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Harmonization of National Legislation with International Treaties: Difficulties and Reform Directions

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Abstract: The research examines the state and problematic aspects of the incorporation of international treaties into the national legal system of Ukraine in the context of European integration. The study reveals the contradictions of constitutional and legal approaches to determining the place of ratified treaties in the system of sources of law. The methodological basis of the research is the analysis of the Constitution of Ukraine, the Legislation of Ukraine on international treaties, procedural codes and the Vienna Conventions. A comparative method was used to compare the Westminster and continental models of implementation. An integrative review of the case law of the Supreme Court of Ukraine, the Constitutional Court of Ukraine, the European Court of Human Rights and the Court of Justice of the European Union was carried out. A systemic and institutional analysis of the procedures of parliamentary control, government coordination and official promulgation of international treaties was used. A set of systemic solutions has been proposed: constitutional clarification of the priority of ratified treaties in the event of a normative conflict; consolidation of the principle of "friendly interpretation" for constitutional control. Codification of judicial standards of application (self-execution test, obligation to verify relevance, requirement to motivate refusal of direct application), formation of an open electronic register of treaties and official translations with implementation maps, and further introduction of preliminary "conventional" and "Euro-compatible" screening of draft laws. It has been substantiated that the institutionalization of the doctrine of friendly interpretation, the definition of a universal test of direct effect and the digitalization of the treaty body, combined with enhanced parliamentary oversight and preventive constitutional control, form a holistic model for the implementation of international treaties. The model will minimize regulatory conflicts, ensure the unification of judicial practice, increase the predictability of legal regulation and catalyze the process of Ukraine's integration into the legal space of the European Union.

Keywords: international treaties, implementation, national legislation, Constitution of Ukraine, legal system, European integration, standards, patents, standard essential patents, national security, state security.

Introduction

Intensification of international cooperation and Ukraine's aspiration for European integration actualize the issue of improving the mechanisms for implementing international treaties into national legislation. The transformation of the international legal order is accompanied by the expansion of the subject jurisdiction of international treaties, which increasingly regulate legal relations with the direct participation of subjects of national law [1]. The issue of implementing international human rights instruments was the challenge, which, in accordance with the principle of the rule of law, is recognized as having direct effect in the legal systems of most European states. Ukraine's membership in international organizations and the conclusion of the Association Agreement with the European Union create additional challenges for the national legal system, as it requires ensuring the inclusion of international legal norms in domestic legislation.

At the same time, the existing practice of implementing international treaties in Ukraine is characterized by a number of systemic shortcomings: the lack of a clear constitutional definition of the hierarchy of international treaties, the fragmentation of mechanisms for parliamentary control over their implementation, and the inconsistency of judicial practice in the application of international norms. These problems complicate Ukraine's implementation of international obligations and slow down the process of harmonizing national legislation with European standards [2].

Solving the outlined problems is critically necessary to ensure legal certainty, institutional capacity of the state and acceleration of Ukraine's European integration, which determines the relevance of the research.

The purpose of the research is to examine the current conditions for the use of international treaties in the national legislation of Ukraine and to identify ways to intensify their implementation within the framework of the European course.

Literature review

In the scientific discourse of Ukraine, the issue of incorporating international treaties into the national legal system is considered through the prism of harmonizing domestic legislation with international standards, implementing the principle of the rule of law and ensuring the fulfillment of the state's international legal obligations. Scientists Dir [3], Tyshchenko [4] focus on the fact that the implementation of international treaties is not just a legal and technical tool for integrating international norms into the system of national law, but also acts as a key factor in the legal convergence of Ukraine with the European legal space.

According to the analysis of Chyzhmar [5], Perederii [6], Ukrainian legal doctrine nominally recognizes international treaties as a component of national legislation, but de facto their implementation is carried out through the adoption of special legislative acts or subordinate regulatory framework, which contradicts the doctrine of direct effect of international norms. This thesis is confirmed by the scientific study of Muraviov [7], Purtova [8], who argue that the lack of a systematic approach to the legislative implementation of international obligations generates regulatory conflicts between ratified treaties and national laws, primarily in the areas of human rights protection, environmental law, trade relations and international cooperation.

At the same time, Cherneha [9], Nikolenko [10], Van den Brink, T. [11] argue that implementation problems are caused not by the model of the relationship between international and national law itself, but by the imperfection of procedural mechanisms. In their opinion, the main factor is the lack of a clear constitutional strategy for harmonizing international treaty norms with national legislation, insufficient effectiveness of parliamentary control over the implementation of international obligations, as well as the limited institutional potential of the judicial branch of power in applying international legal sources.

Empirical studies by Reyad [12], Tomažič [13] have shown that the practice of direct application of international treaties by national courts remains inconsistent. Judicial authorities often avoid direct appeal to international norms, even if they are self-executing, limiting themselves to general formulations or indirect interpretation through national legislative acts. Such trends, according to Gehring and Rao [14], indicate an insufficient level of legal competence of the judiciary in operating with international legal sources. The problem is exacerbated by the lack of unified methodological guidelines for courts regarding the determination of criteria for self-execution of international treaties and procedures for their application in the event of a conflict with national regulations.

In their scientific works, Perepiolkin [15], Mykhayliv [16], and Yakymchuk [17] already stress that the legislative consolidation of the doctrine of "friendly interpretation" of international norms should be the priority direction for improving the legal mechanism for the implementation of international treaties, and that the Constitutional Court of Ukraine should be guided by the principle of maximum consistency rather than formal priority when evaluating their

constitutionality. Such measures ensure the optimal balance between Ukraine's international obligations and the constitutional sovereignty of the state.

Despite the significant scientific interest in this issue, most studies are descriptive in nature and focus mainly on general theoretical aspects of the relationship between international and national law. The matters of delimitation of the competences of public authorities regarding the implementation of treaties, in particular the functional role of parliament in the ratification procedures and monitoring of the implementation of treaty norms, remain insufficiently studied. The processes of official publication, authentic translation and systematization of international treaties in the system of national regulations also require more detailed development.

There is still a lack of studies on how EU law is applied in connection to Ukraine's foreign treaties, such as the Ukraine-EU Association Agreement. The lack of a unified methodology for harmonizing national legislation with the acquis communautaire creates obstacles in fulfilling the obligations assumed by Ukraine before the European Union. Thus, a critical analysis of the scientific literature demonstrates that despite a sufficiently thorough theoretical study of the principles of the implementation of international treaties, a holistic model of their integration into the Ukrainian legal system has not been formed yet. It is these vectors that should constitute the conceptual basis for further improvement of Ukrainian legislation in the field of the implementation of international treaties.

Research methodology

The methodological platform is based on a comprehensive approach that combines general scientific and special legal methods, ensuring objectivity, systematicity and practical orientation of the conclusions. The main one is the dogmatic method, which involves the interpretation of the norms of the Constitution of Ukraine, the Law "On International Treaties of Ukraine" [18], the Vienna Conventions [19–21] and judicial practice (resolutions of the Supreme Court of 2004, resolutions of the Plenum of 1996, 2006, decisions of the Constitutional Court of Ukraine). This method reconstructed the hierarchy of sources of law and conflict rules (Article 19 of the Law), highlighting the priority of ratified treaties over ordinary laws.

The historical method was used to trace the evolution of regulation: from the 1991 Law "On the Effect of International Treaties" to the 1993 Resolution of the Verkhovna Rada and the 1996 Constitution, which established incorporation as a fundamental principle. The comparative law method provided a comparison of the Ukrainian model (continental, with parliamentary consent) with the Westminster (British) and EU practice (direct effect, primacy), highlighting gaps in ensuring pacta sunt servanda and friendly interpretation. The system analysis integrated sectoral norms (CPC, CAS, Law "On Private International Law"), revealing the concept of "sectoral monism" and the need for reception for framework norms.

Results

International treaty and its place in the system of sources of law of Ukraine

The process of integrating international treaties into the legal system of Ukraine has formed a critical direction in the development of domestic legal science. The national legal doctrine recognizes international treaties as an independent source of law, ensuring the implementation of state's interests and foreign policy priorities of the country. The practice of applying international treaties in judicial activity demonstrates their significance for the legal system. A telling example is the ruling of the Supreme Court of Ukraine of December 3, 2004, on the repeated presidential vote, where the court relied on Article 13 of the European Convention on Human Rights along with national legislation [6].

The regulation of the spreading of the practice of international treaties in the legal field of Ukraine has undergone an evolutionary path. The initial stage was the adoption of the Law "On the Effect of International Treaties on the Territory of Ukraine", which defined ratified treaties as an integral part of national legislation [22]. The Resolution of the Verkhovna Rada "On the Main Directions of Ukraine's Foreign Policy" established the principle of conscientious fulfillment of international obligations and confirmed the status of ratified treaties as part of domestic law, and the document itself determined the priority of concluding treaties on good neighborliness with border states to ensure the stability of borders and the development of partnership relations [23]. Legal regulation acquired a systemic nature after the adoption of the Law "On International Treaties of Ukraine", which comprehensively regulated the procedures for concluding, implementing, and denouncing treaties [24]. The legislator introduced a classification into interstate, intergovernmental and interdepartmental agreements. Resolution of the Cabinet of Ministers No. 422 detailed the procedure for working with interdepartmental agreements [25].

The Constitution of Ukraine of 1996 established the fundamental principle: international treaties approved by the Parliament are part of national legislation. The constitutional norm makes it impossible to conclude treaties that

contradict the Fundamental Law without making appropriate constitutional amendments. The current version of the Law "On International Treaties of Ukraine" [18] fully summarizes domestic and foreign experience of treaty practice, specified constitutional provisions and contributed to the stabilization of treaty relations [26].

It should be noted that the international legal basis is the Vienna Conventions: on the Law of International Treaties of 1969 (in force for Ukraine since 1986), on the Succession of States of 1978 (since 1996), and on Treaties between States and International Organizations of 1986. The effectiveness of the implementation of international treaties depends on the coordinated interaction of national legislation and international legal norms, which determines the prospects for improving the mechanisms for integrating international obligations into the legal system of Ukraine [19–21].

The constitutional and legal principles of the implementation of international treaties constitute the fundamental basis for the integration of international legal norms into the national legal system. The Basic Law performs the function of a general transformation mechanism, ensuring the combination of national and international legal orders. The Constitution not only establishes the procedures for the incorporation of international norms but also determines the legal boundaries of their application in domestic relations. The current regulation of the relationship between legal systems is carried out through Article 9 of the Constitution, which establishes that international treaties approved by parliament are integrated into national legislation. The constitutional norm makes it impossible to ratify treaties that contradict the Basic Law without prior constitutional amendments. These provisions legitimize the implementation mechanism, determining the conditions for the incorporation of international obligations into the legal system of the state [26].

Constitutional regulation covered both statutory and procedural aspects. Article 26 provides for the possibility of restricting the rights of foreigners and stateless persons by international treaties. Article 85 establishes parliamentary powers to consent to the binding nature and denunciation of treaties. Article 106 defines presidential prerogatives in negotiating and concluding international agreements. Article 151 establishes the competence of the Constitutional Court to review the constitutionality of international treaties.

The issue of improving implementation is actualized due to gaps in constitutional regulation. The Fundamental Law does not establish a clear hierarchy between international and national law, which creates legal uncertainty regarding the implementation of the principle of pacta sunt servanda. The Law "On International Treaties of Ukraine" partially compensates for this gap through Part 2 of Article 19, which establishes the priority of contractual norms in case of conflict with national legislation [18].

The conflict rule of Article 19 functions as a rule for overcoming the conflict of norms in specific situations, without establishing an absolute priority. Law enforcement authorities independently determine the appropriateness of applying an international act when identifying an inconsistency in a national law. In the presence of constitutional doubts, courts are obliged to apply to the constitutional review body, while the issue of the law's compliance with an international treaty is resolved by courts of general jurisdiction autonomously [27].

The domestic doctrine distinguishes between general and special approaches to determining the place of treaties in the legal system. According to the general approach, the primacy belongs to the Constitution of Ukraine as a guarantee of sovereignty, independence and natural human rights, while the next level is occupied by ratified international treaties that have the force of law and have priority over ordinary laws. In order for this principle to work not declaratively, but practically, it is advisable to: a) introduce mandatory prior "conventional" examination of draft laws; b) unify conflict rules in a special implementing act and strengthen the role of the Constitutional Court in preventive control of the compliance of treaties with the Basic Law; c) establish deadlines for harmonization of subordinate legislation; d) systematically train judges and civil servants in the application of international standards.

Ways to synchronize international treaties with the national legislation of Ukraine in order to bring it closer to the norms of international law and the EU

Based on the constitutional presumption enshrined in the Ukrainian legal system, incorporation should be considered as a tool for incorporating international law into the national legal order as a component of legislation without a special transformation procedure, provided that it concerns ratified treaties. We must determine that this model provides for the possibility of direct legal application of treaty norms, if their content is sufficiently specific, clear and complete, and at the same time requires a comprehensive organization of accounting, systematization and official publication of treaty acts [28]. This ensures proper access to texts and prevents situations where a court or other law enforcement body appeals to an outdated or incomplete translation, which may create legal uncertainty, complicate the fulfillment of the state's positive obligations and conflict with European requirements for the foreseeability and accessibility of

regulatory regulation. Under such conditions, the reference norms designed to establish the priority of international treaties in the event of a conflict with domestic acts should not only determine the formal hierarchy of sources, but also set the technology for conflict resolution.

Reception as a legislative method of transferring the models of behavior formulated in an international treaty into the domestic legal environment through codification and current acts should ensure the fulfillment of the role of a bridge where contractual provisions are of a framework or evaluative nature and, therefore, require detailing regarding subjects, procedures, deadlines, sanctions and remedies. Moreover, proper reception, based on ex ante legal expertise of compliance with the EU acquis (in particular, according to the methodology of transposition of directives, harmonization with regulations, coordination with the soft law of EU institutions) and these components will really contribute to the elimination of gaps and duplications, reduces regulatory entropy and ensures the materialization of international standards in everyday administrative and judicial practice [2].

The concept of self-execution, which in the classical sense separates norms capable of generating rights and obligations without additional norm-making from norms requiring internal detailing, should be applied not as a formal dichotomy, but as a complex test that, firstly, is used to assess the textual certainty and addressability of prescriptions (the presence of clearly defined rights and obligations, and the subsequent identification of addressees and procedural conditions for implementation). Secondly, it should take into account the systemic place of the norm in the contractual mechanism of control and sanctions (the presence of monitoring procedures, individual or collective means of protection), and, thirdly, it should correlate it with the sectoral national array in order to avoid double regulation or, conversely, a regulatory gap that blocks practical application [29].

Given the above practical prerequisites, it is proposed to improve the organizational framework of implementation through the creation of a single digital infrastructure of contract law, which will include an official electronic register of international treaties of Ukraine with a full array of authentic texts, official translations, history of changes, status of validity, information on temporary application, accompanying conclusions of legal expertise and references to national acts of reception. It is also necessary to strengthen the analytics of tracking implementation KPIs (time from signing to promulgation, time from ratification to introduction of subordinate legislation, number of court references, number of identified conflicts), which, in turn, will create a transparent environment for interaction between authorities and courts. The temporary application of treaties also needs to be regulated, which, from the point of view of European standards, must be accompanied by a mandatory ex ante legal examination of compliance with the Constitution and the basic principles of public law [30].

A component of the issues under study is the distinction between the moment when a treaty becomes effective in international law and the moment when it comes into effect in national law, which will require the introduction of unified rules on its entry into force for domestic law (taking into account official publication, the availability of a translation in the state language, the certainty of addressees and regulations). It should be established that all subjects of government authority should only use texts that are published in official publications or in the previously mentioned electronic register. If there are differences between the original text and the translation, a procedure for quick correction should be used, combining the roles of the Ministry of Justice and the Ministry of Foreign Affairs and guaranteeing the continuity of law enforcement.

In the area of constitutional justice, it seems appropriate to clarify the procedures for prior and subsequent control of international treaties for compliance with the Constitution, in particular, by determining the list of treaties for which prior control is mandatory (treaty acts that provide for an institutional transfer of powers, a significant impact on rights and freedoms, significant budgetary and fiscal consequences). The introduction of the practice of detailing the standards of appeal (list of provisions for verification, criteria for assessing conflicts, consequences of detecting non-compliance) and synchronizing with the schedule of normative works will reduce the risks of “deferred conflicts” when the problem is already detected at the stage of law enforcement. A separate direction that is directly related to approximation with EU law has become the legal practice of “screening for compatibility” of all draft laws and by-laws with contractual obligations and the acquis (Table 1).

Table 1. Institutional measures for the implementation of international treaties into the legal system of Ukraine in the context of European integration

Synchronization path	Description	Normative basis	Benefits for rapprochement with the EU	Recommendations for implementation
Incorporation of ratified treaties	Incorporation of treaty norms directly into national law without transformation for specific norms	Article 9 of the Constitution of Ukraine; Law "On International Treaties of Ukraine" (Article 19)	Provides direct effect, increases predictability	Develop a single registry with authentic texts and translations
Reception of framework norms	Transferring behavioral patterns through codification or amendments to laws to detail procedures and sanctions	Association Agreement (Article 475); Methodology for transposition of EU directives	Eliminates gaps, harmonizes with the acquis, reduces regulatory entropy	Conduct ex ante expertise for compliance with EU regulations
Self-fulfillment testing	Comprehensive assessment of norms for clarity, targeting and lack of duplication with national law	Resolution of the Plenum of the Supreme Court of Ukraine No. 13 (2006); The concept of consistent interpretation of the EU	Promotes uniform judicial practice, avoids regulatory gaps	Introduce a legislative definition of "direct effect norm" with criteria
Digital infrastructure	Creating a registry with monitoring KPIs (publication time, collisions) for access to contracts	Law "On Electronic Governance" (2017); CMU Action Plan No. 1106 (2017)	Synchronizes with the rhythms of the EU, increases transparency for the public	Integrate KPI analytics with EU platforms for real-time
Project compatibility screening	Mandatory verification of draft laws for convention and European compatibility with blocking of incompatible ones	Article 151 of the Constitution; Practice of the Constitutional Court of Ukraine on the control of contracts	Blocks "deferred collisions", ensures the primacy of EU norms	Publish screening findings online for parliamentary oversight

Source: Compiled by the authors

In our opinion, the standardization of judicial standards for the application of treaties should also be carried out by enshrining in procedural codes the obligation of the court to verify the presence of conditions for the direct application of any relevant treaty (participation of Ukraine, validity, official publication, self-execution). Even in the event of a conflict, it is motivated to give priority to the treaty or initiate the issue of constitutional control if it is a contradiction with the Constitution of Ukraine, which will increase the predictability of judicial practice and reduce the risk of arbitrary choice between national and international regulations [31].

Given the need to ensure transparency and public legitimacy of implementation decisions, it would also be advisable to review the rules for the promulgation of international treaties, establish strict deadlines for the official publication of the full text after ratification. It is also advisable to use a unified list of official publications and electronic platforms on which the text is posted, ensuring stable identifiers, machine-readable formats and open data, as well as introducing the institution of public "explanatory notes" to complex treaties (understandable explanations of the circle of addressees, implementation mechanisms, list of necessary acts of reception).

Treaties between Ukraine and the EU and assessment of their impact on the development of the legal system of Ukraine

The issue of the practical application of international treaties in the courts of Ukraine was first detailed in the Resolution of the Plenum of the Supreme Court of Ukraine dated November 1, 1996 No. 9 "On the Application of the Constitution of Ukraine in the Administration of Justice", which established the principle of the priority of international treaties over national law in the event of a conflict between them, as well as the inadmissibility of the application of international treaties that have not been approved by parliament. This approach, based on the conflict principle *lex superior derogat legi inferiori*, formally ensured compliance with the constitutional hierarchy; however, as Chablais [32] rightly noted, at the same time limited the potential of international law, limiting its application only to situations where an existing conflict has arisen.

A significant milestone was the adoption of Resolution No. 13 of the Plenum [33], where paragraph 14 stipulates that courts may directly apply the norms of international treaties if they are norms of direct effect, in particular, in cases related to human rights. However, the lack of a clear definition of the concept of "norm of direct effect" in this Resolution has led to inconsistency in judicial practice, when the same norms of international treaties are interpreted differently by courts of different instances. In view of the above, it is advisable to legislatively establish the definition of "norms of direct effect of an international treaty" as such provisions that do not require additional implementation into domestic legislation and can be directly applied by courts [5]. It is also necessary to highlight real examples and further practices of implementing European-oriented agreements into the legal system of Ukraine:

1. The Association Agreement between Ukraine and the EU [34]. The mechanism of legal adaptation to the acquis launched a wave of sectoral laws: the new Law "On Public Procurement" No. 922-VIII [35] implemented the EU directives on transparency and competition; the Law "On State Aid to Economic Entities" No. 1555-VII [36] introduced European standards for state aid control (the role of the AMCU). In practice, these are ProZorro e-procurement, notification/assessment of state aid.
2. Council of Europe Convention on Preventing Violence against Women [37]. Ratified by Ukraine in 2022. Its implementation is based on the Law "On Prevention and Combating Domestic Violence" [38] and subsequent amendments to the Criminal Code/Code of Administrative Procedure, procedures for urgent prohibitory and restrictive orders, a network of shelters and special services – all of which are brought under the conventional standards of protection and criminalization.
3. United Nations Convention against Corruption [39]. Ratification in 2006 led to the creation of a comprehensive anti-corruption infrastructure: NABU [40], NACP and the financial control/e-declaration system [41], the High Anti-Corruption Court [42]. These measures helped ensure the prosecution of top corruption, asset verification, and international cooperation in asset recovery.

On the basis outlined, it is proposed to amend Article 151 of the Constitution of Ukraine, supplementing it with a provision stating that "the conclusions of the Constitutional Court of Ukraine on the conformity of international treaties with the Constitution of Ukraine are given taking into account the principle of maximum harmonization of the norms of the Constitution of Ukraine and international treaties". The implementation of this principle will contribute to the development of a European standard of "friendly interpretation" applied in the legal systems of EU countries, and will reduce the number of cases when international treaties are recognized as unconstitutional. The form of implementation of an international treaty into national law largely depends on the level of parliamentary involvement at the stage of granting consent to be bound. In European practice, there are two models:

1. Westminster (British) – parliament does not participate in the process of concluding a treaty, but plays a key role in its implementation by adopting a special implementing act;
2. Continental (European), parliamentary consent is a prerequisite for concluding a treaty, and the ratified document acquires the force of law or even takes precedence over national legislation.

Ukraine objectively gravitates towards the second model, which is consistent with the provisions of the Law of Ukraine "On International Treaties of Ukraine" (Articles 9 – 12), but requires clarification of the procedures for parliamentary control over the implementation of such treaties. In particular, the Verkhovna Rada should be legally obliged to hold annual hearings on the status of implementation of international treaties concluded with the EU, as well as to create a special subcommittee within its structure to monitor the implementation of European law [6]. The author suggests a number of steps to improve the effectiveness of incorporating international treaties between Ukraine and the EU into domestic law (Table 2).

Table 2. Measures on adapting international treaties to the national legislation of Ukraine

Factor	Description	Normative basis	Impact on the legal system of Ukraine	Recommendations for improvement
Constitutional incorporation	Integration of ratified treaties as part of national law without separate transformation	Article 9 of the Constitution of Ukraine; Law "On International Treaties of Ukraine" (Articles 9–12)	Provides precedence over laws, but creates conflicts without a clear hierarchy	Amend Article 9 of the Constitution to fix the direct effect of the norms
Judicial interpretation of norms	Direct application of direct effect norms in judicial practice, with an emphasis on human rights	Resolution of the Plenum of the Supreme Court of Ukraine No. 9 (1996), No. 13 (2006)	Increases predictability, but leads to inconsistency due to lack of definitions	Enshrine the legislative definition of "direct effect norm" and the principle of friendly interpretation
Parliamentary control	Involvement of the Verkhovna Rada in the ratification and monitoring of the implementation of agreements with the EU	Article 85 of the Constitution; Law "On International Treaties of Ukraine"	Promotes legitimation, but limits due to lack of annual hearings	Create a subcommittee of the Verkhovna Rada to monitor the implementation of the acquis communautaire
Reception and harmonization	Transposition of norms through new acts or amendments to existing ones for harmonization with the EU	Association Agreement (Articles 475–478); CMU Action Plan No. 1106 (2017)	Catalyzes reforms, but slows them down due to bureaucracy	Develop a by-law "Procedure for the application of contracts by courts" with KPI monitoring
Institutional monitoring	Creation of registries and training to unify practices	Law "On the Constitutional Court of Ukraine" (2017); Art. 151 of the Constitution	Reduces the risks of conflicts, enhances convergence with EU law	Introduce a single electronic register of the Ministry of Justice with case law and mandatory courses for judges

Source: Compiled by the authors

The solution to these problems involves constitutionally enshrining the principle of priority of ratified international treaties, forming effective mechanisms for parliamentary and constitutional oversight of their implementation, as well as guaranteeing institutional unification of judicial practice by expanding the jurisdiction of the Constitutional Court regarding the official interpretation of international legal acts. Improving the regulatory framework in the specified direction will contribute not only to increasing the effectiveness of the application of international treaties between Ukraine and the European Union, but will also ensure the convergence of the legal system of Ukraine with European standards of the rule of law.

Discussion

The results obtained correspond to the leading direction of modern scientific studies, which interpret the implementation of international treaties not merely as a technical and legal procedure, but as a tool of legal convergence with the European legal space. In particular, our stated concept of "industry monism" with the priority of ratified treaties in the case of regulatory conflict is generally consistent with the conclusions of Dir [3] and Tyshchenko [4], but we depart from their predominantly descriptive approach and propose a procedure for screening the compatibility of regulatory acts and a KPI-monitoring system that moves the discussion from the level of abstract principles to the level of managed procedures and measurable results. Our proposal for the creation of a digital infrastructure of treaties complements the empirical observations of Reyad [12] and Tomažič [13] on the inconsistency of the judicial application of international norms.

At the same time, the model we have proposed of preventive, rather than exclusively conflict-based, application of international norms partially contradicts the historically established practice outlined in domestic procedural doctrine and early clarifications of higher judicial instances, where an international treaty is activated mainly "at the moment of detection of a conflict of norms". In this context, our standpoint coincides with the critical remarks of Chablais [32]

and the conclusions of Gehring and Rao [14], which demonstrate that a delayed reaction to conflicts generates legal instability. Our response is to combine a prior compatibility check with a mandatory argumentation for refusal of direct application [31], which should discipline both judicial argumentation and legislative technique.

The results of the research also extend the conclusions of Chyzhmar [5], Perederii [6], Muraviov [7] and Purtova [8] regarding the "fragmentary nature of implementation", proposing a clear technology for distinguishing between incorporation and reception. We argue that incorporation should be a general rule for norms that satisfy our comprehensive test of self-executability (clarity of formulations, targeting, procedural completeness), while reception appears as a tool for framework or evaluative provisions with further specification of subjects, sanctions and deadlines. This division, in our opinion, operationalizes what Nikolenko [10] and Yakymchuk [17] recorded at the theoretical level of sources of law, but did not transform into a procedurally applicable algorithm. In the plane of constitutional architecture, we support and simultaneously deepen the proposals of Perepiolkin [15] and Mykhayliv [16] regarding the doctrine of "friendly interpretation". This corresponds to the EU practices regarding the principles of primacy and consistent interpretation, analyzed by Van den Brink [11] and Tomažič [13], and at the same time takes into account the specifics of Ukrainian legislation.

A comparison with cross-national studies by Prasetyo et al. [1] shows that the tools we propose are not exclusively "Eurocentric": the self-execution test, registers of authentic texts and standards for reasoning in judicial decisions are universally applicable to legal systems of the continental tradition that are undergoing intensive contractual Europeanization, while retaining their own constitutional constraints.

The scientific novelty of the research lies, firstly, in the development of a comprehensive "roadmap" of implementation, which integrates constitutional amendments, procedural standards of courts, digital infrastructure and parliamentary monitoring; secondly, in the formalization of the self-execution test as a multi-criteria decision-making tool. The practical significance lies in creating conditions for predictability of judicial practice, minimizing "deferred collisions" and accelerating convergence with EU law without losing constitutional identity.

At the same time, we also recognize methodological limitations. Thus, the implementation of the proposed measures depends on the political will for constitutional changes and the availability of resources for digitalization; some of the proposals will require a long transition period and gradual upgrading of the skills of judges and civil servants.

Conclusion

It has been established that an international treaty occupies a special place in the hierarchy of sources of Ukrainian law as a regulatory act, which, after receiving parliamentary consent, acquires the status of a norm of domestic legislation with the legal force of law; however, the constitutional unregulated nature of its position in relation to ordinary legislative and subordinate legislation generates conflict uncertainty. Analysis of regulatory legal acts from the 1991 Law to the 2004 Law, as well as the case law of the Supreme Court and the Constitutional Court, has shown the need to codify the rules for the direct application of international treaties, unify conflict-of-law rules in sectoral codes, and introduce preventive constitutional control of treaty acts. The implementation of these measures, together with the formation of an official electronic register of texts and authentic translations, will ensure predictability of judicial application and consistency with the principles of the 1969 Vienna Convention on the Law of Treaties.

The proposed synchronization model is based on the integration of the direct effect of self-executing norms with the normative reception of framework provisions through codification and current legislative acts. The key elements of the model are: the creation of a single digital register of treaties with authentic texts, official translations and implementation maps; the introduction of mandatory prior examination of the convention compliance and Eurocompatibility of draft laws; clarification of the procedural rules of temporary application; unification of the moment of entry into domestic legal force; enshrining in procedural codes the obligation of the court to verify the self-executing of norms and apply the doctrine of "friendly interpretation".

The assessment of Ukraine-EU contractual practice demonstrated that the current resolutions of the Plenum of the Supreme Court of 1996/2006 formed basic conceptual guidelines; however, the absence of a normatively established test of "direct effect" and the shortage of official explanations led to inconsistency of judicial practice. In this regard, it is advisable to constitutionally clarify Article 9 of the Constitution, institutionalize the doctrine of "friendly interpretation" by amending Article 151 of the Constitution and the Law on the Constitutional Court of Ukraine, introduce parliamentary monitoring of the implementation of the Association Agreement, form an open register of treaties and judicial practice of their application, as well as codify judicial standards for the application of international norms with mandatory consideration of the practice of the European Court of Human Rights and the Court of Justice of the European Union.

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