

Constitutionalism Under Fire: The Constitutional Court of Ukraine as a Guardian of Rights, Justice, and Democracy in Times of War and Transition

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During a full-scale destructive war in Ukraine, constitutional control, as an element of the state system of legal protection of fundamental values and guarantees of human rights, has embodied the people's will to establish peace, freedom, democracy, respect for human dignity, and protection of human rights. The Constitutional Court of Ukraine, as a state body with unique powers to maintain the balance of power, plays a fundamental role in ensuring that legislation aligns with constitutional principles and human rights standards during this difficult period. Since gaining independence in 1991, Ukraine has faced two simultaneous transitions: overcoming its post-Soviet legacy that has flooded all spheres of public and state life and defending against Russian military aggression for over 11 years. This paper explores the role of constitutional review in Ukraine during its full-scale war, highlighting its significance as part of the state's legal framework for protecting human rights and core values. It examines the contribution of the Constitutional Court of Ukraine to restoring human rights and improving constitutional oversight, especially during the adoption and amendment of laws. Specific decisions of the Constitutional Court of Ukraine showcase its ability to address remnants of Ukraine's colonial Soviet past and its potential to shape institutional reforms that may become integral to Ukraine's transitional justice system in the post-war era. While the Constitutional Court is not a legislator, its decisions provide a crucial finality to the law-making process, positioning it as a key actor in Ukraine's transitional justice efforts.

Keywords: constitutional control, transitional justice, post-Soviet legacy, human rights protection, post-war reconstruction

Introduction

What does an individual or society expect at the stage of full-scale war and its aftermath? Can constitutional justice serve as a bridge between the state and every person during such turbulent times? These questions lie at the heart of Ukraine's current struggle as the country faces unprecedented challenges to its legal system and constitutional order.

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The pursuit of constitutional justice in Ukraine is not merely a legal process but a defining element of the country's struggle for democratic resilience, sovereignty, and human dignity. This paper examines the role of the Constitutional Court of Ukraine (hereinafter also CCU or Court) during the full-scale war, particularly its function as a guardian of constitutional values and human rights in times of crisis.

Transitional justice is not only about enacting laws but also about ensuring that they comply with constitutional principles so that human rights are unquestionably protected and restored. Lawmaking, like a symphony, requires precision, coordination, and harmony. Each legal institution must play its role in unison to create legislation that supports justice, protects human rights, and ensures stability (Verkhovna Rada of Ukraine, 2023). In Ukraine, such coordination is especially important, as the country is experiencing both post-Soviet transformation (Shvydchenko, 2020) and unprecedented challenges caused by Russian aggression (Holos Ukrainy, 2024).

The Constitutional Court of Ukraine acts as the conductor of this legal symphony, ensuring that legislative instruments comply with the constitutional order of Ukraine (Verkhovna Rada of Ukraine, 1996). This role is even more important in times of war when the balance between justice, security, and legal certainty becomes fragile.

Ukraine is undergoing two simultaneous transformations: (1) overcoming Soviet-era legal traditions with Soviet-nostalgic memory (Koposov, 2024; Kasianov, 2024) and (2) transitioning from wartime governance to a post-conflict justice system (Stan & Nedelsky, 2023). Any legal and institutional reforms require a strong foundation to uphold legal certainty, human rights protection, and the creation of effective transitional justice mechanisms. This presents a unique challenge for Ukrainian constitutional justice, which must integrate transitional justice tools and international legal practices to ensure legal accountability, protect fundamental rights, and maintain democratic stability.

The transitional justice system in Ukraine pursues three key objectives. First, it aims to provide legal remedies and compensation to victims of human rights violations, ensuring their rights to truth and justice (Geneva Convention of 1949). Second, it aims to strengthen constitutional judicial mechanisms, reinforcing legal guarantees necessary for the protection of human rights. Finally, it prioritizes institutional reforms in the field of human rights protection. These tasks are complicated by the fact that the search for peace and the reconstruction of the state must be carried out in the era of a still-existing and incomplete transition from Soviet influence.

Furthermore, the hybrid nature of the war that has been going on in Ukraine for over 11 years clearly illustrates that at the time of the annexation of Crimea, no mechanism was implemented in Ukraine to break with the Soviet bureaucratic colonial over-regulated centralized past. Additionally, the events of February 2022 once again emphasized the depth of totalitarianism in which Ukraine was before the collapse of the Soviet Union, and unfortunately further postponed the opportunity to develop transitional justice, as this problem was exacerbated by war, ruthless and bloody crimes against humanity, destroyed cities, forced migration, and more.

Without a systematic approach that aligns legislation with constitutional principles, transitional justice risks becoming fragmented, reactive, and politically vulnerable. The CCU must reinforce its role not only as a guardian of the constitutional order but as an active agent of justice and reconciliation. By ensuring legal quality, compliance, and human rights protection, the CCU can prevent impunity, restore victims' rights, and establish legal certainty. True justice in Ukraine will not be achieved solely through laws or courts. It requires breaking with the Soviet legacy, strengthening democratic institutions, and fostering societal reconciliation.

Unlike traditional transitional justice mechanisms, this project paper constitutional review is a key but underexplored tool for legal and institutional transformation. The quality of legislation after transition (Benomar, 1995) depends on adopting new laws and ensuring active human rights protection in practice. Without strong constitutional oversight, legislative provisions risk being symbolic, and the implementation of transitional justice measures may be slowed by lengthy court procedures, political influences, and gaps in enforcement mechanisms.

Theoretical Framework: Constitutional Courts in Transitional Contexts

The theoretical positioning of constitutional courts within transitional justice frameworks remains underdeveloped in contemporary legal scholarship. While substantial literature addresses the establishment of constitutional review mechanisms in post-authoritarian and post-conflict societies, insufficient attention has been directed toward how these institutions actively shape the transitional justice landscape. This analytical lacuna is particularly pronounced in contexts experiencing what this paper conceptualizes as “dual transitions”—simultaneous transitions from authoritarian legacies and armed conflict.

The Ukrainian constitutional justice model exemplifies this theoretical gap. While the CCU exercises decisive influence in assessing legislation for constitutional compliance, scholarly discourse has inadequately examined how this function potentially facilitates or impedes the implementation of transitional justice instruments. The prevailing analytical focus has been directed toward the adoption of legislation or constitutional amendments rather than the institutional interplay between constitutional review and transitional mechanisms.

By examining both Ukraine’s post-Soviet transition and its current post-war justice challenges, this paper aims to shape policy discussions and provide a crucial resource for scholars, policymakers, and legal practitioners engaged in post-war justice and institutional reform. The evolving Ukrainian model of transitional justice faces significant hurdles, particularly regarding the role of the Constitutional Court of Ukraine in safeguarding legal certainty, enforcing constitutional principles, and navigating overlapping institutional powers. While transitional justice mechanisms typically focus on legal accountability, truth-seeking, and reparations, constitutional review remains an underexplored yet vital instrument in ensuring the effectiveness of institutional reforms and upholding democratic governance.

Addressing the gaps in transitional justice and constitutional oversight:

(1) Transitional justice through the prism of constitutional justice is considered mainly through the analysis of existing instruments and their possible implementation in Ukraine, where proposals are mostly made for the adoption of laws or amendments to existing ones (Sherpa & van der Lugt, 2024) and concern the criminal prosecution of criminals (Mihir, 2024).

(2) Although the CCU is called the “Court”, institutionally, this body is beyond the chapter “Justice” in the Constitution of Ukraine, which indicates its extraordinary role and influence on the state policy. The overlapping powers of the bodies called upon to implement transitional governance have not been adequately addressed in the literature, which may lead to a crisis of legal certainty (Petryshyn, 2023b).

(3) This research is particularly relevant as the Ukrainian model of transitional justice continues to evolve in response to the ongoing war. Only a constitutional review can resolve the problems of disharmony between

how the law is written, how it is understood by law enforcement agencies, and how it is implemented by the courts.

Overcoming institutional challenges in constitutional review:

(1) While the CCU is the only body responsible for ensuring the supremacy of the Constitution, it remains under significant institutional pressure. Its role is often ignored or inconsistently applied within Ukraine's legal system, weakening its ability to uphold constitutional principles during periods of transition.

Despite having the authority to initiate constitutional review, the President and Parliament have historically used it selectively, often for political purposes, while ordinary citizens only gain access to it in 2016 (CCU Annual Reports). The 2009 political crisis saw a spike in cases (49 motions, 17 rulings), reflecting attempts to use the CCU for power struggles. From 2014 to 2024, only one parliamentary motion was filed, with no rulings issued, underscoring a decline in constitutional oversight. The misuse of constitutional control for political gain rather than legal remedies highlights the urgent need for an independent and effective constitutional review system to prevent violations during Ukraine's dual transition.

(2) Existing research primarily focuses on the creation of constitutional review bodies in post-conflict societies (Wilkinson, 2022) or drafting the constitutions (Thornhill, 2024) rather than their role in developing a model of transitional justice with special internal instruments.

This paper proposes a novel theoretical framework that conceptualizes constitutional courts not merely as passive reviewers of transitional justice legislation but as active participants in the transitional justice ecosystem. Through this perspective, constitutional jurisprudence constitutes a distinct form of transitional justice in itself—one that operates through interpretive rather than legislative means, establishing boundaries for permissible state action during transitions while safeguarding constitutional continuity.

Methodological Approach

This study employs a rigorous methodological pluralism, integrating doctrinal legal analysis, comparative constitutional jurisprudence, empirical case study examination, and a comprehensive literature review. By combining these approaches, the research provides a multidimensional understanding of how constitutional jurisprudence in Ukraine functions not only as legal interpretation but also as a substantive contribution to transitional justice processes and institutional reform.

The doctrinal legal analysis forms the foundation of this study, examining the Constitutional Court of Ukraine's rulings from its inception to the present. The research focuses on three critical temporal periods: pre-2014, when constitutional jurisprudence was shaped by post-Soviet legal traditions; February 2014 to February 2022, a period marked by political transformation, external aggression in Crimea and Donbas, and institutional reforms that influenced constitutional interpretation; and February 2022 to the present, which has introduced unprecedented legal challenges due to Russia's full-scale invasion of Ukraine. By analyzing these periods, the study assesses how constitutional control has evolved and adapted to shifting political and legal landscapes.

In addition to doctrinal analysis, this research employs empirical case study examination to evaluate the CCU's recent decisions rendered after February 2022. These cases illustrate the concrete application of constitutional oversight in wartime governance and reveal the Court's role in shaping post-conflict transitional

justice mechanisms. Through an in-depth examination of landmark rulings on judicial independence, social rights protection, and constitutional guarantees, the study highlights how constitutional jurisprudence influences legislative development and governance stability during national crises.

Furthermore, a comprehensive literature review is conducted to assess the academic discourse on constitutional control, transitional justice, and legal adaptation during crises. This review engages with scholarly works on post-Soviet legal transitions, the role of constitutional courts in shaping governance, and the intersection between constitutional law and human rights. The literature review enables a critical evaluation of existing theories, identifying gaps in knowledge and positioning this study within the broader field of legal scholarship. It also reinforces the argument that constitutional review remains an underexplored yet vital component of transitional justice frameworks.

By integrating these methodological approaches, this research constructs a robust analytical framework that captures both the theoretical and practical dimensions of constitutional control in Ukraine. The combination of doctrinal analysis, empirical case studies, comparative jurisprudence, and an extensive literature review ensures a comprehensive examination of the CCU's evolving role in safeguarding democracy, human rights, and legal certainty amid war and transition. This methodological approach underscores the importance of constitutional oversight as not merely a legal safeguard but a fundamental pillar of transitional justice and democratic resilience.

The Evolution of Constitutional Control in Ukraine: From Political Instrument to Human Rights Safeguard

The success of constitutional review depends on its ability to function within a genuine separation of powers, providing rigorous scrutiny of legislation while preventing political manipulation.

The Constitutional Court of Ukraine now occupies an exceptional institutional position within Ukraine's constitutional architecture. As mentioned above, although designated nominally as a "Court", it operates outside the constitutional chapter on "Justice", signifying its extraordinary status and distinctive function within the constitutional order. This institutional positioning reflects its mandate extending beyond conventional adjudication to encompass fundamental questions of constitutional identity, institutional design, and rights protection.

The Constitutional Court of Ukraine is the only body of constitutional jurisdiction in Ukraine, operating based on the Constitution of Ukraine (Constitution of Ukraine, Section XII) and the Law of Ukraine "On the Constitutional Court of Ukraine" (Law of Ukraine, 2017). The CCU, in addition to its constitutional oversight functions, provides official interpretations of the Constitution and issues binding legal opinions, as its decisions are final and cannot be appealed (CCU Law, Article 7; Constitution of Ukraine, Article 151-2).

The CCU's jurisdictional authority encompasses:

- (1) Exclusive competence to review legislation for constitutional compliance,
- (2) Authoritative interpretation of constitutional provisions,
- (3) Evaluation of proposed constitutional amendments for conformity with fundamental constitutional principles.

According to the Constitution of Ukraine, the Constitutional Court of Ukraine exercises its mandate through three core functions:

1. Quality assurance—ensuring that newly enacted laws align with constitutional values and preventing politically motivated legislation,
2. Harmonization—integrating domestic law with international legal frameworks, reinforcing Ukraine’s commitments to European integration,
3. Rights protection—providing individuals with mechanisms to challenge legislative actions that violate fundamental freedoms.

Despite these extensive powers, empirical evidence reveals significant institutional vulnerabilities within the Constitutional Court of Ukraine (CCU). Statistical analysis from the Annual Reports of the Constitutional Court of Ukraine demonstrates concerning patterns in constitutional review activity. Before 2007, constitutional motions averaged merely 10 submissions annually, with the CCU issuing between two and seven rulings per year. However, during the 2009 political crisis, motion submissions surged dramatically to 49, resulting in 17 substantive rulings. This increase reflects an attempt to leverage constitutional review as a counterweight to executive and legislative conflicts during a period of political instability.

In stark contrast, the years between 2014 and 2024 saw a precipitous decline in parliamentary engagement with constitutional review mechanisms. Over this decade, only one parliamentary motion was filed, and no resulting rulings were issued. This downward trajectory is striking, given the heightened legal complexities and governance challenges posed by both internal political transformations and external military aggression.

This statistical trend reveals a paradox: At precisely the moments when constitutional oversight is most crucial—during acute constitutional crises—the utilization of constitutional review mechanisms diminishes significantly. This pattern suggests that systematic institutional constraints limit the CCU’s ability to fulfill its constitutional mandate during transitional periods. The apparent reluctance of state actors to engage with constitutional review mechanisms, combined with fluctuating political will, undermines the effectiveness of constitutional control. These findings underscore the urgent need for structural reforms aimed at reinforcing the independence and functionality of the CCU, ensuring that constitutional review remains a robust and reliable safeguard for democratic governance, legal certainty, and the protection of fundamental rights.

Now, it is time to dive into the history of the development of the CCU.

While the development of constitutional control in Ukraine began on 24 October 1990 with the adoption of the Declaration of State Sovereignty (Verkhovna Rada of Ukraine, 1990), a significant milestone was reached on 3 June 1992 with the enactment of the Law “On the Constitutional Court of Ukraine” (Verkhovna Rada of Ukraine, 1992), which laid the foundation for constitutional justice. This law was later repealed and replaced in 1996 (Verkhovna Rada of Ukraine, 1996), establishing the CCU as the primary body for constitutional control.

The CCU began its practical operations in 1997, however access to constitutional justice remained restricted (Savchyn, 2020). On 13 May 1997, it issued its first decision, interpreting the constitutional provisions on the incompatibility of a member of Parliament’s mandate with other public offices (Constitutional Court of Ukraine, 1997). Given that early constitutional review was limited to appeals from high-level state officials and institutions, such as the president, 45 members of Parliament, the Supreme Court, the Ombudsman, and the Verkhovna Rada of Crimea, this exclusivity often turned constitutional control into a political instrument rather than a mechanism for safeguarding citizens’ rights (Savchyn, 2020).

The politicization of constitutional control was particularly evident in landmark cases. For instance, the “1 + 1 = 1” case, regarding President Leonid Kuchma’s eligibility for re-election, exemplified how constitutional mechanisms could be manipulated for political gain. The CCU ruled that Kuchma’s first term, which began before the 1996 Constitution, did not count as a full presidential term, thereby enabling him to run for a third term (Constitutional Court of Ukraine, 2003). A more contentious ruling came in 2010, when the CCU reinstated the presidential-parliamentary system, reversing the 2004 constitutional reform that had sought to balance power between the executive and legislative branches. Critics condemned this decision as a major setback for democratic governance, with some labelling it “the day of the murder of democracy” (Barkar, 2010).

A significant turning point occurred in 2017 with the introduction of individual constitutional complaints, marking a democratic milestone in Ukraine’s legal system. This reform allows individuals and businesses to challenge laws applied in their specific cases, strengthening the connection between constitutional control and human rights protection (Verkhovna Rada of Ukraine, 2017). This shift signified Ukraine’s commitment to building an independent, rights-based legal system that ensures justice, stability, and accountability in times of crisis.

As Ukraine navigates the complexities of war, legal norms must be rooted in the Fundamental Law, not shaped by political agendas. The right to file constitutional complaints empowers individuals to seek legal redress when their rights have been violated due to the misapplication of laws. This development has been particularly crucial during the war period, as it provides citizens with a mechanism to protect their rights when emergency measures might otherwise compromise constitutional guarantees.

Dual Transition: Constitutional Control in Post-Soviet and Wartime Ukraine

Ukraine faces the extraordinary challenge of managing two simultaneous transitions. The first is its transformation from a post-Soviet authoritarian regime to a democratic system, marked by pivotal civil movements such as the Revolution on Granite, the Orange Revolution, and the Revolution of Dignity (Gel’man, 2003; Nisnevich & Ryabov, 2020). The second is the ongoing struggle against Russian aggression, which began with the illegal annexation of Crimea in 2014 and escalated into a full-scale invasion in 2022 (Baylis, 2024).

This dual transition has intensified the need for effective transitional justice mechanisms, ensuring accountability, historical truth, and legal reforms to prevent future violations. The war has also heightened the urgency of addressing Soviet-era legacies, particularly in the realms of decolonization, history, language, culture, religion, and national identity (Mihr, 2024). Without a cohesive and systematic approach, Ukraine risks entrenching legal inconsistencies and societal divisions, rather than achieving genuine reconciliation and stability.

Transitional justice in Ukraine has developed incrementally, influenced by political events, legislative reforms, and civil society engagement. Some of the most significant milestones include:

24 August 1991—The Act of Declaration of Independence was adopted, laying the groundwork for Ukraine’s legal system (Verkhovna Rada of Ukraine, 1991).

28 June 1996—The Constitution of Ukraine was enacted, enshrining fundamental human rights and the rule of law (Verkhovna Rada of Ukraine, 1996).

15 April 2014—Following the Revolution of Dignity and Russia’s annexation of Crimea, Ukraine adopted a law defining the status of temporarily occupied territories and safeguarding citizens’ rights (Verkhovna Rada of Ukraine, 2014).

12 May 2015—The Martial Law Act was enacted to address the legal complexities of war (Verkhovna Rada of Ukraine, 2015).

2016-2017—Civil society organizations led discussions on transitional justice, culminating in the Ukrainian Helsinki Human Rights Union's publication of a comprehensive study on transitional justice mechanisms (Buschenko & Hnativskyi, 2017).

18 January 2018—A law was adopted establishing the legal framework for restoring sovereignty over occupied territories (Verkhovna Rada of Ukraine, 2018).

24 March 2021—The National Strategy on Human Rights was approved, reaffirming Ukraine's commitment to human rights protection amid Russian aggression (Office of the President of Ukraine, 2021).

Despite these developments, Ukraine continues to lack a comprehensive and systematic state approach to transitional justice, especially in the context of full-scale war. The legal framework remains fragmented, and many initiatives have been reactive rather than strategic. This underscores the critical role that the Constitutional Court must play in ensuring coherence and constitutional compliance across wartime legislation.

Constitutional Control as a Pillar of Wartime Justice: Case Studies

During wartime and post-war recovery, the CCU's role has grown in significance (Petryshyn, 2023a). As Ukraine navigates the complexities of war, the Court has increasingly served as the final arbiter, ensuring that emergency measures and wartime legislation align with constitutional principles. The following case studies illustrate the CCU's contribution to upholding rights and constitutional values during this challenging period:

Preserving National Identity: The Language Decision

The CCU's role in transitional justice has been particularly significant in defining national identity and language rights, as demonstrated by its 2021 ruling on the 2019 State Language Law (Constitutional Court of Ukraine, 2021). This case exemplifies how constitutional control helps shape national policies while maintaining a legal balance between state sovereignty and minority rights.

In 2019, 51 members of Parliament challenged the Law on the Functioning of the Ukrainian Language as the State Language, arguing that it discriminated against Russian-speaking citizens. The CCU's ruling, however, reinforced Ukraine's sovereign identity, emphasizing that the Ukrainian language serves as an essential element of statehood and national security. The Court explicitly linked language rights to constitutional order, equating the state language to state symbols such as the flag, anthem, and coat of arms.

The ruling reaffirmed the principle that language is not merely a means of communication but a fundamental pillar of national sovereignty. This decision has taken on heightened significance during the war, as Ukraine's linguistic identity has become a central aspect of its resistance against Russian aggression and its effort to decolonize from Soviet influence.

Protecting Vulnerable Groups in Wartime: Social Guarantees

The CCU reaffirmed the importance of social guarantees in its March 2024 ruling on pension rights for Chernobyl disaster victims (Constitutional Court of Ukraine, 2024b). This decision underscored the state's duty to protect vulnerable groups, such as war veterans, displaced persons, and disaster survivors, by upholding legal certainty and legitimate expectations.

The ruling set a crucial precedent in safeguarding social rights by establishing that state obligations toward vulnerable citizens must not be arbitrarily altered through legislative changes. By declaring the 2011 pension reform unconstitutional, the CCU ensured that future social security reforms respect legal certainty and do not undermine fundamental protections. The case also emphasized that economic or political constraints, even during wartime, cannot justify reducing social guarantees once they have been enshrined in law.

This ruling has significant implications for war-affected populations, as it establishes principles that will protect veterans, internally displaced persons, and other vulnerable groups as Ukraine addresses the social consequences of the conflict.

Strengthening International Accountability: Removing Barriers to Justice

The CCU strengthened Ukraine's alignment with international human rights standards in February 2024, when it declared the 10-year limitation period for reviewing European Court of Human Rights (ECHR) decisions unconstitutional (Constitutional Court of Ukraine, 2024a). This ruling will be particularly relevant for cases linked to mass human rights violations during the ongoing war.

This case reaffirmed the principle that access to justice must not be limited by procedural technicalities. The CCU's ruling removed an unjust procedural barrier that had prevented victims of rights violations from seeking meaningful remedies. By aligning Ukraine's legal framework with ECHR standards, the decision reinforced the state's commitment to ensuring that international human rights rulings have tangible domestic effects.

This ruling is a significant step forward for transitional justice, as it enhances the effectiveness of international legal instruments within Ukraine's domestic system. It prevents bureaucratic obstacles from obstructing access to justice, ensuring that Ukraine remains accountable to international human rights standards—a critical consideration as the country documents and seeks justice for war crimes.

Safeguarding Judicial Independence During Crisis

The CCU reinforced judicial independence in March 2024, ruling that certain judicial reforms had undermined judges' constitutional protections (Constitutional Court of Ukraine, 2024c). The case was brought by Judge Y, who had successfully passed a qualification assessment and was appointed to the Supreme Court. However, due to court closures during reforms, her remuneration was drastically reduced, violating her constitutional guarantees of independence.

This decision reaffirmed the fundamental role of judicial independence in maintaining the rule of law—a principle that becomes even more critical during wartime, when there may be pressure to compromise judicial autonomy in the name of expediency. By ruling against measures that weaken judicial security and autonomy, the CCU established an essential safeguard against political interference in the judiciary.

This ruling is particularly significant in the context of war, as it demonstrates the Court's commitment to maintaining institutional integrity even under extreme circumstances. It sends a powerful message that emergency conditions cannot justify undermining fundamental constitutional principles regarding the separation of powers.

The Constitutional Court as a Stabilizing Force During War

The CCU functions as a crucial pillar of transitional justice, and ensures that wartime legislation aligns with constitutional values and human rights standards, preventing politically motivated justice (Sarkin, 2021). This is

particularly important during conflict, when there may be pressure to enact emergency measures that compromise constitutional principles. The CCU provides a crucial check, ensuring that security concerns do not override fundamental rights.

During the war, the legislature has been required to adopt many laws rapidly to address urgent security matters. The Constitutional Court serves as the final safeguard, verifying that these measures, despite their emergency nature, remain within constitutional boundaries. This function helps maintain legal certainty and predictability in an otherwise chaotic environment.

The Court integrates domestic law with international obligations, reinforcing Ukraine's aspirations to join the European Union (EU) and the North Atlantic Treaty Organisation (NATO). During wartime, this harmonization function takes on added importance as Ukraine seeks to demonstrate its commitment to international legal standards even under extreme duress.

The Court's decisions on international legal instruments, such as its ruling on ECHR implementation, reflect its commitment to positioning Ukraine within the European legal framework. This alignment supports Ukraine's case for international support and eventual integration into European institutions as part of its post-war recovery.

Since the 2017 reform, individuals can directly challenge violations of their constitutional rights through the constitutional complaint mechanism (CCU Law, Article 55). This has been particularly valuable during wartime, providing citizens with a means to protect their rights when emergency measures might otherwise compromise constitutional guarantees.

The individual complaint procedure serves as a critical safety valve, allowing citizens affected by wartime restrictions to seek redress when their rights have been disproportionately limited. This mechanism helps maintain public confidence in the legal system, even during the extraordinary circumstances of war.

Analysis of CCU jurisprudence during wartime governance reveals several significant patterns:

(1) The CCU has demonstrated the capacity to maintain constitutional rights protection even during wartime exigency, establishing limits on permissible derogations from constitutional rights. This model represents a crucial safeguard against emergency powers becoming normalized or permanent.

(2) Despite wartime conditions, the CCU has continued addressing fundamental questions related to Ukraine's post-Soviet transition, including questions of historical memory, institutional design, and legal continuity. This jurisprudence demonstrates the CCU's simultaneous engagement with both transitional dimensions.

(3) The CCU has reviewed constitutional challenges to institutional reforms necessitated by wartime conditions, including security sector reorganisation, judicial reforms, and public administration restructuring. This jurisprudence establishes factors for institutional transformation during transition.

(4) Through constitutional interpretation, the CCU has clarified the relationship between international humanitarian law, international human rights law, and domestic constitutional provisions, establishing a coherent normative framework for addressing conflict-related legal questions.

These empirical patterns demonstrate that constitutional jurisprudence functions not only as abstract legal interpretation but also as a concrete manifestation of transitional justice principles through interpretive means.

Conclusion

The Constitutional Court of Ukraine plays a pivotal role in shaping transitional justice by upholding

constitutional principles, safeguarding individual rights, and ensuring legal certainty during wartime. Its function extends beyond judicial oversight, acting as a stabilising force in Ukraine's dual transition—both post-Soviet and wartime. By providing qualitative verification of legislation, the CCU strengthens transitional justice mechanisms while maintaining the balance of power.

The case studies examined in this paper demonstrate the Court's ability to address key challenges during wartime: preserving national identity, protecting vulnerable groups, strengthening international accountability, and safeguarding judicial independence. Each of these contributions helps maintain constitutional order during a period of extreme duress.

While the Constitutional Court is not a legislator, its decisions provide a crucial finality to the law-making process. As Ukraine advances through its war recovery, the CCU's role will remain essential in ensuring justice is not merely legalistic but also fosters truth, reconciliation, and long-term societal stability, ultimately preventing the recurrence of past injustices. Furthermore, the Court's function as a guardian of constitutional values positions it as a key actor in Ukraine's transitional justice efforts, bridging the gap between wartime emergency measures and the constitutional principles that must guide the country's post-war reconstruction.

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