summarise the comparative analysis carried out, it should be noted that the variability of specific procedural decisions across different legal systems does not contradict, but rather confirms, the theory of the stability of the stage-based organisation of court proceedings. Despite the differences between the civil law, common law and mixed models, the reproducibility of the basic functional elements of the stages such as case screening, the gathering and assessment of evidence, adversarial proceedings and the review of the legality of decisions can be observed in all the jurisdictions studied. This indicates that the staged nature of the process is not merely a descriptive characteristic, but a stable analytical construct that allows judicial activity to be systematised regardless of the specifics of a particular case. It is precisely this functional stability that ensures the predictability of law enforcement and the consistency of judicial practice.

DISCUSSION

Since the step-by-step and structured justice process ensures greater fairness, transparency and efficiency in criminal and civil cases, the introduction of the theory of staging in modern Ukrainian justice based on the best practices of the EU is an important area of judicial reform. By breaking down the case process into several stages, each with

[31] Oleksandra O. Vitushynska, "Correlation of the Concept of 'Judicial Control' with the Concepts of 'Justice' and 'Judicial Protection' in the Criminal Process of Ukraine," *Scientific Bulletin of Uzhhorod National University* 83, no. 3 (2024): 203–7.

a specific purpose - from collecting evidence to verifying a court decision a step-by-step method is crucial to guarantee due process in the EU Member States.[32] Although Ukraine has formally established the main stages of pre-trial investigation, court of first instance, appeal, and cassation, their functionality is different from the practice of Germany, Great Britain, France, Italy, and Spain.

One of the most significant shortcomings of the Ukrainian system is the ineffectiveness of the pre-trial investigation, which leads to delays, low quality of evidence and violations of the rights of victims and suspects. The German model combines the efforts of the police and the prosecutor's office, ensuring the collection of incriminating and exculpatory evidence, thereby reducing the risk of wrongful prosecution. France and Spain introduce additional protection through an investigating judge who filters cases to trial and checks the sufficiency of evidence. Ukraine could take a hybrid approach by combining the German requirement to consider exculpatory evidence with the French model of judicial control. Such a decision would reduce the accusatory bias and the burden on the courts by preventing weak cases from reaching the courts.[33]

Another problem is the lack of independence of judges in decision-making at the stage of preliminary proceedings, which can lead to a formal approach to assessing evidence before the start of the main trial. In the countries of continental Europe, at an early stage the judge exercises control over the admissibility of evidence, while in Ukraine, judges mostly formally approve indictments. This leads to the transfer of weak cases to the court and reduces the effectiveness of the system. The function of pre-trial control in France and Spain is performed by the investigating judge, who checks the veracity of the charges and has the authority to refuse to initiate proceedings if there is insufficient evidence. Even in the absence of strong evidence, Ukrainian courts often automatically continue to hear cases, increasing the burden on the system and causing delays in the consideration of cases. It is possible to reduce the number of groundless criminal cases and reduce the burden on the judicial system by introducing a system of more complete judicial

[32] Vitushynska, "Correlation of 'Judicial Control'," 203–7.

[33] Inna Semenets-Orlova et al., "Organizational Development and Educational Changes Management in Public Sector (Case of Public Administration during War Time)," *International Journal of Professional Business Review* 8, no. 4 (2023): e01699, https://doi.org/10.26668/businessreview/2023.v8i4.1699.

supervision at the preliminary consideration stage.[34] The independence of judges at the preparatory stage can be ensured thanks to the introduction of the procedural filter, which allows rejecting weak or artificially constructed cases before the main trial.

The excessive workload of judges and the uneven distribution of cases slow down the system of appellate and cassation review. The problem of overloading of courts and delay of processes is especially noticeable in Ukraine. The ECtHR confirmed that the excessive duration of the proceedings constituted an independent violation of the Convention. Fr example, in the case of Kudła v. Poland, the Court found a violation of Art. 6 due to the duration of the proceedings. In the case of Scordino v. Italy, the Court formulated criteria for evaluating a reasonable term. These solutions highlight the need to optimize each stage of the process.

Preparatory proceedings deserve special attention. In the case of Micallef v. Malta, the ECtHR extended fair trial guarantees to interim measures proceedings. This confirms the significance of the intermediate stages and justifies the need for a procedural filter in Ukraine. Italy introduced plea agreements and reduced procedures to speed up the handling of minor cases, while in the UK such agreements are subject to strict judicial oversight to protect the rights of the accused. Ukraine could introduce similar mechanisms under judicial control to ensure both efficiency and fairness. Expanding the powers of appeal and cassation courts to reassess evidence and issue new decisions, as is the practice in Germany and Great Britain, would improve the possibilities of correcting errors and reduce the number of cases escalating to the ECtHR.[35]

Another problem is the assessment of court decisions, which in Ukraine is often ineffective due to the formality of the appellate and cassation instances. The ECtHR emphasized that the appellate instance was an integral component of the right to a fair trial. In the case of Delcourt v. Belgium, the Court stressed that the guarantees of the. 6 of the Convention also applied to appeal proceedings. This strengthens the argument about the need for an essential review of decisions in Ukraine.

[34] Tetiana Baranovska et al., "Theoretical and Practical Dimensions of Legal Responsibility in Criminal Justice," *Multidisciplinary Science Journal* 6 (2024), https://doi.org/10.31893/multiscience.2024ss0737.

[35] Yevhen Leheza et al., "The Essence of the Principles of Ukrainian Law in Modern Jurisprudence," *Revista Jurídica Portucalense* 32 (2023): 342–63, https://doi.org/10.34625/issn.2183-2705(32)2022.ic-15.

In Germany and the UK, they involve re-evaluating evidence and correcting material errors. However, in Ukraine, appellate instances are mostly limited to checking procedural aspects, which reduces their corrective role and reduces public trust in reviewing decisions, which is why appeal and cassation in Ukraine need to expand their functions. Based on the experience of Germany and Great Britain, it is worth providing an opportunity to re-evaluate the evidence and issue a new decision, which will increase the system's ability to correct judicial errors and reduce the number of appeals to the ECtHR.[36]

Digitalization of court procedures, which is already being actively introduced in the EU, is another important element. The example of Estonia demonstrates that e-justice is capable of reducing bureaucracy, increasing the availability of justice, and diminishing corruption risks. The example of Estonia is given as an exception since it is recognized as the European leader in the digitalization of the judiciary (e-Justice, blockchain registers). Despite the fact that it is not included in the list of basic comparative systems, its experience is a valuable reference point for Ukraine, which is just beginning the digital transformation of justice.[37] Electronic justice is introduced in Estonia, which is also a member of the EU legal system. This allows for online court hearings, reducing bureaucratic processes and improving the accessibility of the judicial system for citizens. In Ukraine, the implementation of digital tools remains partial and non-systemic, which does not allow to ensure such efficiency. Such programs are implemented in Ukraine slowly, which limits the ability to quickly assess the situation and leads to unnecessary losses of time and resources.

Prospective innovative solutions in the field of justice include the introduction of algorithmic distribution of cases between judges, which makes it possible to minimize the influence of the human factor and reduce corruption risks, as implemented in Estonia. An important direction can also be the creation of an online platform for consideration of simplified disputes based on the model of the British system Online Civil Money Claims, which will increase the availability of justice for citizens. In addition, the use of blockchain technologies in the preservation and authentication of evidence can reduce the number of

[36] Leheza et al., "Principles of Ukrainian Law," 342–63.

[37] Dmytro S. Melnyk et al., "Practice of the Member States of the European Union in the Field of Anti-Corruption Regulation," *Journal of Financial Crime* 29, no. 3 (2022): 853–63, https://doi.org/10.1108/JFC-03-2021-0050.

disputes regarding their admissibility, ensuring a higher level of trust in the legal process.[38]

In Ukraine, corruption remains a significant obstacle to the effective administration of justice, as confirmed by both empirical data and international assessments. In particular, according to Transparency International, in 2024 Ukraine scored 35 out of 100 on the Corruption Perceptions Index and ranked 105th out of 180 countries, and in 2025 it scored 36 points and ranked 104th, indicating only modest progress and the persistence of systemic problems.[39] Furthermore, opinion polls conducted by the Razumkov Centre reveal a low level of trust in the judiciary. According to data from 2024, around 73% of citizens do not trust the courts, whilst other studies indicate that trust in the justice system fluctuates between approximately 25% and 39%, highlighting its institutional vulnerability.[40] Reports by the European Commission as part of its monitoring of the rule of law also highlight problems regarding the independence of judges and the effectiveness of anti-corruption mechanisms in Ukraine.[41]

At the same time, Germany and the UK have well-established institutional safeguards in place, including independent judicial governance bodies, transparent appointment procedures and effective disciplinary mechanisms. In Ukraine, such institutions have been formally established, but their actual independence and effectiveness remain limited. In this regard, strengthening public oversight of judicial proceedings, ensuring the genuine independence of supervisory bodies and increasing the transparency of the selection of judges are essential conditions for enhancing trust in the judicial system.[42]

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[38] Judith Resnik, "Constituting a Civil Legal System Called 'Just': Law, Money, Power, and Publicity," in *New Pathways to Civil Justice in Europe*, ed. Xandra Kramer et al. (Cham: Springer, 2021), 299–313.

[39] Transparency International, *Corruption Perceptions Index—2024* (2025), https://ti-ukraine.org/en/research/corruption-perceptions-index-2024/.

[40] Interfax-Ukraine, "Officials, Political Parties, Parliament, Courts Remain the Least Trusted by Over 70% of Ukrainian Citizens – Survey" (2024), https://en.interfax.com.ua/news/press-conference/996149.html.

[41] European Commission, *Ukraine 2025 Report* (2025), https://enlargement.ec.europa.eu/document/download/17115494-8122-4d10-8a06-2cf275eecde7_en?filename=ukraine-report-2025.pdf.

[42] Muneeba Faizan Nazim, Sohail Amjad, and Anum Shahid, "Juvenile Justice Reform: A Comparative Study of International Practices," *Pakistan Islamicus: An International Journal of Islamic & Social Sciences* 4, no. 1 (2024): 42–53.

It can be argued that Ukraine needs a transition from formal copying of stage performance to a functional-innovative model that combines the strengths of various European systems and considers national realities. The effectiveness of procedural reforms in Ukraine should be assessed not only in legal terms but also in institutional terms. The integration of European procedural approaches into Ukraine's legal system should not be viewed as an automatic guarantee of a fair trial. Their effectiveness depends on the broader institutional context, in particular the level of judicial independence, the quality of judicial oversight and the effective enforcement of procedural safeguards. The experience of European states shows that a staged organisation of court proceedings contributes to the achievement of justice only when combined with effective mechanisms of accountability and oversight over the exercise of judicial discretion.

In this context, expanding the role of the prosecutor during the pre-trial investigation stage, introducing effective judicial oversight at the preparatory stage, streamlining the handling of less complex cases, and improving appeal and cassation review procedures could enhance the efficiency of the judicial process. At the same time, such reforms must be accompanied by the strengthening of judicial independence, the assurance of transparent procedures for the appointment of judges and disciplinary accountability, as well as the development of effective mechanisms for judicial oversight. In the absence of these conditions, even well-designed procedural models may be implemented merely as a formality.

Consequently, the adaptation of European practices in Ukraine should be viewed as a comprehensive process that combines institutional reforms with improvements to the procedural model. Only under such conditions is it possible to effectively safeguard human rights, enhance trust in the judiciary, and bring the Ukrainian legal system into line with European Union standards. Legal convergence is manifested in basic standards for the protection of human rights and the effectiveness of the process, while legal divergence consists in specific institutional mechanisms and legal culture. It is advisable for Ukraine to adapt common principles (ensuring the right to defence at the pre-trial stage, development of simplified procedures, appeal reform, digitalization) but to avoid mechanical copying of those tools that do not correspond to the national context. This will make it possible to move from a formal stage to a functionally effective model of justice.

CONCLUSION

In conclusion, this study emphasizes that the application of the concept of stage-based proceedings is an important foundation in judicial reform that is oriented towards increasing the efficiency, transparency, and predictability of the judicial process. The findings show that the phased model applied in various European countries such as Germany, the United Kingdom, France, Italy, and Spain is able to create a balance between procedural rights protection, judicial control, and adversarial principles. A clear stage structure, especially in the pre-trial and evidentiary management phases, has been proven to contribute significantly to preventing procedural delays, reducing the burden of cases, and improving the quality of judgments. The implications of these findings confirm that strengthening the design of judicial stages is a major prerequisite for realizing an effective and fair judicial system in Ukraine.

Furthermore, this study found that the digitalization of the judiciary and the strengthening of the independence of judges are crucial elements that are interrelated in the optimization of the stage-based justice system. The experience of European countries, especially Estonia, shows that the integration of technology in the judicial process is able to improve administrative efficiency, transparency, and public accessibility to legal services. On the other hand, the existence of independent monitoring mechanisms for the performance of judges in various EU countries has been proven to be able to increase public accountability and trust. An important implication of these findings is that procedural reform cannot stand alone, but must be accompanied by a comprehensive digital transformation and the strengthening of objective and independent judicial oversight institutions.

Based on the overall findings, the study recommends that Ukraine adopt a comprehensive approach in its judicial reform, which includes systematically reorganizing the stages of the judicial process, accelerating the implementation of the electronic justice system, and strengthening the monitoring and evaluation mechanisms for judges' performance. In addition, it is necessary to reform the legal system of remedies, especially at the appellate and cassation levels, by providing a wider space for review of the substance of the case to ensure correction of judicial errors. Further research is recommended to explore contextual and adaptive implementation models to the socio-legal conditions of Ukraine, so that the reforms carried out are not only normative, but also effective in practice and sustainable in the long term.

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