

індивід. Будь-яке обмеження прав людини має бути дуже обґрунтованим і обережним, бо неможливість реалізації природних прав людиною зумовить в кінцевому підсумку її частковість, нереалізованість як індивіда.

Найперше рашистська агресія загрожує вітальним правам людини, зокрема праву людини на безпеку. Безпека – це захищеність людини від зовнішніх та внутрішніх загроз, такі умови, при яких людина має можливість жити розмірено, повноцінно, здійснювати свої права, без тривоги про себе і своїх рідних. Коли озброєний агресор вторгається на твою землю, у твій дім, коли ти стаєш мішенню для ворога, твоя безпека зникає. Путіністи хворі хронічно на знищення всього живого. Агресія в Україні – це для них насолода – народ, який ніколи не знав, що таке свобода і як нею користуватися, який був і є вічним рабом власної влади, випустив, об'єктивував свою несвідому руйнівну енергію в українських селах і містах в найрізноманітніших формах: вбиваючи, гвалтуючи, калічаючи, принижуючи, спалюючи, катуючи, викрадаючи тощо українців, знищуючи їх домівки, міста і села. Порушення права на безпеку зумовлює порушення низки природних прав: на життя, на повагу до твоєї гідності, честі, право на справедливість, індивідуальну свободу, право на недоторканність, на свободу слова, думки тощо. Путінізм – це тотальна загроза людині, її правам, і, оскільки Путін не збирається зупинитися на Україні, в його плани входить підкорення, принаймні, частини Європи, то нині всі демократичні нації, прогресивні громадяни повинні використати всі засоби, щоб подолати московського агресора.

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THE QUALITY OF LAW AS A COMPONENT OF THE PRINCIPLE OF THE RULE OF LAW

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The rule of law stands as a cornerstone of just governance, ensuring that power is exercised through predictable, fair, and accountable legal mechanisms. At its heart lies the quality of law, the attributes that render laws effective, legitimate, and capable of guiding human behavior while

safeguarding individual dignity. Poor-quality laws, vague, retroactive, or unstable and ineffective, undermine trust in legal systems and enable oppression, transforming the rule of law into mere rule by law.

The Venice Commission Report № 0512/2009 "On the Rule of Law" adopted at the 86th plenary session on March 25–26, 2011, states the following: The Venice Commission, based on T. Bingham's definition of the rule of law, concluded that there is eight "ingredients" of the rule of law, which include: (1) Accessibility of the law (that it be intelligible, clear and predictable); (2) Questions of legal right should be normally decided by law and not discretion; (3) Equality before the law; (4) Power must be exercised lawfully, fairly and reasonably; (5) Human rights must be protected; (6) Means must be provided to resolve disputes without undue cost or delay; (7) Trials must be fair, and (8) Compliance by the state with its obligations in international law as well as in national law. (para. 37). Also in this Report, in explaining the concept of "legal certainty," it is emphasized that the necessary elements of the rule of law are: (1) Legality, including a transparent, accountable and democratic process for enacting law (2) Legal certainty (3) Prohibition of arbitrariness (4) Access to justice before independent and impartial courts, including judicial review of administrative acts (5) Respect for human rights (6) Non-discrimination and equality before the law (para. 41) [1].

Among all the necessary elements of the rule of law, as mentioned by the Venice Commission Report, the principle of legal certainty is essential to the rule of law (para. 44). It means that interim characteristics of law provide legal rules that are clear and precise and imply that the law is implemented in practice. While the quality of law is not explicitly identified in the Venice Commission Report as one of the necessary elements or components of the rule of law, it is evident that it derives from the principle of legal certainty.

The quality of law is a broader dimension of the rule of law, highlighting the positive characteristics of law and demonstrating that legislation can be enacted to protect human rights. High-quality legislation is characterized by internal features, primarily by the content and specifics of the adoption of normative legal acts. It is possible to influence the quality of legislation by improving the rules of the legislative process, controlling parliamentary activity, and related measures. This category primarily concerns lawmaking. The quality of legislation can be assessed by examining its content and evaluating conflicts, clarity of terminology, and associated factors.

Drinoczi T. establishes the concept (definition) of legislative quality or good legislation as:

1. An interdisciplinary approach to legislation that promotes the planned achievement of short, medium, and long-term social and economic goals through an open and evidence-based process, which involves developing and

adopting efficient and enforceable laws, as well as assisting in their implementation.

2. Approaches that combine the concepts of legislative and regulatory quality, and

3. which implies, or even requires, a high-quality legislative process [2, p. 220].

The quality of legislation can be assessed based on key attributes:

- 1) clarity (the comprehensibility of the text);
- 2) precision (convincing expressive accuracy);
- 3) unambiguity (a single meaning);
- 4) accuracy, and simplicity of language.

Consequently, the lawmaker must have the skill to clearly articulate the legislative intent in accordance with general legislative principles to adhere to the rule of law [3, p. 584].

The quality of a law is achieved through the rationality of the legislator's actions, i.e., by holding public debates, considering the issue, considering various rights and interests, and assessing proportionality in drafting the law, among other measures. The rationality of the legislator's actions entails a multifaceted assessment of facts, specialized studies, scientific analysis of the issues, and consideration of the opinions of international experts to produce high-quality legislation [4, P. 33].

The European Court of Human Rights (ECHR) also applies approaches developed over many years of practice, according to which the quality of a law means that it is accessible to interested parties and that the legislation is applied clearly and predictably; the lack of the necessary clarity and correctness in national legislation, which allows for different interpretations of such legislation, violates the criterion of "quality of law".

Thus, in the case of *Shchokin v. Ukraine* (applications 23759/03 and 37943/06, paras. 50–56), the ECHR noted that the rule of law, one of the fundamental principles of a democratic society, is inherent in all articles of the Convention; the lack of the required clarity and precision of the domestic law, offering divergent interpretations on an important fiscal issue, upset the requirement of the "quality of law" under the Convention and did not provide adequate protection against arbitrary interference by the public authorities with the applicant's property rights [5].

The ECHR interpreted the "quality of legislation" in a similar manner in another decision, namely in the case of *Serkov v. Ukraine* (application 39766/05, para. 42) where the Court stated that the lack of the required foreseeability and clarity of the domestic law on such an important fiscal issue, producing opposing judicial interpretations, upset the requirement of "quality of law" under the Convention [6].

In the ECHR case of *Funke v. France* (application 10828/84, para. 50), the Court clarified that the quality of domestic legal norms depends on the

precision with which legislation and judicial practice define the scope and conditions for the exercise of public authority, thereby eliminating any risk of arbitrariness [7]. It is precisely the "quality of the law" as a manifestation of the principle of the rule of law that is closely linked to other aspects of the rule of law, such as access to justice before independent and impartial courts, including judicial review of administrative acts.

The quality of law, as interpreted by the ECHR and by legal doctrine, is a broader dimension of the rule of law elements that highlights the positive characteristics of law and demonstrates that legislation can be enacted to protect human rights. The quality of law derives from the principle of legal certainty. It can be assessed by examining the content of the legislation and evaluating conflicts, clarity of terminology, and related factors.

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