

General requirements of the European Union for the law enforcement systems of member states

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Abstract

The article examines the theoretical and legal foundations as well as practical mechanisms of the European Union's influence on the reform of law enforcement systems in EU Member States in the context of Ukraine's European integration processes. It analyzes the evolution of Ukraine's European integration course and the intensification of reforms after 2014 and in the context of the full-scale invasion, which has significantly strengthened the security dimension of integration and public support for these changes. The regulatory and legal framework of EU requirements for law enforcement systems is systematized through the prism of the EU primary law, in particular the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), and the Charter of Fundamental Rights of the European Union. It is determined that the EU does not unify the structure of law enforcement agencies in Member States but establishes supranational standards for their functioning, based on the principles of the rule of law, political neutrality, independence of the judiciary and prosecution, respect for human rights, and effective democratic oversight. The content of key provisions of EU primary law and their impact on the organization and functioning of law enforcement bodies are examined, particularly in the areas of cross-border cooperation, information exchange, joint crime and terrorism prevention, and the provision of procedural human rights guarantees. It is substantiated that the effectiveness of law enforcement systems in the EU is assessed not only by crime-fighting outcomes but also by the level of respect for fundamental rights and freedoms. A comparative analysis of the implementation of European standards in Poland, Hungary, and Slovakia is carried out. The key areas of criticism by EU institutions are summarized, including the politicization of the prosecution service, weakening of judicial independence, excessive expansion of law enforcement powers without adequate oversight, and violations of human rights. It is determined that deviations from EU standards are accompanied by the application of political, legal, and financial instruments of influence, including infringement procedures and restrictions on access to funding. Based on the analysis of European Commission reports and the application practice of the EU Charter of Fundamental Rights, the most problematic areas in Member States are identified, particularly judicial independence, the functioning of prosecution services, the proportionality of police powers, and the protection of migrants' rights. The existence of regional differences in the level of compliance with EU standards is substantiated.

Keywords: European integration; law enforcement system; European Union; EU primary law; rule of law; human rights; police cooperation; institutional independence; reform.

1. Introduction

The relevance of the topic is determined by the current transformational processes taking place in Ukraine in the context of European integration and the full-scale war, which significantly increase the requirements for the effectiveness, resilience, and legitimacy of the law enforcement system. The acquisition of candidate status for European Union membership has highlighted the need to bring national legislation and institutional practice into compliance with the EU *acquis*, particularly in the areas of the rule of law, human rights protection, and the functioning of law enforcement bodies. Of particular importance is the issue

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of defining the content and limits of the European Union's influence on national law enforcement systems, as the EU does not establish a unified model of their organization but sets clear standards regarding principles of operation, accountability, independence, and respect for fundamental rights. In this context, the study of EU primary law as a fundamental source for shaping these requirements, as well as the analysis of their implementation in Member States, is of crucial importance.

2. Literature review

In order to ensure the reform of the law enforcement system in the context of European integration processes, there is a need to study the legislation of the European Union, which defines the requirements for the law enforcement systems of Member States. This issue has been partially addressed by both domestic and foreign scholars, in particular: V.V. Makaruk, V.A. Bondarenko, I.H. Kuzmenko, S.V. Petkov, M.M. Pendiura, V.F. Het, V.O. Kushchenko, Yu.A. Paskevskaya, V.V. Havrylenko, O.V. Volosheniuk, V.V. Yevdokymov, D.O. Hrytsyshen, V.M. Butuzov, I.O. Drahan, I.M. Lehan, K.V. Malyshev, V.V. Nonik, L.V. Serhiienko, I.V. Suprunova, T.V. Baranovska, O.V. Hrabchuk, A.P. Dykyi, Yu.V. Krutik, S.P. Lysak, and others.

3. Highlighting Previously Unresolved Issues and Formulating Research Hypotheses

Despite considerable scholarly contributions in the field of European integration, the specific content of EU requirements for the law enforcement systems of Member States remains insufficiently systematized. In particular, the following aspects have received inadequate scholarly attention: the practical mechanisms of EU primary law's influence on national law enforcement bodies; comparative analysis of compliance with EU standards across different Member States; and the instruments available to EU institutions for responding to deviations from common standards.

The research hypothesis holds that the European Union, without imposing a unified structural model, effectively shapes national law enforcement systems through binding supranational standards, and that deviations from these standards are systematically accompanied by measurable institutional and financial consequences for the states concerned.

4. Methodology and Research Methods

The study employs a combination of general scientific and special legal research methods. The formal-legal method was applied in analyzing the provisions of EU primary law. The comparative-legal method enabled assessment of implementation practices across Poland, Hungary, and Slovakia. The systemic-structural method was used to construct the mechanism of EU legal influence on national law enforcement systems. Additionally, the analytical method underpinned the examination of European Commission reports and CJEU practice regarding rule of law compliance in Member States.

5. Formulation of the purpose of the article

The aim of the article is to provide a comprehensive study of the European Union's requirements for the functioning of law enforcement systems in Member States, to identify the mechanisms of their legal influence through EU primary law and the Charter of Fundamental Rights, and to substantiate the directions for adapting Ukraine's law enforcement system to European standards, taking into account contemporary security challenges and the practice of implementation in individual EU countries.

6. Main results

The issue of European integration for Ukraine is not new, as these matters were already raised at the beginning of the 21st century (2004–2010) and significantly intensified after the Revolution of Dignity (2014). The issues of European integration have further intensified after the full-scale invasion, which is conditioned both by security concerns and by the political vector supported by broad public approval of these processes. It should be noted that scientific activity in this field has not ceased but has rather intensified. «Contemporary changes in socio-economic and political-legal conditions, given Ukraine's legal status as a candidate for accession to the European Union, determine the need for further reform of the law enforcement system in the field of ensuring national security and defense» [1]. «The European Commission expects Ukraine to adopt a comprehensive strategic plan for reforming the law enforcement system as part of security and defense. However, European officials do not specify what exactly Ukraine should focus on in this process and how the effectiveness of this reform should be assessed» [7].

Therefore, today there is a large number of publications in the Ukrainian academic sphere devoted to the problems of European integration. At the same time, issues related to the European Union's requirements for reforming the law enforcement system remain rather debatable. This is due to several factors, including: first, political factors – changes in political leadership with different views on European integration processes; second, the interests of oligarchic groups – a set of interests ensured through lobbying; third, a low level of public trust in reforms, which causes resistance from the population; fourth, the unpreparedness of personnel for reforms, which consequently reduces the effectiveness of reforms.

The uniqueness of the European Union lies in the fact that the European Parliament does not establish a unified law enforcement system and does not define specific features of the structure, content of activities, or legal regulation of law enforcement systems and law enforcement agencies. EU legislation sets only general requirements for law enforcement systems and their interaction with one another, while the national legislation of each country retains its own unique characteristics and features.

«The experience of the functioning of law enforcement systems in different states is quite diverse and requires thorough study before borrowing and implementation in Ukraine» [6], as these countries have already adapted their national legislation to the requirements of the European Union and have followed different paths toward this goal, depending on a combination of socio-economic, political-legal, and cultural-mental factors. In general, EU legislation defining the key requirements for the law enforcement systems of Member States can be presented in the form of a structured mechanism (Table 1), which characterizes the general requirements of the European Union established by primary law.

For each of the key provisions of EU requirements for law enforcement systems, there are specific regulations, directives, or framework decisions. Accordingly, the presented mechanism is based on legal analysis and the study of practical experience in implementing these provisions in EU Member States. A more detailed description of this mechanism is provided within the following components:

1. EU primary law, which establishes the basic founding treaties and effectively serves as the constitutional foundation of the European Union. Primary law has the highest legal force, as any other acts (directives, regulations) or national laws of Member States must not contradict it. The legal acts defining EU primary law and influencing the law enforcement systems of Member States include:

a) Consolidated version of the Treaty on European Union [3]. The Treaty on European Union (TEU) itself does not regulate in detail the organization of police forces in Member States, as the structure of law enforcement agencies remains within national competence. However, the TEU has a profound systemic impact on the law enforcement systems of Member States through binding values, principles, and institutional frameworks.

Article 2 of this legal act states: «The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail» [3].

Characterizing the content of Article 2, the following impacts on law enforcement systems can be identified: the powers of law enforcement agencies and their functioning must operate strictly within their competences; the functioning of law enforcement bodies must be carried out strictly within the law, without violence or torture; limitation of political influence on the law enforcement system and prevention of persecution of the opposition by law enforcement agencies; ensuring external oversight of law enforcement agencies and their accountability.

Article 3(2) of the Treaty on European Union [3] states that «the Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime». This should be understood as the impossibility for law enforcement systems to function in isolation, as they become part of a common security space characterized by the following provisions: ensuring cross-border cooperation with law enforcement authorities of EU Member States and beyond; ensuring cooperation of national law enforcement agencies with governmental and police organizations of the European Union; organizing and implementing procedures for international exchange of data on crimes, offenders, investigative actions, and pre-trial investigations; conducting joint special operations and investigations, as well as executing warrants of other EU Member States.

Article 6(3) states that «fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law» [3]. This affects the procedural aspects of law enforcement activities, in particular: changes the procedure for authorizing wiretapping, video surveillance, and digital monitoring; establishes legal limits for detention and search procedures; changes in the personnel policy of law enforcement agencies regarding police officers' compliance with human rights.

A particularly important component of ensuring compliance with the requirements of the analyzed EU legal act is the sanctioning policy defined in Article 7. This legal act exerts its influence through the suspension of certain rights of a Member State in the event of the following systemic violations in the functioning of national law enforcement agencies:

- law enforcement agencies act against the political opposition in the country;
- loss of political and procedural independence of the prosecution service;
- the activities of law enforcement bodies become politically dependent on state authorities;
- mass violations of human rights by law enforcement agencies.

Thus, the Treaty on European Union does not unify the structure of law enforcement agencies of Member States; however, it establishes supranational requirements for their functioning through the principle of the rule of law, human rights standards, mechanisms of interstate cooperation, and political accountability for deviation from democratic standards.

b) The Treaty on the Functioning of the European Union (TFEU) [4] is a key legal act that has a much more specific impact on the law enforcement systems of Member States than the TEU, as it contains legal mechanisms for police cooperation, information exchange, crime prevention, and the activities of Europol. Prior to the entry into force of the Lisbon Treaty (2009), police cooperation was intergovernmental; however, the TFEU brought it into the sphere of shared competence, where the EU establishes general rules.

Article 67 provides a set of provisions for the establishment of the European Union's security area, in particular:

«The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States;

Table 1

Mechanisms of the European Union's Legal Influence on the Law Enforcement Systems of Member States (Primary Law)

EU PRIMARY LAW — BASIC FOUNDING TREATIES					
<i>Consolidated version of the Treaty on European Union [3]</i>					
<i>the legal act establishes:</i>					
<i>the values of the European Union (Article 2)</i>					
human dignity	freedom	democracy	equality	the rule of law	human rights
<i>impact on law enforcement systems:</i>					
law enforcement authorities and their functioning must operate strictly within their competences	the functioning of law enforcement bodies must be strictly within the law, without violence or torture	limitation of political influence on the law enforcement system and prevention of persecution of the opposition by law enforcement agencies	ensuring external oversight of law enforcement agencies and their accountability		
<i>the Union offers its citizens an area of freedom, security and justice without internal borders... (Article 3, former Article 2)</i>					
<i>impact on law enforcement systems:</i>					
ensuring cross-border cooperation with law enforcement authorities of EU Member States and beyond	ensuring cooperation of national law enforcement agencies with governmental and police organizations of the European Union	organization and implementation of procedures for international exchange of data on crimes, offenders, investigative actions, and pre-trial investigations	conducting joint special operations and investigations, as well as executing European Union Member States' warrants		
<i>binding nature of fundamental human rights (Article 6)</i>					
<i>which implies the need to take into account</i>					
right to liberty	right to privacy	protection of personal data	presumption of innocence	right to a lawyer	prohibition of discrimination
<i>impact on law enforcement systems:</i>					
changes the procedure for authorizing wiretapping, video surveillance, and digital monitoring	establishes legal limits for detention and search procedures	change in the personnel policy of law enforcement agencies regarding police officers' compliance with human rights			
<i>the legal act has an impact through the suspension of certain rights of a Member State (Article 7)</i>					
<i>the procedure is possible in the case of:</i>					
law enforcement agencies act against the political opposition in the country	loss of political and procedural independence of the prosecution service	the activity of law enforcement agencies is politically dependent on the state authorities	mass violations of human rights by law enforcement agencies		
<i>Treaty on the Functioning of the European Union (TFEU) [4]</i>					
<i>the legal act establishes:</i>					
<i>the creation of an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States (Article 67)</i>					
<i>key provisions regarding law enforcement systems</i>					
the law enforcement system does not exist in isolation, as each system becomes part of the European security area		the EU ensures a high level of security through measures to prevent and combat crime, as well as coordination and cooperation			

End of the of table 1			
<i>impact on law enforcement systems</i>			
provides for operational and investigative data exchange and the integration of information systems	ensuring cross-border prosecution of offenders and investigation of crimes	ensuring mutual recognition of judicial decisions concerning cross-border crime	joint counteraction to terrorism at both international and national levels
<i>The Chapter «Area of Freedom, Security and Justice» does not affect the responsibilities incumbent upon Member States with regard to maintaining law and order and safeguarding internal security (Article 72).</i>			
<i>establishes the absence of direct influence of the European Union on the law enforcement systems of Member States, in particular:</i>			
does not establish a unified police force at the level of the Union	does not exercise control over national police forces	the structure of the Ministry of Internal Affairs remains national	
<i>The Union establishes police cooperation involving all competent authorities of the Member States, including police, customs, and other specialised law enforcement services, in connection with the prevention, detection, and investigation of criminal offences (Article 87).</i>			
<i>impact on law enforcement systems</i>			
the state must ensure, both legally and financially, the capacity of the police for international cooperation	the police must organize the exchange of information between the law enforcement agencies of EU Member States	the law enforcement system must transform its databases to ensure compatibility for data exchange	the state must ensure joint training and the organization of joint operations
<i>the establishment of Europol (Article 88)</i>			
<i>sets requirements for national law enforcement agencies:</i>			
to transmit information	to participate in analytical projects	to coordinate investigations	to cooperate in combating terrorism, cybercrime, and trafficking
<i>The Council, acting in accordance with a special legislative procedure, lays down the conditions and limitations under which the competent authorities of the Member States, referred to in Articles 82 and 87, may operate in the territory of another Member State in liaison with and with the consent of the authorities of that State (Article 72).</i>			
<i>allows the establishment of conditions under which authorities of one state may operate in another Member State.</i>			
CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION [8]			
<i>affects specific articles on the functioning of law enforcement agencies, in particular procedural activities</i>			
<i>Article 1 – Human dignity</i>	<i>Article 4 – Prohibition of torture and inhuman or degrading treatment or punishment</i>	<i>Article 6 – Right to liberty and security of person</i>	<i>Article 7 – Respect for private and family life</i>
human dignity is inviolable and cannot be limited even for the sake of national security or the fight against terrorism	no one shall be subjected to torture or to inhuman or degrading treatment or punishment	limits the powers of the police and security services regarding detention, arrest, or any other deprivation of liberty	searches or seizures carried out by the police must have a clear legal basis and (usually) a judicial warrant
<i>Article 8 – Protection of personal data</i>	<i>Article 47 – Right to an effective remedy and to a fair trial</i>	<i>Article 48 – Presumption of innocence and right of defence</i>	<i>Article 49 – Principles of legality and proportionality of criminal offences and penalties</i>
regulates how police and security services collect, store, and use information about citizens	ensures the independence of courts, effectiveness of legal protection, and access to justice, thereby providing oversight over authorities	a direct requirement for the work of pre-trial investigation bodies	prohibits law enforcement authorities and courts from applying the law retroactively if it worsens a person's situation

It shall ensure the absence of internal border controls for persons and shall develop a common policy on asylum, immigration and external border control, based on solidarity between Member States and fairness towards third-country nationals. For the purposes of this Title, stateless persons shall be treated as third-country nationals;

The Union shall endeavor to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, as well as through coordination and cooperation between police and judicial authorities and other competent bodies, and through mutual recognition of judgments in criminal matters and, where necessary, through the approximation of criminal laws; The Union shall facilitate access to justice, in particular through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters» [4].

These provisions affect the law enforcement systems of EU Member States in the following ways:

- provide for the exchange of operational and investigative data and the integration of information systems;
- ensure cross-border prosecution of offenders and investigation of crimes;
- ensure mutual recognition of judicial decisions concerning cross-border crime;
- provide for joint counteraction to terrorism at both international and national levels.

This effectively means that national law enforcement systems do not function in isolation, as each system becomes part of the European security area, while the European Union, in turn, ensures a high level of security through measures to prevent and combat crime, as well as through coordination and cooperation.

The limitation of the managerial influence of the European Union on the law enforcement systems of Member States is guaranteed by Article 72, which states that: «this Title (Area of Freedom, Security and Justice) shall not affect the responsibilities incumbent upon Member States with regard to maintaining law and order and safeguarding internal security» [4]. This means that the European Union does not establish a unified police force at the Union level and does not exercise control over national police forces. Accordingly, the structure of the Ministry of Internal Affairs remains national.

Article 87 addresses international cooperation between law enforcement authorities, according to which:

- the state must ensure, both legally and financially, the capacity of the police for international cooperation;
- the police must organize the exchange of information between the law enforcement agencies of EU Member States;
- the law enforcement system must transform its databases to ensure compatibility for data exchange;
- the state must ensure joint training and the organization of joint operations.

c) The Charter of Fundamental Rights of the European Union [4] is a key legal document establishing standards for the activities of law enforcement agencies in such areas as detention, use of force, access to legal counsel, processing of personal data, and criminal proceedings. «In modern conditions, it is well established that the protection of human rights is the prerogative not only of national states but also of certain international institutions. It is precisely due to the activities of such international entities as the Council of Europe and the European Union that fundamental human rights in the European space have undergone significant development, both in terms of their scope and their substantive content and diversification of specific rights and freedoms. From the very beginning of its state-building, Ukraine has demonstrated its intention to take its rightful place in the European community» [2].

The provisions of the Charter directly affect the procedures for detention, searches, use of force, surveillance measures, processing of personal data, access to justice, and the realization of the right to defense. This means that the effectiveness of law enforcement systems in EU Member States is assessed not only by the results of combating crime but also by the level of compliance with the principles of human dignity, legality, proportionality, and a fair trial. Articles 6, 7, and 8 of the Charter establish that any procedural action must meet the criteria of legality, necessity, and proportionality. Article 47 requires the existence of independent judicial oversight over the law enforcement system. The provisions on human dignity (Article 1) and the prohibition of torture (Article 4) are absolute and cannot be disregarded even in states of emergency or in the fight against terrorism.

Compliance with the provisions of the Treaty on European Union [3] and the Treaty on the Functioning of the European Union (TFEU) [4] has varied across different countries; however, the law enforcement systems of Poland and Hungary have faced and continue to face the most significant criticism. In most cases, the criticism concerned not only the police in a narrow sense but also the broader law enforcement system, including the prosecution service, security services, oversight of law enforcement bodies, and political influence on them. Based on the analysis of a set of European Union reports, the criticism of Hungary and Poland by the EU can be structured as follows (Table 2).

The table systematizes the concerns of the European Union regarding legislative changes in Poland, which developed as follows:

in 2016, the Law on the Public Prosecutor's Office of Poland [22] was adopted, according to which: the positions of the Minister of Justice and the Prosecutor General were merged; the Prosecutor General was granted the right to intervene in specific cases and issue instructions to prosecutors; the prosecution service was reorganized, which led to the dismissal of prosecutors;

in 2016, a number of amendments were introduced to the Law on the Police and certain other laws, which were criticized by the European Union due to the expansion of access by the police and security services to metadata and information databases, which, due to insufficient judicial control, increases the risk of privacy violations;

in 2017, amendments were made to the Law on the National Council of the Judiciary and certain other laws [24], which established the political influence of the parliamentary majority on the formation of the judicial governance body, leading to judicial dependence and influence on criminal justice;

in 2018, the Law on the Supreme Court [13] was adopted, the key provisions of which provided for the creation of a disciplinary chamber and new mechanisms of influence on judges' activities, thereby limiting their independence.

Table 2

Characteristics of the European Union's Criticism of the Law Enforcement Systems of Poland and Hungary

Area	Content of criticism	Subject of criticism
POLAND		
Police and special services	legislation expanded access of the police and security services to telecommunications and digital data with insufficient external oversight	European Commission monitoring / Rule of Law cycle [17]
Prosecution service	the combination of the positions of Minister of Justice and Prosecutor General creates a risk of political influence over criminal prosecutions	European Commission, Rule of Law Reports [17], [15], [16]
Judicial system	disciplinary control over judges and political influence on the prosecution have led to risks of using the law enforcement system for selective criminal prosecution and undermining the guarantees of a fair trial	European Commission; CJEU litigation [18]
HUNGARY		
Police and internal security services	insufficient independent oversight of surveillance tools and operational powers	European Parliament [5]
Law enforcement agencies	excessive centralization of power and weakening of institutional checks and balances	European Commission [19]
Border guard service	criticism of the treatment of migrants and the procedures for protecting human rights at the border	European Commission [19]
Special services	the use of Pegasus and similar software against journalists, opposition figures, and lawyers triggered a separate investigation by the European Parliament	European Parliament PEGA Committee [5]
SLOVAKIA		
Prosecution service	abolition of the specialized anti-corruption prosecution service, which may lead to a weakening of anti-corruption efforts	European Parliament [14]
Police	reorganization of units combating organized crime, which weakened the institutional capacity of the law enforcement system to counter corruption and organized criminal groups	European Parliament [14]
Criminal law	amendments to Slovak criminal legislation, including the reduction of penalties for corruption-related offences or the extension of limitation periods for sexual violence	European Parliament [14]

Regarding the situation in Hungary, it can be characterized as follows:

in 2011, a new Constitution of Hungary (Fundamental Law of Hungary [21]) was adopted, according to which the new constitutional model strengthened the powers of the executive branch and, as a consequence, weakened the balance of power;

in 2011, a law on the organization and administration of the judiciary [19] was adopted. The criticism of this law is a classic example of a conflict between the national model of «state administration» of the judicial system and the pan-European standards of separation of powers. According to this law: the National Judicial Office was established, whose president was granted unprecedented powers to unilaterally appoint judges, court presidents, and transfer cases from one court to another; the National Judicial Council, which was supposed to oversee the president of the National Judicial Office, for a long time lacked real mechanisms of influence, making oversight of court administration largely formal; procedures for appointment and promotion became non-transparent, creating risks of judicial loyalty to the executive branch rather than adherence to the rule of law; this violates Hungary's obligations to ensure effective judicial protection, as the judiciary loses the characteristics of an «independent and impartial tribunal established by law».

Due to this criticism and the threat of blocking funds from EU sources (the rule of law mechanism), in 2023 Hungary was forced to adopt a package of amendments. These changes significantly limited the powers of the president of the National Judicial Office and expanded the powers of the self-governing National Judicial Council in overseeing judicial appointments and court budgets.

in 2013, the Fourth Amendment to the Constitution of Hungary [20] was adopted. It effectively consolidated the results of previous reforms that the EU and international organizations recognized as undermining the rule of law. The content of this amendment provided for: broad powers of the President of the National Judicial Office, including the authority to transfer cases between courts; restrictions on the placement of political advertising during election campaigns exclusively in state media, which was regarded as a limitation of freedom of expression and competition. From a public administration perspective, the Fourth Amendment demonstrates a model in which the potential of the system (law enforcement and judicial) is subordinated to political expediency. This creates a conflict with external governance factors (EU standards), leading to institutional isolation and sanctions.

Regarding Slovakia, discussions have emerged about the possibility of suspending payments from EU funds due to non-compliance with security and justice standards. In Slovakia, a number of legislative changes regulating the law enforcement system have taken place, which have led to criticism from the European Union:

in 2024, the Law amending Act No. 300/2005 Coll. of the Criminal Code, as amended, and certain other laws [10] was adopted. The law introduced reforms that: abolished the body that had been responsible for investigating the most high-profile corruption cases and organized crime for 20 years—the Specialized Anti-Corruption Prosecution Office—and transferred its functions to regional prosecution offices; reduced limitation periods for serious crimes (including

corruption); changed the classification of damages and reduced sanctions for economic crimes, allowing custodial sentences to be replaced with suspended sentences or fines;

in 2024, the department for combating organized crime (NAKA) was reorganized through internal orders of the Ministry of Internal Affairs of Slovakia [11]. The reorganization of units combating organized crime weakened the institutional capacity of the law enforcement system to counter corruption and organized criminal groups.

These changes are characterized as negative and are criticized by the European Union, leading to a range of consequences. «On 21 November 2025, the European Commission decided to initiate an infringement procedure against Slovakia for failure to comply with the fundamental principles of EU law. By sending a letter of formal notice, the Commission specifically targeted a recent constitutional amendment in Slovakia that allows Slovak authorities, including courts, to assess whether and to what extent European Union law applies in Slovakia, including decisions of the Court of Justice of the European Union. This contradicts the principle of the rule of law of the European Union, which is a fundamental element of the EU legal order, together with the principles of autonomy, effectiveness, and uniform application of EU law. The Commission also noted that the amendments were adopted without taking into account the concerns previously expressed by the Commission. Recent legislative changes introduced by the Slovak government have raised concerns within the institutions of the European Union. There are fears that they may have negative consequences for media freedom and civil society, as well as for Slovakia's ability to combat corruption and prevent the misuse of European Union funds. On 10 September 2025, Members of the European Parliament discussed with representatives of the Commission and the Danish Presidency of the Council of the European Union how to counter democratic backsliding and threats to EU values in the country» [25].

Based on the analysis of annual reports on the application of the Charter by EU Member States [12], it is possible to identify the most frequently violated articles by individual states (Table 3).

Table 3

Violations of the Charter of Fundamental Rights of the European Union based on reports [13]

Country	Articles	Country	Articles
Hungary	7, 8, 21, 47	Greece	1, 4, 6, 18
Poland	47, 48	Croatia	4, 18, 19
Slovakia	47, 48	Bulgaria	47
Romania	4, 47	Italy	47
France	6, 7, 8	Spain	6, 7, 8

An analytical assessment of EU practice indicates that the most problematic in terms of compliance with the provisions of the Charter of Fundamental Rights remain those states where there is a weakening of judicial independence, politicization of the prosecution service, disproportionate use of police powers, and violations of migrants' rights. It is important to note the geographical dimension of this issue: Northern European countries demonstrate a minimal number of Charter violations, whereas countries of the Visegrad Group and Romania show signs of procedural backsliding.

The conducted analysis has shown that the European Union does not impose a unified model for organizing police, prosecution services, or special agencies on Member States; however, it establishes binding standards for their functioning. It has been determined that the EU's requirements for the law enforcement systems of Member States are based not on structural unification but on compliance with supranational standards of the rule of law and respect for human rights. The key regulatory instruments are EU primary law and the Charter of Fundamental Rights, which define the limits of permissible state interference in the private sphere and guarantee the independence of the justice system. These acts enshrine the principles of the rule of law, political neutrality of law enforcement agencies, independence of the prosecution and judiciary, as well as guarantees of human rights.

An important component is also the requirement for international police cooperation, information exchange, and joint counteraction to cross-border crime. EU practice demonstrates that in cases of deviation from common standards, political, legal, and financial mechanisms of influence are applied. The institutional resilience of Ukraine's law enforcement agencies will be determined by their ability to integrate into the EU's common security space on the basis of transparency and integrity. For Ukraine, the European integration of the law enforcement system means not copying foreign models, but building its own effective system compatible with European standards. The priorities should include institutional independence, professional capacity, effective democratic oversight, and respect for human rights.

7. Conclusions and prospects for further research

The conducted study has established that the European Union does not create a unified model for organizing the law enforcement systems of Member States; however, it defines binding supranational standards for their functioning, based on the principles of the rule of law, respect for human rights, political neutrality, and institutional independence of law enforcement bodies. A key role in this process is played by the provisions of EU primary law (TEU, TFEU) and the Charter of Fundamental Rights of the European Union, which establish the limits of permissible state interference and guarantee procedural rights of individuals.

It has been proven that the effectiveness of law enforcement systems within the EU legal framework is assessed not only by indicators of crime control but also by the level of compliance with fundamental rights and freedoms, transparency of activities, and the existence of effective mechanisms of democratic oversight. It has been determined that violations of these standards in Member States (in particular Poland, Hungary, and Slovakia) lead to the application

of political, legal, and financial instruments of influence by EU institutions, including infringement procedures and restrictions on funding.

EU practice demonstrates the existence of a systemic relationship between the level of institutional independence of law enforcement agencies and the degree of a state's compliance with European value-based legal standards. In this context, the European integration of Ukraine's law enforcement system should be considered as a process of deep institutional transformation rather than a formal borrowing of organizational models.

Prospects for further research lie in the need for a more detailed analysis of the mechanisms for implementing EU *acquis* norms into the national legislation of Ukraine in the field of criminal justice and law enforcement, particularly in terms of harmonizing procedural standards, digitalizing law enforcement procedures, and developing systems of international police cooperation. Separate scientific attention should be given to assessing the effectiveness of reforms through indicators of public trust, levels of corruption risks, and the institutional capacity of law enforcement agencies in the long term.

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