О. М. Бодунова,
О. В. Хмизова,
Т. В. Пілюгіна

LEGAL ENGLISH (IN DIAGRAMS)



Навчальний посібник

ДЕРЖАВНИЙ ПОДАТКОВИЙ УНІВЕРСИТЕТ

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ПЕРЕДМОВА

Навчальний посібник «Legal English (in Diagrams)» розроблений для здобувачів вищої освіти першого (бакалаврського) рівня спеціальностей D8 Право і К9 Правоохоронна діяльність, розрахований на рівень мовної підготовки B1 відповідно до Загальноєвропейських рекомендацій з мовної освіти (CEFR) і спрямований на інтегрований розвиток чотирьох видів мовленнєвої діяльності (говоріння, аудіювання, читання та письмо), що забезпечують формування й розвиток іншомовної комунікативної компетентності, потрібної для ефективного міжкультурного, міжособистісного та професійного спілкування в усній і письмовій формах.

Посібник може використовуватись як основний або додатковий навчальний матеріал з дисципліни «Іноземна мова (за професійним спрямуванням)».

Концептуальною основою посібника є підхід інтегрованого навчання мови й фахового змісту, тобто правова тематика кожного розділу є одночасно предметом вивчення та контекстом для засвоєння граматичного матеріалу. Правовий зміст відповідає чинному законодавству України й вимогам Європейського Союзу; граматичний матеріал відібрано за принципом функціональної значущості для відповідного фахового дискурсу.

Зміст посібника орієнтований на опанування правничої англійської мови як засобу професійного спілкування, участі в професійних дискусіях, підготовки усних і письмових повідомлень правової та правоохоронної тематики, а також на ознайомлення з основами правових систем України й зарубіжних країн у порівняльному аспекті.

Системне опрацювання матеріалу посібника гарантує формування іншомовної фахової комунікативної компетентності, що забезпечує здатність оперувати поняттями українського та міжнародного права англійською мовою в реальних фахових ситуаціях.

Навчальний посібник містить 16 тематичних розділів, кожен з яких має уніфіковану структуру із 7 складових для забезпечення послідовності та системності навчального процесу.

Читання, аудіювання, говоріння й письмо представлені в кожному розділі, що обумовлює збалансований розвиток усіх мовленнєвих компетентностей відповідно до стандартів CEFR. Наявна в посібнику різноманітність жанрів правничого мовлення, зокрема

дефініція, консультація, судовий виступ, дебати, редагування та юридичний брифінг, формують жанрову компетентність, потрібну для фахової діяльності.

Структура посібника

Структурний елемент	Дидактична функція	Рівні за таксономією Б. Блума
Тематичні блоки (X.1–X.4)	Системне введення правового матеріалу; ключові терміни в двомовному контексті; схеми понять	*1–2: пам'ятати, розуміти*
Grammar Review	Форма → функція → уникнення типових помилок: усвідомлене засвоєння граматичної структури	*1–3: пам'ятати → застосувати*
Section A: Reading (Tasks 1–2)	Рецептивний аналіз граматичних структур у юридичних текстах; порівняння конструкцій	*2–4: розуміти → аналізувати*
Section B: Listening (Tasks 3–4)	Розвиток аудитивних навичок; критичне сприйняття мовлення	*2–5: розуміти → оцінювати*
Section C: Speaking (Tasks 5–8)	Усне продукування: монолог, діалог, рольова гра, дебати	*3–6: застосувати → створювати*
Section D: Writing (Tasks 9–12)	Письмове продукування: дефініція, редагування, юридичний брифінг	*3–6: застосувати → створювати*
Quiz (X.6)	Інтегрований підсумковий самоконтроль граматичних і правових знань; ключі та шкала оцінювання	*1–3: мовний і фаховий самоконтроль*
Glossary (X.7)	Двомовний термінологічний мінімум; дефініції академічного стилю як зразок жанру	*1–2: довідкова й навчальна функції*

Нумерація підрозділів побудована за схемою X.1–X.7, де X – порядковий номер розділу. Практичні завдання викладено в підрозділі X.5 і поділено на чотири секції (A–D), що відповідають чотирьом видам мовленнєвої діяльності. Аудіозаписи завдань секції B (Listening) розміщено на порталі дистанційної освіти Державного податкового університету (URL: https://moodle.dpu.edu.ua/course/view.php?id=3329, курс «Іноземна мова (за професійним спрямуванням)»).

Двомовний термінологічний глосарій (X.7) є зразком написання академічних юридичних дефініцій, існує засобом формування правничого словникового запасу.

Правовий матеріал кожного розділу відібрано відповідно до двох критеріїв: *навчальна значущість* (відповідність програмі підготовки бакалаврів зі спеціальностей D8 Право та K9 Правоохоронна діяльність) і *дискурсивна продуктивність* (достатність матеріалу для опрацювання широкого спектру жанрів правничого мовлення). У межах кожного розділу матеріал розгортається від загального до часткового: базові поняття галузі → окремі інститути → прикладні й порівняльні питання.

Граматичний матеріал визначається принципом функціональної значущості: обирається та граматична структура, без якої неможливо грамотно й стилістично коректно висловлюватися в межах відповідної правової теми. Подача здійснюється за єдиною схемою: *форма* (як утворюється) → *функція* (коли і з якою метою вживається) → *уникнення поширених помилок*. Таке триланкове структурування забезпечує усвідомлене засвоєння граматики в правовому контексті.

Система завдань побудована відповідно до вдосконаленої таксономії освітніх цілей Б. Блума та послідовно охоплює всі шість рівнів когнітивної діяльності: від відтворення форм і термінів (рівні 1–2) через їхнє застосування й аналіз (рівні 3–4) до оцінювання та самостійного продукування правничих текстів (рівні 5–6). Кожне завдання позначено когнітивним маркером, що вказує на відповідний рівень мислення. Наявна трирівнева підтримка (інструкція → вказівки → NB-пояснення) й поступове її зменшення розвивають навички автономного навчання.

Алгоритм опрацювання тематичного розділу

Рекомендований обсяг роботи з кожним розділом становить 6–8 аудиторних годин і 3–4 години самостійної роботи. Опрацювання доцільно здійснювати в такій послідовності:

Крок	Дія здобувача	Форма роботи	Рівень за таксономією Б. Блума
1	Ознайомлення з тематичними блоками X.1–X.4; виписування термінів, звернення до глосарію	самостійна; до аудиторного заняття	*1–2: пам'ятати, розуміти*
2	Опрацювання Grammar Review: таблиця форм, правила вживання, типові помилки	самостійна / аудиторна	*1–3: пам'ятати → застосувати*
3	Виконання Tasks 1–4 (Reading, Listening): ідентифікація, класифікація, критичне слухання	аудиторна; парна / індивідуальна	*2–4: розуміти → аналізувати*
4	Виконання Tasks 5–8 (Speaking): монолог, рольова гра, виступ, дебати	аудиторна; парна / групова	*3–6: застосувати → створювати*
5	Виконання Tasks 9–12 (Writing): дефініція, редагування, брифінг	самостійна / аудиторна	*3–6: застосувати → створювати*
6	Виконання Quiz без допоміжних матеріалів; самооцінювання за ключами; повторне опрацювання підрозділів за результатом нижче 50 %	самостійна	*1–3: підсумковий контроль (самоконтроль)*

Наведена послідовність є методично обґрунтованою, пропускати або змінювати порядок кроків не рекомендується.

Посібник передбачає такі обов'язкові форми **самостійної роботи**:

– *підготовче читання:* до кожного аудиторного заняття здобувач самостійно опрацьовує тематичні блоки відповідного розділу та Grammar Review, виписує незнайомі терміни й уточнює їхнє значення в глосарії;

– *термінологічна практика* (після завершення розділу рекомендується скласти 8–10 оригінальних речень із термінами глосарію в нових контекстах (рівень «застосувати» за таксономією Б. Блума) для розвитку активного словникового запасу);

– *письмові завдання:* Tasks 9–12 можуть виконуватися повністю або частково як домашнє завдання з наступною аудиторною перевіркою або взаємоперевіркою;

– *підготовка до усних завдань:* Tasks 7 і Task 8 потребують домашньої підготовки (складання плану, відпрацювання ключових фраз, повторного звернення до NB-блоків);

– *самотестування:* проходження інтегрованого тесту має на меті визначення рівня сформованості цільових компетентностей у єдиному форматі, що відображає нерозривну природу правничої комунікації. Quiz виконується без допоміжних матеріалів. Результат нижче 50 % є сигналом для повторного опрацювання відповідних підрозділів перед підсумковим контролем.

Систематична робота за навчальним посібником «Legal English (in Diagrams)» сприяє розвитку аналітичного мислення, здатності аргументовано висловлювати власну позицію іноземною мовою, встановлювати причинно-наслідкові зв'язки в правових і правоохоронних процесах, а також формуванню готовності до міжнародної професійної взаємодії з урахуванням соціокультурних особливостей правничої та правоохоронної діяльності.

UNIT 1
EVOLUTION OF LAW AND LEGAL TRADITIONS

1.1. THE CONCEPT OF LAW AND ITS DEVELOPMENT
1.2. LAWS OF ANCIENT CIVILIZATIONS
1.3. ROMAN LAW AND ITS INFLUENCE
1.4. EUROPEAN LEGAL TRADITIONS
1.5. TASKS
1.6. QUIZ
1.7. GLOSSARY

1.1. THE CONCEPT OF LAW AND ITS DEVELOPMENT

EVOLUTION OF LAW is the gradual development and transformation of legal rules, institutions, and systems over time as societies change. It describes how law moves from simple customary rules in early societies to complex modern legal systems that regulate social relations, protect rights, and maintain order.

EVOLUTION OF LAW | Еволюція права

From primitive customs to modern international legal systems

KEY FACTORS INFLUENCING THE EVOLUTION OF LAW

FACTOR	INFLUENCE ON LEGAL DEVELOPMENT	EXAMPLE
Social change	New social relations require new laws	Family law reforms
Political development	Changes in government affect legal systems	Constitutional reforms
Economic development	Trade and industry create new legal rules	Commercial and corporate law
Cultural traditions	Cultural values shape legal norms	Customary law traditions
Technological progress	New technologies require new regulation	Cyber law and data protection

KEY ACHIEVEMENTS IN THE EVOLUTION OF LAW

ACHIEVEMENT	DESCRIPTION	EXAMPLE
Codification of law	Systematic collection of laws	Napoleonic Code
Constitutional government	Establishment of fundamental laws of the state	United States Constitution
Rule of law	Law is above rulers and citizens equally	Magna Carta
Human rights protection	Recognition of universal human rights	Universal Declaration of Human Rights

PERIOD	TIMEFRAME	MAIN CHARACTERISTICS	EXAMPLES
PRIMITIVE LAW	Prehistoric societies	Based on customs and traditions; unwritten rules; strong connection with religion and morality; collective responsibility	Tribal rules, decisions of elders
ANCIENT LAW	Ancient civilizations	Emergence of written legal codes; development of state authority; early judicial systems	Code of Hammurabi, Twelve Tables
MEDIEVAL LAW	5th–15th centuries	Mixture of feudal law, church law, and customary law; strong religious influence	Magna Carta
EARLY MODERN LAW	16th–19th centuries	Rise of nation-states; codification of laws; development of constitutional principles	United States Constitution, Napoleonic Code
MODERN LAW	20th–21st centuries	Growth of international law; protection of human rights; globalization and digital regulation	Universal Declaration of Human Rights

MODERN TRENDS IN LAW DEVELOPMENT

TREND	DESCRIPTION
Globalization	Harmonization of legal systems worldwide
Humanization	Focus on human rights and freedoms
Digitalization	Emergence of cyber law and IT regulation
Internationalization	Increasing role of international law

LAW | Право

A system of generally binding rules of conduct established by the state · Backed by compulsion · Regulating social relations

▼ distinguished from other social norms by three features ▼

FORMAL EXPRESSION

Формальна визначеність

- Enacted in written, authoritative texts
- Constitutions, codes, statutes, regulations
- Not merely customary or moral
- Must be publicly accessible

UNIVERSAL BINDINGNESS

Загальнообов'язковість

- Applies to all persons in the jurisdiction
- Not limited to members of a group
- Binding regardless of individual consent
- Distinguishes law from voluntary norms

STATE ENFORCEMENT

Державний примус

- State guarantees compliance
- Courts, police, and sanctions back the rule
- Distinguishes law from moral and religious norms
- Violation may trigger state coercion

▼ the classical three-part structure of a legal norm ▼

HYPOTHESIS *Гіпотеза*	DISPOSITION *Диспозиція*	SANCTION *Санкція*
The conditions under which the rule applies. It defines the factual situation that triggers the operation of the legal norm. *Example: When a red traffic signal is displayed…*	The actual rule of conduct – the right or obligation that the norm prescribes, permits, or prohibits in the defined factual situation. *Example: …the driver must stop.*	The legal consequence of non-compliance – the penalty, liability, or other adverse effect that the state may impose on those who violate the rule. *Example: …a fine for failure to stop.*

▼ two competing theories – what makes law valid? ▼

NATURAL LAW *Природне право*	LEGAL POSITIVISM *Правовий позитивізм*
Universal, immutable principles of justice exist above positive law, discoverable by reason or inherent in human nature. Positive law is only valid insofar as it conforms to these higher principles. Unjust law is not true law.	Law is a social fact: valid law consists of rules properly enacted through recognized procedures by competent authorities. Validity is a question of social fact, not moral evaluation.

NB: The distinction between natural law (природне право) and positive law (позитивне право) is the oldest and most fundamental debate in legal philosophy. Natural law thinking underpins declarations of human rights; legal positivism shapes modern constitutional systems in which the validity of law is tested against formal procedures rather than moral content.

LEGAL TRADITIONS | Правові традиції

Historically developed systems of legal principles shaping how law is created, interpreted, and applied

Major Legal Traditions – Features, Comparison & Influence

CIVIL (MODERN CONTINENTAL) LAW *Цивільне (сучасне континентальне) право*	COMMON LAW *Загальне право*
• Based on codified statutes and legislation • Laws written and systematized; judges apply, not create, law • Regions: Europe, Latin America, parts of Asia • Main source: codes and statutes; highly codified • Role of judges: apply and interpret written law • Key document: Napoleonic Code • ***Influence on modern law: development of comprehensive legal codes***	• Based on judicial precedents and court decisions • Courts play a central role; stare decisis (precedent) is binding • Regions: United Kingdom, USA, Canada, Australia • Main source: judicial precedents; limited codification • Role of judges: create and interpret law through decisions • Key principle: stare decisis – courts follow prior decisions • ***Influence on modern law: doctrine of judicial precedent and case law***

RELIGIOUS LAW *Релігійне право*	CUSTOMARY LAW *Звичаєве право*
• Derived from religious doctrines and sacred texts; Middle East, some Asian countries • Source: sacred texts; judges interpret religious rules; usually not codified • Law and religion are closely connected • ***Influence: ethical and moral foundations of modern law***	• Based on traditions and customs of communities; Africa, indigenous communities • Mostly unwritten; passed through generations; community leaders resolve disputes; not codified • ***Influence: recognition of traditional community norms***

▼ four main sources of law – weighted differently across traditions ▼

CUSTOM *Звичай*	LEGISLATION *Нормативно-правовий акт*	JUDICIAL PRECEDENT *Судовий прецедент*	GENERAL PRINCIPLES *Загальні принципи права*
Oldest source – community practice accepted as binding • Precedes and underpins written law • Still operative in some systems • Ruska Pravda codified Slavic custom	Primary source in civil law systems • Constitutions, codes, statutes, decrees • Most authoritative formal source • Code Napoléon, BGB, Ukrainian Civil Code	Primary source in common law systems • Binding on lower courts (stare decisis) • Persuasive in civil law systems • Donoghue v Stevenson (1932)	Applied when other sources are silent • Good faith, equity, proportionality • Recognized in all legal systems • Core of natural law heritage

NB: Codification (кодифікація) is the decisive technical instrument of legal development – the moment when accumulated custom, judicial decisions, and legislative fragments are rationalized into a single, internally consistent legislative act.

1.2. LAWS OF ANCIENT CIVILIZATIONS

ANCIENT LEGAL CODES | Закони давніх цивілізацій

The earliest state-backed written rules · Replacing blood feud with public adjudication · Mesopotamia to Athens

▼ key ancient codes – in chronological order ▼

Code / Law	Date & Origin	Key features and contribution
Laws of Ur-Nammu	*c. 2100 BCE · Sumer*	Oldest known written legal code. Covers personal injury, family, and agriculture. Distinctive feature: monetary compensation for bodily harm rather than physical retaliation – notable sophistication predating Hammurabi by three centuries.
Code of Hammurabi	*c. 1754 BCE · Babylon*	282 provisions inscribed on basalt stele. Organizes law by subject: property, family, commerce, criminal offences. Establishes lex talionis. Differentiates sanctions by social class (free man / freedman / slave). Presented as received from the sun-god Shamash.
Law of Moses (Torah)	*c. 12th–6th century BCE · Israel*	Pentateuchal law encompassing ritual, criminal (Decalogue), family, property, and social welfare. Foundation of Jewish religious law (halakha). Formulates lex talionis. Profoundly influenced the moral foundations of Western law and Christian canon law.
Laws of Manu (Manusmriti)	*c. 200 BCE–200 CE · India*	Foundational Hindu Dharmashastra text. Prescribes duties for each of the four varnas (social classes). Covers family, property, inheritance, criminal offences, and royal duties. Synthesis of legal and political philosophy in the Indian tradition.

Draconian Law of Athens	*c. 621 BCE · Athens*	First written law of Athens. Replaced blood feud with public prosecution and written standards. Notorious for severity – reportedly prescribing death for nearly all offences. Origin of the adjective 'draconian'.
Laws of Solon	*c. 594 BCE · Athens*	Reformed and largely replaced Draco's code. Abolished debt slavery. Opened courts to all citizens. Restructured the constitution by property class. Landmark in law as an instrument of social reform.
Twelve Tables of Rome	*c. 450 BCE · Rome*	First written codification of Roman law on twelve bronze tablets. Publicly displayed in the Forum. Covered procedure, property, succession, family, torts, and criminal matters. Foundational text of the Roman legal tradition for centuries.
Cuneiform law collections	*c. 2300–600 BCE · Mesopotamia*	Body of law recorded on clay tablets (Hammurabi, Ur-Nammu, Lipit-Ishtar) plus thousands of private contracts, court records, and administrative documents. Demonstrates sophisticated private legal transactions in daily practice alongside royal codes.

KEY PRINCIPLES OF ANCIENT LAW

PRINCIPLE	EXPLANATION
Divine authority	Laws were believed to come from gods or divine rulers
Social inequality	Different rules for different social classes
Harsh punishments	Severe penalties to maintain order
Tradition and custom	Laws often based on long-standing practices
Collective responsibility	Families or groups could be punished together

CONTRIBUTIONS TO MODERN LAW

CIVILIZATION	CONTRIBUTION
Mesopotamia	Written legal codes
Egypt	Idea of justice and moral order
India	Connection between law and religion
China	Legal philosophy (Confucianism, Legalism)
Greece	Democracy and citizen participation
Rome	Legal system structure, civil law tradition

COMPARISON OF ANCIENT LEGAL SYSTEMS

ASPECT	MESOPOTAMIA	EGYPT	GREECE	ROME
Source of Law	King	Pharaoh (divine)	Citizens, lawmakers	Senate, assemblies
Equality	No	Limited	Partial	More developed
Written Laws	Yes	Limited	Yes	Yes
Punishments	Harsh	Moderate	Varied	Systematic

1.3. ROMAN LAW AND ITS INFLUENCE

ROMAN LAW | Римське право

Legal system of ancient Rome spanning over a millennium · The most important historical source of Western private law

▼ three co-existing bodies of Roman law ▼

IUS CIVILE *Ius civile* *(цивільне право)*	IUS GENTIUM *Ius gentium* *(право народів)*	IUS PRAETORIUM *Претор і преторське право*
Core Roman law for citizens only • Derived from Twelve Tables, leges, senatusconsulta • Jurists' interpretation and writings • Rigid formal requirements • Access via legis actio – ancient civil procedure • The exclusive preserve of Roman citizens	Law for all peoples regardless of citizenship • Governed commercial dealings with foreigners • Based on universal reason – Gaius and Ulpian • Conceptual bridge between Roman and natural law • Flexible – no strict formalities required • Foundation of later international law theory	Praetor's annual published edict • Supplemented and corrected the ius civile • Actio in factum for novel situations • Key instrument of equitable justice • Fixed by Hadrian c. 130 CE • Model for common law equity in parallel development

▼ four branches of Roman private law – the Gaian structure ▼

LAW OF PERSONS *Право осіб*	LAW OF THINGS *Речове право*	LAW OF OBLIGATIONS *Зобов'язальне право*	LAW OF ACTIONS *Процесуальне право*
Legal capacity and status • Citizen, slave, freedman • Patria potestas – father's authority • Guardianship (tutela and cura) • Persona – legal personality	Ownership (dominium) Possession (possessio) • Iura in re aliena – limited real rights • Usufruct, servitudes, pledge • Roman property distinctions survive in every civil code	Contracts – four principal types • Real, verbal, literal, consensual • Delicts – wrongful acts • Ulpian: contracts, quasi-contracts, delicts, quasi-delicts • Most durable element of Roman private law	Procedure and remedies • Legis actio – archaic formulaic procedure • Formulary procedure – classical era • Cognitio extraordinaria – late Empire • Actio in personam vs actio in rem

NB: Gaius's division of private law into persons, things, and actions (особи, речі, позови) – set out in his Institutes around 160 CE – became the foundational tripartite architecture of European civil law, reproduced in Justinian's Institutes, the Code Napoléon, and the Ukrainian Civil Code. It is the deepest structural legacy of Roman law in modern legal systems.

CORPUS JURIS CIVILIS | Corpus Juris Civilis

The great codification of Justinian I (527–565 CE) · Compiled 529–534 CE · Foundation of European civil law

▼ four parts of the Corpus Juris Civilis ▼

CODEX *Кодекс*	**DIGEST (PANDECTAE)** *Дигести (Пандекти)*	**INSTITUTES** *Інституції*	**NOVELS (NOVELLAE)** *Новели*
Imperial constitutions from Hadrian to Justinian • Organised by subject matter • First edition 529 CE; revised 534 CE • Authoritative collection of imperial legislation • Repealed all earlier imperial constitutions not included	50 books of classical jurists' writings • Gaius, Papinian, Ulpian, Paul, Modestinus • Given statutory force by Justinian (533 CE) • Most juristically rich component • Ulpian: justice is the constant will to render each their due	Student textbook modelled on Gaius • Persons, things, and actions – the three-part scheme • Officially promulgated with force of law • Gateway to legal education for 1,500 years • Reproduced in all subsequent civilian legal education	New legislation post-534 CE • Justinian's own laws added after codification • Mostly in Greek – the living language of the East • Supplemented the fixed Codex • Less systematized than the other three parts

▼ the transmission of Roman law to medieval and modern Europe ▼

GLOSSATORS (11th–13th c.) *Глосатори · Болонья*	COMMENTATORS (13th–15th c.) *Коментатори · Бартол і Бальд*	IUS COMMUNE (12th–18th c.) *Ius commune – загальне право*
First scholars of Justinian's texts at Bologna from c. 1088. Explained the texts by interlinear and marginal glosses. Accumulated into the Glossa Ordinaria of Accursius (c. 1230) – the authoritative reference for Roman law study throughout medieval Europe. A text without Accursius was inadmissible in court.	Successors to the Glossators – Bartolus of Saxoferrato and Baldus de Ubaldis. Moved beyond textual explanation to systematic doctrinal synthesis, combining Roman law with canon law, feudal law, and city-state statutes. Made Roman law practically applicable to contemporary conditions. Developed conflict of laws.	The shared body of learned law – Roman and canon law as taught in universities – serving as a common subsidiary legal order across Latin Christendom. Applied by courts where local custom was silent. Provided the conceptual framework for interpreting local law. Its concept of bona fides permeated every European contract law.

NB: The reception of Roman law (рецепція римського права) – launched by the rediscovery of the Digest at Bologna around 1070 CE – is the single most important event in European legal history after Justinian's codification itself. Over four centuries, it transformed local Germanic custom into a learned, systematized private law tradition that still underpins the civil law of Ukraine, Germany, France, and most of the world.

1.4. EUROPEAN LEGAL TRADITIONS

LEGAL TRADITIONS are historically developed systems of legal principles, rules, institutions, and practices that shape how law is created, interpreted, and applied in different societies. They reflect a society's history, culture, philosophy, and social values, and they influence the structure of legal systems and the way justice is administered.

TWO PRINCIPAL LEGAL TRADITIONS | Дві основні правові традиції

Civil law (Romano-Germanic) vs Common law – the defining divide in comparative law

▼ systematic comparison across eight features ▼

Feature	CIVIL LAW TRADITION	Традиція цивільного права	COMMON LAW TRADITION	Традиція загального права
Origin	Roman law → ius commune → 19th-century codification		Royal courts of medieval England from the 11th century	
Primary source of law	Comprehensive written codes (enacted legislation)		Judicial precedent (case law); statutes supplement judge-made law	
Role of precedent	Persuasive, not formally binding; decisions may guide courts		Binding – stare decisis: lower courts must follow higher court decisions	
Legal reasoning	Deductive: general rule → application to specific case		Inductive: principles derived from decided cases upward	
Codification	Systematic comprehensive codes (Code Napoléon, BGB, Ukrainian Civil Code)		No general civil code; common law rules-built case by case	

Procedure	Inquisitorial tradition – judge more active	Adversarial – parties and lawyers drive the proceedings
Public / private law distinction	Sharp theoretical distinction	Historically less developed; merged in practice
Geographic reach	Continental Europe, Latin America, East Asia, Ukraine	England, USA, Australia, Canada, India, former British territories

▼ the common law's unique contribution – equity ▼

EQUITY	STARE DECISIS	MIXED SYSTEMS
Право справедливості	*Дотримання прецеденту* ·	*Змішані правові системи*
Developed by the English Court of Chancery from the 15th century to correct injustices arising from strict common law application. Introduced: the trust, specific performance, injunctions, and equitable estoppel. Fused with common law by the Judicature Acts 1873–1875.	Courts are bound to follow the legal rules established in prior decisions of equal or superior courts. Donoghue v Stevenson (1932): once the House of Lords decided manufacturers owe a duty of care to consumers, every English court was bound by that rule.	Systems combining elements of both traditions: Scotland, South Africa, Quebec, Louisiana (civil law private law + common law public/procedure); some post-colonial states add customary or religious law. Reflect the reality of legal pluralism.

NB: The defining distinction between civil law and common law is not codification (common law systems also have statutes) but the role of judicial precedent. Stare decisis (дотримання прецеденту) makes prior court decisions a primary source of binding law in common law systems – a function that written codes perform in civil law systems. Ukraine's legal system belongs unambiguously to the civil law tradition.

1.5. TASKS

Grammar focus: **pronouns** (personal, relative, demonstrative, reflexive, indefinite), **nouns** (countable, uncountable, proper, collective, noun phrases in legal terminology), and **articles** (definite, indefinite, zero article) – with particular attention to the rules governing articles with geographical names, historical periods, legal institutions, and the names of treaties and codes that appear throughout the history of law.

GRAMMAR REVIEW

Topic / Rule	Category	Example
No article: most countries	*Zero article*	Babylon, Egypt, Greece, and India each produced distinctive legal traditions that influenced later civilizations.
No article: most cities	*Zero article*	Babylon was the seat of Hammurabi's royal court.
The + unique geographical features: mountain ranges, deserts rivers, seas	*Definite article*	The Nile provided the geographic context for Egyptian law. The Mediterranean connected the legal cultures of Rome, Greece, and the Near East.
The + plural place names (islands, mountains, states)	*Definite article*	The Netherlands transmitted Roman-Dutch law to South Africa. The British Isles developed a distinct common law tradition.
The + names with of: Kingdoms, Republics, Empires	*Definite article*	The Code of Hammurabi was inscribed on a basalt stele. The Kingdom of Babylon produced the oldest substantially preserved legal code.

No article: names of languages, academic subjects	*Zero article*	Latin was the language of *ius commune* across medieval Europe. Comparative law identifies common patterns across different civilizations.
The + unique institutions (named by function, not proper name)	*Definite article*	The praetor supplemented Roman *ius civile* through the annual edict. The Glossators annotated Justinian's texts at Bologna.
A/an + first mention of a countable noun	*Indefinite article*	A code is a comprehensive, internally consistent legislative act. A legal norm consists of a hypothesis, a disposition, and a sanction.
The + second and subsequent mention	*Definite article*	Hammurabi promulgated a code. The code comprised 282 provisions and was inscribed on a stele.
No article: proper names of codes, treaties, acts (when used as titles)	*Zero article*	Corpus Juris Civilis transformed European private law for a millennium. Ruska Pravda codified early Slavic customary norms.
Countable nouns: can be singular / plural with a/an/the	*Countable noun*	A code, a norm, a custom, a court, a treaty, a jurist – all countable: The Twelve Tables were twelve bronze tablets.
Uncountable nouns: no plural, no a/an; use the or zero article	*Uncountable noun*	Law, justice, equity, codification, jurisprudence, legislation, custom, and evidence are uncountable in legal English.

Proper nouns: names of persons, places, codes, historical periods (usually no article)	*Proper noun*	Justinian, Hammurabi, Solon, Gaius, Savigny, Grotius – names of legal figures take no article. Similarly: Byzantine influence transmitted Roman law to Kyivan Rus.
Collective nouns: a group as a unit	*Collective noun*	The commission compiled the Corpus Juris Civilis. The faculty is debating the reform proposal.
Noun phrases in legal history: noun + noun or noun + of + noun	*Noun phrase*	Blood feud, legal norm, natural law, legal tradition, rule of law, lex talionis – compound noun phrases that form fixed legal historical terminology.
Personal pronouns: subject and object forms	*Personal pronoun*	Justinian commissioned the compilation. He did not write it himself – he entrusted the task to Tribonian and his commission.
Relative pronouns: who (persons), which (things), that (persons and things), whose (possession)	*Relative pronoun*	Hammurabi, who ruled Babylon c. 1754 BCE, promulgated a code which comprised 282 provisions. The Digest, which Tribonian compiled, contained excerpts from jurists whose opinions had shaped classical Roman law.
Demonstrative pronouns: this/these (near), that/those (distant or already mentioned)	*Demonstrative pronoun*	This code regulated property, family, and criminal matters. That tradition – the Roman – eventually shaped all of Western private law. These principles are foundational; those that emerged later built upon them.

Reflexive pronouns: -self/-selves (subject = object; emphasis)	*Reflexive pronoun*	Justinian himself supervised the compilation of the Corpus Juris Civilis. The norm itself consists of three structural elements. Medieval jurists applied themselves to making Roman law practically usable.
Indefinite pronouns: someone/anyone/ no one, something/ anything/nothing, everyone/ everything	*Indefinite pronoun*	In archaic societies, anyone who killed without compensation risked unlimited blood feud. Nothing in the Twelve Tables limited the praetor's creative authority.

1. ARTICLES WITH GEOGRAPHICAL NAMES IN LEGAL HISTORY TEXTS

Geographical names create some of the most consistent article errors in legal history writing. The rules are largely predictable once learned, but they must be applied consciously.

NO ARTICLE (zero article):

Countries: *France, Germany, Ukraine, Egypt, India, China, Japan, Rome (as city-state) /* ***Continents****: Europe, Asia, Africa (exception: use the Americas) /* ***Cities:*** *Babylon, Athens, Bologna, Paris, London, Kyiv/* ***Most lakes****: Lake Hammurabi's stele was found near modern Iran* ***Languages and academic subjects*** *(always zero): Latin was the language of ius commune. Roman law was received across Europe.*

DEFINITE ARTICLE the:

Rivers and seas*: the Tigris, the Nile, the Euphrates, the Rhine, the Mediterranean, the Aegean / Mountain ranges: the Alps, the Himalayas /* ***Groups of islands****: the Aegean islands, the British Isles /* ***Plural country names****: the Netherlands, the Philippines, the United States /* ***Names with of****: the Kingdom of Babylon, the Republic of Venice, the University of Bologna /* ***Named unique things****: the Forum (in Rome), the Digest /* ***Unique historical periods*** *when used with a defining description: the classical period of Roman jurisprudence, the medieval university tradition.*

NB: Rome (city, no article) vs the Roman Empire (political entity, the) / Mesopotamia (region name, no article) vs the civilization of Mesopotamia (the + noun + of) / medieval Europe (no article before adjective + continent) vs the Europe of the 12th century (specific defined time reference)

2. ARTICLES WITH THE NAMES OF LEGAL CODES, ACTS, AND INSTITUTIONS

Legal codes, treaties, and institutional names create a recurring challenge for law students: the same document may take the or zero article depending on how it is referred to.

THE TITLE USED AS A PROPER NAME (zero article):

When the full title or its shortened form serves as a name, no article is used: Ruska Pravda is the earliest surviving legal monument of Kyivan Rus. Code Napoléon influenced codification across the world.

THE + DESCRIPTIVE REFERENCE (definite article):

When referring to the document as a specific identified object: The Code of Hammurabi is inscribed on a basalt stele. The Ruska Pravda regulates personal injuries.

*The rule: when **the** clearly refers to a unique, already-identified object, use it.*

INSTITUTIONS: The + institution defined by its role: the praetor / the Court of Chancery / the House of Lords / the University of Bologna / Zero article when the institution name is used as a title: Bologna became a center of law. Parliament enacted the statute. Chancery developed equity.

3. NOUNS IN LEGAL HISTORICAL WRITING: COUNTABLE, UNCOUNTABLE, AND NOUN PHRASES

Distinguishing countable from uncountable nouns is one of the most practically important grammar skills in legal writing, because the choice affects articles, quantifiers, and verb agreement.

ALWAYS UNCOUNTABLE in legal English (no plural, no a/an):

law · justice · equity · legislation · codification · jurisprudence · custom · evidence · precedent (in general sense) · sovereignty · authority · statehood · feudalism · slavery · commerce · philosophy –

NB: WRONG: a legislation, an evidence, a jurisprudence are ALWAYS wrong.

COUNTABLE (have singular and plural; take a/an in singular):

a code / codes · a norm / norms · a custom (specific practice) / customs · a court / courts · a jurist / jurists · a treaty / treaties · a statute / statutes · a principle / principles · a tradition / traditions · a civilization / civilizations · a system / systems · a school (of thought) / schools · a commission / commissions

NB: NOUN PHRASES: fixed combinations that form the technical vocabulary of legal history. Always use them as a complete unit: lex talionis · ius civile · rule of law · natural law · positive law · legal tradition · legal consciousness · legal culture · customary law · judicial precedent · stages of legal development · sources of law.

NB: These are noun phrases, not free combinations: legal tradition (correct) vs law tradition (wrong).

4. PRONOUNS IN LEGAL HISTORICAL WRITING: REFERENCE, PRECISION, AND AVOIDING AMBIGUITY

Pronouns create the connective tissue of legal historical narrative – they replace repeated nouns and signal logical relationships between sentences. But in complex historical writing with multiple subjects, unclear pronoun reference is one of the most common and most serious errors.

RELATIVE PRONOUNS: who vs. which vs. that vs. whose

who – persons only: Justinian, who reigned from 527 to 565 CE, commissioned the Corpus Juris Civilis. Gaius, who wrote the Institutes c. 160 CE, organized Roman private law into three categories.

which – things, institutions, concepts (non-restrictive clauses): The Digest, which Tribonian compiled, contained 50 books of juristic excerpts.

that – restrictive clauses (things and sometimes persons): The code that Hammurabi promulgated contained 282 provisions. The principle that courts must follow prior decisions is called stare decisis.

whose – possession (persons and things): Ulpian, whose writings fill a third of the Digest, defined justice as the constant will to render to each their due. Kyivan Rus, whose customary norms were recorded in the Ruska Pravda, was the first state of the Eastern Slavs.

NB: When a sentence contains two or more potential antecedents, repeat the noun rather than using a pronoun: AMBIGUOUS: Justinian commissioned Tribonian to compile the Corpus. He did not write most of it himself. (Who – Justinian or Tribonian?) CLEAR: Justinian commissioned Tribonian to compile the Corpus. Tribonian did not write most of it himself – he drew on the writings of earlier jurists.

Reading *Tasks 1–2*	**Listening** *Tasks 3–4*	**Speaking** *Tasks 5–8*	**Writing** *Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY GRAMMAR STRUCTURES IN A LEGAL HISTORY PASSAGE

Read the passage below. Find and annotate: a) every article (a, an, the, or zero) before a geographical name or legal institution name; b) every relative pronoun (who, which, that, whose); c) five countable and five uncountable nouns. For each item, state the rule that determines your choice.

TEXT: The development of law across the ancient world followed a recognizable pattern, even though the civilizations that produced the earliest legal codes had no direct contact with each other. In Mesopotamia, a Babylonian king who governed a vast river-valley empire ordered the compilation of rules that had previously been passed on through oral custom. The code that resulted from his commission – 282 provisions inscribed on a basalt stele, later displayed in the royal city – combined criminal sanctions, family law, and commercial regulation in a single authoritative text. Egypt developed a different approach: law there was not a codified set of rules but an expression of divine order, which judges were required to embody in their decisions. Athens

brought yet another contribution – the idea that all citizens who participate in the political community are also equal before the law. This principle, which the Greeks called isonomia, represented a direct challenge to aristocratic privilege and left a lasting mark on Western legal thought. Meanwhile, on the Italian peninsula, Rome was building a legal tradition whose ambition and technical sophistication would eventually overshadow all its predecessors. Roman jurists, whose opinions accumulated over centuries, created a body of private law that Europe would not surpass for more than a thousand years.

ARTICLES: Create a table – Column 1: the noun phrase; Column 2: article used (a/an/the/zero); Column 3: the rule (e.g. the + unique geographical feature; zero article + continent; the + first mention as specific identified object; zero article + city name).

RELATIVE PRONOUNS: For each relative pronoun, state: the antecedent (what or whom does it refer to?); whether it introduces a restrictive or non-restrictive clause; and whether that could be substituted for which or vice versa – and why.

NOUNS: List five countable nouns with their article and a note on whether they could be used in the plural. List five uncountable nouns and confirm that each is used without an article or with the only.

NB: In legal history writing, the article system is not an abstract grammar exercise – every choice signals something about the noun's status: first mention, specific reference, generic concept, or proper name. Students who master article use in legal history texts are simultaneously mastering the genre conventions of academic legal writing. Pay particular attention to geographical names: the text uses both Mesopotamia (no article, region name) and the Italian peninsula (the + noun + of structure) – two different rules governing the same type of geography.

Task 2
Reading
ANALYSE

ANALYSE ARTICLE AND PRONOUN CHOICES IN FOUR VERSIONS OF THE SAME SENTENCE

Each group below presents four versions of the same sentence about legal history. Analyse: a) which versions are grammatically correct, b) what meaning or nuance differs between correct options, and c) what specific error makes the incorrect versions wrong.

GROUP A – Justinian's codification: 1. A Corpus Juris Civilis that Justinian commissioned became the foundation of European civil law. 2. The Corpus Juris Civilis, which Justinian commissioned, became the foundation of European civil law. 3. Corpus Juris Civilis, which was commissioned by Justinian, became a foundation of the European civil law. 4. The Corpus Juris Civilis that Justinian commissioned became the foundation of European civil law.

GROUP B – The Glossators: 1. The Glossators were the scholars who annotated Justinian's texts at the Bologna. 2. Glossators were scholars that annotated the Justinian's texts at Bologna. 3. The Glossators were scholars who annotated Justinian's texts at Bologna. 4. A Glossators were scholars whose annotations of the Justinian's texts became the standard reference across medieval Europe.

GROUP C – Roman law's influence: 1. Roman law, whose influence extended across Europe and beyond, is the foundation of a civil law tradition. 2. Roman law, whose influence extended across Europe and beyond, is the foundation of the civil law tradition. 3. Roman law, which influence extended across Europe and beyond, is foundation of the civil law tradition. 4. A Roman law, the influence of that extended across Europe and beyond, is the foundation of the civil law tradition.

NB: Group A tests the distinction between restrictive and non-restrictive relative clauses: which in a non-restrictive clause is separated by commas; that is used in restrictive clauses with no commas. A Corpus Juris Civilis (Group A, option 1.) is wrong because the Corpus Juris Civilis is a unique text – you cannot introduce it with the indefinite article. Group B catches the "the Bologna" error: city names never take the. Group C tests a civil law tradition vs the civil law tradition: the indefinite article implies one of several possible traditions; the definite article identifies the specific tradition that Roman law actually founded.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: ARTICLES, NOUNS, AND PRONOUNS IN LEGAL HISTORY

Listen to audio recording #1 and write the missing word – the correct article (a / an / the / – [zero]) or pronoun (who / which / that / whose / it / they / this / these) and explain your choice.

1. _____ Code of Hammurabi is the oldest substantially preserved legal code, promulgated by _____ Babylonian king c. 1754 BCE.
2. _____ lex talionis – the principle of eye for an eye – appears in _____ Mosaic law, _____ Roman law, and several other ancient legal traditions.
3. The Laws of Solon, _____ were enacted c. 594 BCE, abolished debt slavery and restructured _____ Athenian constitution.
4. Justinian I, _____ reigned from 527 to 565 CE, commissioned _____ compilation of Roman law that became known as _____ Corpus Juris Civilis

5. The Ruska Pravda, _____ is the principal legal monument of Kyivan Rus, combined Slavic customary norms with _____ princely legislation.
6. _____ Natural law theory held that _____ universal principles of justice could be discovered by reason and stood above _____ positive law.
NB: Discuss each choice after the exercise, asking students to articulate the rule.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT PRESENTATION ON THE INFLUENCE OF ROMAN LAW

Listen to a 2-minute student presentation on how Roman law spread from ancient Rome to medieval Europe and eventually shaped modern civil law systems. Evaluate: a) whether articles are used correctly with geographical names and legal terms; b) whether pronouns are accurate and unambiguous; c) whether the content correctly represents the glossary material.

Listen for and note at least three correctly used grammar structures, for example: The Corpus Juris Civilis, which Justinian compiled, became the foundation of European private law (the + named unique text; which for non-restrictive clause).
Identify at least two article errors: e.g. a Corpus Juris Civilis (wrong – unique text).
Identify at least one pronoun error: e.g. Justinian and Tribonian worked on the code; he compiled the Digest (ambiguous – which he?).
Identify at least one content error about Roman law's transmission: e.g. claiming the Corpus Juris Civilis was compiled in Rome (wrong – compiled in Constantinople).

NB: This task asks students to apply both grammatical and substantive legal knowledge simultaneously. A student who says the Roman law when discussing it as a general system has made a grammar error; a student who says Roman law was developed in Paris has made a factual error. Both are problems in a legal education context. Evaluating a peer's presentation develops the critical listening skills that future lawyers need in court, in negotiations, and in academic seminars.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DESCRIBE THE GEOGRAPHY OF ANCIENT LEGAL CIVILIZATIONS

Using the diagrams, describe the geographical spread of early legal systems in 2 minutes. Your description must use correct articles with all geographical names and include at least three relative pronouns used accurately.

Example opening: The earliest written legal codes emerged in civilizations that shared one geographical feature: they were all built around great river systems. In Mesopotamia – the land between the Euphrates and the Tigris…
Example middle: Egypt, which developed along the Nile, created a legal system whose central concept was…
Example close: What is remarkable is not just that these civilizations produced law, but…
After speaking, your partner identifies: a) any article errors with geographical names; b) any relative pronoun errors (who vs. which, restrictive vs. non-restrictive); c) one geographical name that was not mentioned that could be added.

NB: Describing the geography of legal history requires the article system to carry real informational weight. Mesopotamia (zero article, region name) vs the Euphrates (the + river) vs the land between the Euphrates and the Tigris (the + descriptive noun phrase) – all three patterns appear within a single geographical reference. Mastering this is not pedantry: it is the grammatical precision that distinguishes a careful legal scholar from an inattentive one.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: A STUDY GROUP DISCUSSING THE TRANSMISSION OF ROMAN LAW

Two students are preparing for a class on the transmission of Roman law from antiquity to modern European legal systems. Student A has read the Roman Law section; Student B has read the European Legal Traditions section. They explain their material to each other, correcting each other's grammar as they go.

SCENARIO: The topic is: How did a legal system created for the city of Rome end up shaping the private law of Ukraine, Japan, and Brazil?'
Student A (Roman Law): The story starts with the Corpus Juris Civilis…[Student B checks: Did Student A use the correct article before Corpus Juris Civilis? Did which and who refer to the right antecedents?]
Student B (European Legal Traditions): When the Digest was rediscovered at Bologna around 1070, it triggered…[Student A checks: Did which and who refer to the right antecedents?]
Together, answer the question: How many countries whose private law derives from Roman law can you name? Use which or where or whose in each sentence.'
NB: In legal practice – in court, in written submissions, in contract drafting – the ability to identify and correct pronoun and article errors in another's text is as important as avoiding them in your own.

Task 7
Speaking – Monologue
APPLY

PRESENT THE HISTORY OF LAW IN UKRAINE USING ARTICLES AND PRONOUNS CORRECTLY

Using the diagrams and glossary, present a 3-minute account of how Ukrainian law developed from its earliest origins to the modern Civil Code. Pay particular attention to correct article use with proper names, geographical references, and legal institutions.

Origins: The earliest legal norms of the Eastern Slavs were not written law but customary rules…
The Ruska Pravda: The first codification of Slavic customary law was the Ruska Pravda…
Roman and Byzantine influence: Roman law reached Ukraine not directly but through Byzantium…
The modern Civil Code: The Civil Code of Ukraine, which came into force in 2004, reflects the Romano-Germanic legal tradition in…
NB: the presentation traces a line from Mesopotamia to modern Kyiv through the grammar. Every article choice is also a historical claim: the Ruska Pravda (specific unique text), a customary rule (any one of many), customary law (the general concept). Every pronoun choice signals a logical connection. Grammar and history are inseparable.

Task 8
Speaking – Debate
ANALYSE

DEBATE: WAS THE RECEPTION OF ROMAN LAW A GAIN OR A LOSS FOR EUROPEAN LEGAL DEVELOPMENT?

Hold a structured debate. Position A argues that the reception of Roman law was the greatest single contribution to European legal development: it provided a shared conceptual vocabulary, a rational systematic framework, and a common learned law that unified the diverse legal cultures of a fragmented continent. Position B argues that the reception displaced vibrant local legal traditions, imposed an alien system on societies with their own developed customary law, and slowed the emergence of genuinely national legal cultures.

Position A opens: Consider what Europe looked like before the reception of Roman law. It was…
Position B responds: That account tells only part of the story. The customary laws that Roman law displaced were not primitive…
Both sides must: use the correctly with all named texts, institutions, and geographical references; use who for persons and which for things consistently; use whose at least twice for possession; correctly use at least three uncountable nouns from the legal vocabulary (law, custom, legislation, jurisprudence, equity, codification) without articles or with the as appropriate.
Agreed conclusion: The debate itself demonstrates something important: the same body of law – Roman law – can be evaluated very differently depending on whose interests and whose traditions we place at the center of the story. That is true of all legal history, and it is a lesson which comparative law never stops teaching.
NB: the debate plants the grammar focus in a genuinely argumentative context. The agreed conclusion uses whose twice – once for Roman law (a thing) and once for story (interests and traditions). The second whose interests and whose traditions is deliberately ambiguous: invite students to discuss whether whose is natural here or whether the interests and traditions of which people would be clearer. These are the kinds of editorial decisions that careful legal writers make every time they revise a text.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY USING CORRECT ARTICLES AND PRONOUNS

Choose one term from the glossary. Write a complete original entry: the term in English, its Ukrainian equivalent, a two-sentence definition in your own words, and two examples – one using a relative pronoun correctly and one using correct articles with a geographical name or legal institution name.

Example entry – Ius gentium (право народів): The ius gentium was the body of rules that Roman law recognized as governing commercial transactions between Romans and foreigners, regardless of citizenship.
Example sentence with relative pronoun: The ius gentium reflected the practical needs of Rome's cosmopolitan empire, in which merchants from Egypt, Syria, Greece, and the provinces all conducted business under a single legal framework. [in which – preposition + which for place reference]
Example sentence with articles and geography: The ius gentium emerged in the context of Rome's commercial expansion across the Mediterranean world; it was applied in the markets of Carthage, Alexandria, and Corinth. [the Mediterranean world – the + descriptive noun phrase; Carthage, Alexandria, Corinth – zero article + city names]
After writing, annotate: a) every article with a brief rule note; b) every pronoun with a note on its antecedent and why that pronoun type was chosen; c) confirm that all uncountable legal nouns are used without a/an.

NB: Writing a glossary entry is one of the most precise forms of legal writing: every word carries weight, and there is no room for vague pronoun reference or inconsistent article use. The discipline of annotating your own grammar forces you to articulate the rules you are applying, which is the surest way to internalize them. A student who can write and annotate a well-formed glossary entry has mastered the grammar focus at the highest level of procedural awareness.

Task 10
Writing
APPLY

COMPLETE AND EXTEND A HISTORICAL ACCOUNT USING CORRECT ARTICLES AND PRONOUNS

The passage below traces the journey of Roman law from Justinian to the modern civil codes. Fill each gap with the correct article (a / an / the / –) or pronoun (who / which / that / whose / it / they / this), then write a final paragraph of 4–5 sentences continuing the account, using at least two relative pronouns and correct articles throughout.

TEXT: _____ Roman law _____ Justinian codified in _____ 6th century CE did not immediately disappear when _____ Western Roman Empire collapsed. _____ it survived in Byzantium – _____ Eastern Roman Empire, _____ continued for nearly _____ thousand years after _____ fall of Rome in the West. _____ rediscovery of _____ Digest at Bologna around 1070 CE triggered _____ new era of legal scholarship. _____ Glossators, _____ spent two centuries annotating Justinian's texts, were _____ scholars _____ had no legal tradition of _____ own to compete with Roman law. _____ annotations _____ they produced accumulated into _____ Glossa Ordinaria,

_____ became _____ standard reference across medieval Europe. _____ Commentators, _____ followed _____ Glossators in _____ 13th century, went further: _____ they did was to synthesise Roman law with _____ canon law and _____ local statutes of _____ Italian city-states, making _____ Roman law _____ instrument of practical governance rather than mere scholarship.'

Now write your own continuation paragraph describing how the ius commune tradition eventually gave rise to national codification in France and Germany. Include: at least two relative pronouns (who, which, whose, that); at least one geographical name with the correct article; at least one uncountable noun used without a/an'; and at least one named code title with the correct article.

NB: the gap-fill forces to make every article and pronoun decision explicitly. The continuation paragraph then tests whether those decisions can be made fluently in original writing. The most revealing moment is when students produce their continuation: do they automatically write the France or France? a codification or codification? Discussing these choices after writing develops the kind of editorial consciousness that distinguishes a careful legal writer.

Task 11
Writing
EVALUATE

FIND AND CORRECT GRAMMAR ERRORS IN A LEGAL HISTORY ESSAY PARAGRAPH

The paragraph below contains ten errors involving articles, nouns, and pronouns. Identify each error, explain the rule it violates, and write the fully corrected paragraph.

PARAGRAPH: The history of a law is the story of civilization's attempt to replace violence with rule. In the Mesopotamia, the people who lived between a Euphrates and Tigris produced the first written codes of which we have a substantial knowledge. The Code of Hammurabi – a king who ruled Babylon – contained 282 provisions inscribed on the basalt stele that was later discovered in the Susa. Across the Mediterranean, the Athens contributed something different: the principle of isonomia, that meant that all citizens stood equal before the law regardless of the birth. In Rome, the jurists who wrote Digest created the most technically sophisticated body of the private law that the world had ever seen. Their work, which Justinian compiled into the Corpus Juris Civilis, transmitted to every corner of a Europe through the ius commune tradition of medieval universities. The Glossators – a scholars which annotated Justinian's texts at Bologna – made this tradition accessible to the practicing lawyers of medieval Europe. When the time for codification came in the 19th century, legislators across the continental Europe looked to the Roman law as the model for the new civil codes which they were drafting.'

[Error 1: a law → law – law as a general concept is uncountable]

NB: This paragraph concentrates every major article, noun, and pronoun error pattern from today's focus: uncountable nouns with a (Errors 1,

4); region names with the (Error 2); rivers without the (Error 3); city names with the (Errors 7, 8); that in non-restrictive clauses (Error 9); first-mention article errors (Error 6). Correcting all of them produces a well-formed historical paragraph that accurately represents the legal history content of the glossary.

Task 12
Writing
CREATE

WRITE A COMPARATIVE LEGAL HISTORY ESSAY PARAGRAPH

Write a 200-word essay paragraph comparing the role of written codes in two ancient legal traditions – choose any two from: Mesopotamia, Egypt, Greece (Athens), Rome, India, China, the Slavic world. Your paragraph must use correct articles with all geographical names and legal terms, accurate relative pronouns, and at least three vocabulary terms from the glossary.

OPENING (2 sentences, establish the comparison): The transition from oral customary norms to written law is one of the most significant events in the history of any legal tradition, yet it occurred in different ways…
MIDDLE (3 sentences, develop the comparison with evidence): The Code of Hammurabi, which was inscribed on a basalt stele and displayed publicly in Babylon, combined… The Athenian experience was more contested…'
CLOSE (2 sentences, draw a comparative conclusion): What connects Hammurabi and Solon, despite the centuries and the geography that separate them, is…
After writing, annotate: a) all article choices with a brief rule note; b) all relative pronouns with the antecedent and clause type (restrictive / non-restrictive); c) all uncountable nouns, confirming

no a/an is used; d) mark each glossary term used.

NB: the comparative essay paragraph is the highest-level writing task in this book. It requires every grammar structure from the focus to work simultaneously: articles to introduce and track nouns across the paragraph, pronouns to maintain coherent reference across sentences, and noun phrases to carry the technical vocabulary of legal history. A well-written paragraph will flow naturally – the reader will never notice the grammar because it is doing its job invisibly. That is the goal: grammar so well mastered that it disappears into the meaning.

1.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence uses the correct article with a geographical name?
a) The Mesopotamia produced the earliest written legal codes in world history;
b) Mesopotamia, the land between the Euphrates and the Tigris, produced the earliest written legal codes;
c) A Mesopotamia was the cradle of the law in the ancient world;
d) Mesopotamia produced a earliest written legal codes in a world history.

2. The Code of Hammurabi is best described as:
a) the oldest surviving written legal code, promulgated by a Babylonian king c. 1754 BCE, containing 282 provisions that differentiated sanctions by social class and established lex talionis;
b) the first legal code ever written, compiled by Sumerian king Ur-Nammu c. 2100 BCE, which preferred monetary compensation to physical retaliation;
c) the legal compilation that Justinian I commissioned, comprising the Codex, the Digest, the Institutes, and the Novels, that became the foundation of European civil law;
d) the first written codification of Athenian law, attributed to Draco c. 621 BCE, notorious for the severity of its penalties.

3. Which sentence uses the correct article before the name of a legal code or text?
a) A Corpus Juris Civilis was compiled under Justinian I between 529 and 534 CE;
b) The Corpus Juris Civilis, which Justinian I commissioned, became the foundation of European civil law;
c) Corpus Juris Civilis, that Justinian commissioned, became a foundation of the European civil law;
d) The Corpus Juris Civilis which Justinian commissioned it became the foundation of the European civil law.

4. Which relative pronoun correctly completes the sentence: 'Gaius, _____ wrote the Institutes c. 160 CE, organized Roman private law into three categories.

a) which;
b) that;
c) who;
d) whose.

5. What was the lex talionis?

a) The principle of unlimited blood vengeance by which a wronged person could take revenge against the offender and the offender's entire kin group;
b) The retributive principle of exact retaliation – an eye for an eye – requiring that punishment mirror the injury inflicted, representing an advance over unlimited vengeance by proportioning punishment to harm;
c) The Roman praetor's annual program of legal remedies, which supplemented the ius civile to produce equitable outcomes;
d) The Athenian principle of equality before the law, which required that all citizens stand on the same legal footing regardless of wealth or social origin.

6. Which sentence contains an article or pronoun error?

a) The Glossators were scholars who annotated Justinian's texts at Bologna;
b) The Ruska Pravda, which combined Slavic customary norms with princely legislation, is the principal legal monument of Kyivan Rus;
c) The Athens contributed the concept of isonomia to Western legal thought;
d) Roman law, whose influence extended across Europe and beyond, is the foundation of the civil law tradition.

7. Which sentence correctly uses an uncountable noun?
a) A Roman law was the foundation of European private law for nearly two thousand years;
b) Roman law was the foundation of European private law for nearly two thousand years;
c) The Roman law was a foundation of an European private law;
d) Roman laws was the foundation of the European private laws.

8. The Ruska Pravda is:
a) the Byzantine legal code that transmitted Roman family law to Kyivan Rus through the Orthodox Church;
b) the first written constitution of the Ukrainian state, enacted by the Hetmanate in the 17th century;
c) the principal legal monument of Kyivan Rus, compiled between the 11th and 13th centuries, combining Slavic customary norms with princely legislation;
d) the name for the body of Slavic oral customary law that governed community relations before any written text was produced.

9. Which sentence uses which and whose correctly?
a) The Digest, whose Tribonian compiled, contained excerpts from classical Roman jurists which opinions shaped private law;
b) The Digest, which Tribonian compiled, contained excerpts from classical Roman jurists whose opinions had shaped private law for centuries;
c) The Digest, that Tribonian compiled, contained excerpts from classical Roman jurists which opinions shaped private law;
d) The Digest, which Tribonian compiled it, contained excerpts from classical Roman jurists whose opinions shaped private law.

10. Which article choice is correct for the sentence: In _____ 6th century CE, Emperor Justinian I ordered _____ compilation of Roman law that would transform European legal history.
a) a 6th century CE / the compilation;
b) the 6th century CE / a compilation;
c) the 6th century CE / the compilation;
d) 6th century CE / a compilation.

11. What was the ius commune?

a) The Roman civil law applicable exclusively to Roman citizens, derived from the Twelve Tables and senatorial decrees;

b) The shared body of learned law – based on Roman and canon law as taught in European universities – that served as a common subsidiary legal order across Latin Christendom from the 12th to the 18th century;

c) The system of customary norms governing commercial transactions between Romans and foreigners, understood as derived from universal reason;

d) The annual programme of legal remedies published by the Roman praetor, which supplemented and modified the strict rules of the ius civile.

12. Which sentence uses a demonstrative pronoun correctly?

a) This are the principal stages of legal development: archaic, ancient, classical, medieval, early modern, and modern;

b) That principles – lex talionis, wergeld, and isonomia – reflect universal stages in the early history of law;

c) These principles – lex talionis, wergeld, and isonomia – reflect universal stages in the early history of law;

d) Those principle was established by the Code of Hammurabi and later transmitted to Roman law.

13. Which sentence about European legal traditions is both grammatically correct and factually accurate?

a) The France, Germany, and Ukraine all belong to the common law tradition, which is characterized by the binding authority of judicial precedent;

b) France, Germany, and Ukraine all belong to the civil law tradition, which is characterized by comprehensive written codification as the primary source of law;

c) France, Germany, and Ukraine all belongs to the Romano-Germanic legal family, the tradition which is distinguished by the use of a judge-made law;

d) The France, a Germany, and the Ukraine all belong to the civil law tradition, that is characterized by comprehensive written codification.

14. Which sentence uses a reflexive pronoun correctly?

a) Justinian himself supervised the compilation of the Corpus Juris Civilis, although he did not write the texts himself;

b) Justinian hisself supervised the compilation of the Corpus Juris Civilis;

c) The Corpus Juris Civilis compiled itself under Justinian's direction;

d) Justinian supervise itself the compilation of the Corpus Juris Civilis.

15. What was the wergeld?

a) A Latin legal term meaning the law of retribution, requiring exact proportional punishment for every injury inflicted;

b) The fixed monetary composition payable in Germanic customary law to the victim or their kin as compensation for personal injury or killing, extinguishing the right of blood feud;

c) The annual edict published by the Roman praetor setting out the legal remedies he would grant during his year of office;

d) A Slavic customary norm requiring that the kin of a murdered person take revenge directly against the killer's family.

16. Which sentence correctly uses the zero article?

a) The codification is the systematic organization of legal rules into a comprehensive legislative text;

b) A natural law theory holds that universal principles of justice exist independently of any enacted legislation;

c) Natural law theory holds that universal principles of justice exist independently of any enacted legislation;

d) The natural law theory holds that a universal principles of justice exist independently of any enacted legislation.

17. Which sentence correctly uses a relative pronoun with the right antecedent?

a) Roman law, who was codified by Justinian, became the foundation of European private law;

b) The praetor, which developed the annual edict, was a senior Roman magistrate;

c) The Glossators, who annotated Justinian's texts at Bologna, produced the Glossa Ordinaria;

d) Lex talionis, who appears in the Code of Hammurabi, limited the scope of permissible retaliation.

18. The Glossators were:

a) the Roman emperors who commissioned the compilation of the Corpus Juris Civilis and gave it statutory force in the 6th century CE;

b) the first generation of medieval Roman law scholars at Bologna who commented on Justinian's texts through interlinear glosses, producing the Glossa Ordinaria;

c) the 19th-century German scholars who systematically reconstructed Roman law from the Pandects into a highly abstract conceptual science, producing the intellectual framework for the BGB;

d) the Norman legal scholars who introduced Roman law concepts into English common law after the Conquest of 1066.

19. Which article choice is correct for the sentence: 'The concept of _____ legal norm consists of _____ hypothesis, _____ disposition, and _____ sanction.'

a) a legal norm / the hypothesis / the disposition / the sanction;

b) the legal norm / a hypothesis / a disposition / a sanction;

c) a legal norm / a hypothesis / a disposition / a sanction;

d) legal norm / hypothesis / a disposition / sanction.

20. Which sentence provides the most grammatically accurate and factually correct description of the transmission of Roman law to Ukraine?

a) Roman law was transmitted to Ukraine through the Byzantine Empire, which influenced Kyivan Rus ecclesiastical and family law, and later through the ius commune tradition of medieval European universities, ultimately shaping the structure and conceptual vocabulary of the Ukrainian Civil Code of 2003;

b) The Roman law was transmitted to Ukraine through the Byzantine Empire, that influenced Kyivan Rus, and later through a ius commune tradition, ultimately shaping a Ukrainian Civil Code;

c) Roman law, that was transmitted to Ukraine through Byzantine influence, had no real impact on Ukrainian law until the Soviet period, when it was incorporated into the Civil Code of 1964;

d) Roman law was transmitting to Ukraine by the Glossators, which worked in Bologna and whose writings were directly adopted by Ukrainian courts in the medieval period.

ANSWER KEY

Q1: b	**Q2: a**	**Q3: b**	**Q4: c**	**Q5: b**	**Q6: c**	**Q7: b**	**Q8: c**	**Q9: b**	**Q10: b**
Q11: b	**Q12: c**	**Q13: b**	**Q14: a**	**Q15: b**	**Q16: c**	**Q17: c**	**Q18: b**	**Q19: c**	**Q20: a**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

1.7. GLOSSARY

TERM	DEFINITION
Civil Law *Цивільне право*	A legal system based mainly on codified statutes and written codes rather than judicial decisions. Common in continental Europe.
Code of Hammurabi *Кодекс Хаммурапі*	One of the earliest known written legal codes, originating in ancient Mesopotamia.
Codification *Кодифікація*	The process of compiling and systematizing laws into a code.
Common Law *Загальне право*	A legal system developed in medieval England where law is primarily created through court decisions (precedent).
Corpus Juris Civilis Кодифікація Юстініана	A collection of Roman laws and legal interpretations compiled under Byzantine Emperor Justinian I.
Customary Law *Звичаєве право*	Laws that originate from societal customs and traditions, often unwritten.
Jurisprudence *Юриспруденція*	The study and theory of law, including its principles, structures, and philosophy.
Law *Право / Закон*	A system of rules recognized by a community or country to regulate behavior, enforceable by institutions.
Legal Codex *Правовий кодекс*	An organized compilation of laws covering various aspects of public and private life.
Legal Pluralism *Правовий плюралізм*	The existence of multiple legal systems or norms within a single country or society.

TERM	DEFINITION
Legal Precedent *Правовий прецедент*	A prior judicial decision that serves as guidance for deciding future cases.
Legal Reform *Правова реформа*	Changes made to the legal system to improve justice, efficiency, or compliance with modern standards.
Legal Tradition *Правова традиція*	A set of historical practices, values, and norms that shape a society's legal system.
Lex Mercatoria (Law Merchant) *Торгове право*	A body of commercial law developed by merchants in medieval Europe, emphasizing customs and trade practices.
Medieval Law *Середньовічне право*	Legal systems in Europe during the Middle Ages, often combining Roman law, canon law, and local customs.
Natural Law *Природне право*	A philosophy asserting that certain rights or values are inherent by human nature and can guide the creation of human-made laws.
Precedent *Прецедент*	A legal decision or form of case law that serves as an authoritative example in future similar cases.
Religious Law *Релігійне право*	Legal systems based on religious texts or principles, e.g., Sharia law.
Stare Decisis *Принцип прецеденту*	The principle that courts should follow previous judicial decisions (used in common law systems).
Twelve Tables *Закони Дванадцяти таблиць*	The first codification of Roman law, establishing basic legal rights and procedures.

UNIT 2
MODERN LEGAL SYSTEMS AND SOURCES OF LAW

2.1. LEGAL SYSTEMS OF THE MODERN WORL
2.2. ROMANO-GERMANIC LEGAL SYSTEM
2.3. COMMON LAW SYSTEM
2.4. MIXED LEGAL SYSTEMS
2.5. TASKS
2.6. QUIZ
2.7. GLOSSARY

2.1. LEGAL SYSTEMS OF THE MODERN WORLD

A LEGAL SYSTEM is a structured framework of laws, procedures, and institutions designed to regulate behavior, enforce rules, interpret law, and settle disputes within a specific jurisdiction. SOURCES OF LAW are the origins and mechanisms from which binding legal rules are created, modified, or repealed. PRIMARY SOURCES include constitutions, statutes, regulations, and judicial precedents; SECONDARY SOURCES include customs, conventions, and academic legal doctrine.

▼ four criteria used to classify legal systems into families ▼

HISTORICAL ORIGINS *Історичне походження*	**PRIMARY SOURCES** *Первинні джерела права*	**LEGAL METHODOLOGY** *Юридична методологія*	**LEGAL CULTURE** *Правова культура*
• Roman law / English common law / divine revelation • Colonial legal transplants • Voluntary reception of foreign models • Determines the starting point of each family	• Codes and statutes (Romano-Germanic) • Judicial precedent (Common Law) • Sacred texts (Religious law) • The source that takes priority in a conflict	• Deductive from code (civil law) • Inductive from cases (common law) • Textual exegesis of sacred texts (religious) • The method of legal reasoning used	• Attitude toward courts and formal law • Role of legal doctrine • Position of the legal profession • Trust in institutions and rule of law

LEGAL SYSTEM | Правова система

The totality of norms, institutions, sources, and legal culture operating within a society · Classification into legal families is a tool of analysis

principal legal families – each defined by shared origins and methodology ▼▼

ROMANO-GERMANIC *Романо-германська сім'я*	COMMON LAW *Загальне право*	RELIGIOUS LAW *Релігійна правова система*	MIXED SYSTEMS *Змішані системи*
Roman law roots · ius commune • Primacy of comprehensive written codes • Systematic legal doctrine • Deductive reasoning • Clear public/private law divide • Europe, Latin America, Ukraine	Origins in medieval English royal courts • Primacy of judicial precedent • Inductive case-by-case reasoning • Adversarial procedure · jury • No comprehensive civil code • England, USA, Australia, India	Divine commands as primary source • Sharia (Islamic law) • Halakha (Jewish law) • Dharmashastra (Hindu law) • May coexist with state law • Saudi Arabia: Sharia = state law	Two or more traditions coexist • Scotland · Quebec · Louisiana • South Africa · Egypt · Malaysia • Civil law private + common law procedure • Customary law + state law • The normal condition worldwide

SOURCES OF LAW | Джерела права

The forms through which legal norms achieve binding force · Different legal families assign different weight to each source

▼ six sources of law – compared across the two principal traditions ▼

SOURCE OF LAW	ROMANO-GERMANIC	COMMON LAW	PRIORITY / ROLE
LEGISLATION Законодавство	Primary source. Codes and statutes prevail over all other sources. Gaps filled by doctrine and analogy.	Supplements judge-made law. Traditionally construed narrowly; increasingly given wide application.	Paramount in both traditions. Common law statutes interpreted by courts through case law.
JUDICIAL PRECEDENT Судовий прецедент	Persuasive, not formally binding. Decisions guide but do not bind courts in the same way as statutes.	Binding under stare decisis. The ratio decidendi of higher courts binds all lower courts.	Dominant in Common Law. Persuasive in civil law. The key structural difference between the families.
CUSTOM Звичай	Historically important – codified in the ius commune. Now largely absorbed into codes; residual role in specific areas.	Important in early common law development. Now limited; trade customs recognized in commercial law.	Oldest source in both traditions. Now secondary to enacted law in modern systems.

LEGAL DOCTRINE Правова доктрина	Formal source in many civil law systems. Scholarly commentary guides interpretation and fills gaps.	Persuasive authority only – Restatements (USA). Treatises by leading jurists cited in courts.	More formal authority in Romano-Germanic systems. Persuasive in Common Law.
GENERAL PRINCIPLES Загальні принципи	Codified or implicit. Good faith, prohibition of abuse, proportionality. Fill gaps in codes.	Developed through equity and common law cases – e.g. unconscionability, estoppel.	Present in both traditions. Constitutional review increasingly elevates general principles.
INTERNATIONAL TREATIES Міжнародні договори	Incorporated through ratification. EU law takes precedence in member and candidate states.	Incorporated through parliamentary transformation. International law less directly applied than in civil law.	Growing importance in both traditions. EU law and human rights instruments bridge the two families.

NB: Legal doctrine (Правова доктрина) is the clearest illustration of the methodological difference between the two families. In Romano-Germanic systems, universities created the law long before legislatures systematized it – the ius commune was scholar-made law. In Common Law systems, courts created the law and scholars describe it. This history explains why academic commentary has formal source status in civil law but only persuasive status in common law.

LEGAL REASONING | Юридичне мислення

The methods by which lawyers and judges move from rules and facts to legal conclusions · Varies across legal families

▼ two dominant modes of legal reasoning – one per tradition ▼

DEDUCTIVE REASONING

Дедуктивне мислення · Romano-Germanic

Reasoning from the general to the particular. The code or statute provides the major premise (the rule); the facts provide the minor premise; the conclusion follows by logical deduction.

Major premise: Civil Code Art. 509 – an obligation requires a creditor and a debtor.

Minor premise: A owes B a debt for goods delivered.

Conclusion: A is the debtor; B may demand payment.

INDUCTIVE REASONING

Індуктивне мислення · Common Law

Reasoning from specific decided cases upward to a general principle. The judge identifies the ratio of prior cases and either applies or distinguishes them, gradually building a legal rule through the accumulation of decisions.

Case 1: Manufacturer liable to ultimate consumer – Donoghue v Stevenson (1932).

Case 2: Applied to products other than ginger beer.

Principle: duty of care in negligence for foreseeable harm.

▼ four methods of statutory interpretation ▼

LITERAL RULE

Буквальне тлумачення

Ordinary meaning of the words

- Applied when text is unambiguous
- Dominant starting point in both traditions

GOLDEN RULE

Золоте правило тлумачення

Modifies literal meaning to avoid absurdity

- Applied when literal rule produces manifestly absurd result

MISCHIEF RULE

Правило усунення недоліку

What problem was the statute designed to cure?

- Origin: Heydon s Case (1584)

PURPOSIVE / TELEOLOGICAL

Телеологічне тлумачення

Dominant in Romano-Germanic systems

- Gives effect to the aim of the rule
- Required by EU law for directives
- Ukrainian courts apply purposive interpretation

• Risk: unjust or absurd results • *A vehicle is prohibited in the park – does this include an ambulance?*	• Narrow version: ambiguous words only • Wide version: any absurd result • English common law technique	• Extends statute to new forms of the same mischief • *Animal cruelty statute extended to novel forms* • Foundation of modern purposive approach	• Systematic: read provision in context of the whole code

▼ two competing theories of what makes law valid ▼

LEGAL POSITIVISM	NATURAL LAW THEORY
Правовий позитивізм · Austin, Hart, Kelsen	*Теорія природного права · Grotius, Aquinas, Dworkin*
Law is a social fact – a system of rules enacted by authorised institutions. Validity depends on source in recognized law-making procedures, not on moral content. Dominant theoretical framework in both Romano-Germanic and Common Law traditions.	Law must be grounded in morality, reason, or divine order. Rules that fundamentally violate natural law lack genuine validity. *Constitutional rights discourse in both traditions now blends positivist form with natural law substance.*

NB: The rule of law (Верховенство права) bridges legal positivism and natural law theory. It requires that all persons and institutions – including the state – are subject to publicly enacted, equally enforced, independently adjudicated law.

2.2. ROMANO-GERMANIC LEGAL SYSTEM

ROMANO-GERMANIC LEGAL FAMILY | Романо-германська правова сім'я

Roman law origins · Medieval university scholarship · Comprehensive codification · Deductive reasoning · Ukraine belongs here

▼ defining characteristics ▼

CODIFICATION *Кодифікація*	SYSTEMATIC DOCTRINE *Правова доктрина*	DEDUCTIVE REASONING *Дедуктивне мислення*
Comprehensive codes as primary law • One code = all rules for a legal field • Internally coherent, gap-free design • Replaces earlier fragmentary rules • Napoleonic model: broadly worded • BGB model: abstract and systematic	University scholarship drives legal development • Pandectist abstraction: General Part + Special Parts • Treatises and commentaries shape courts • Legal science (Rechtswissenschaft) as craft • Distinction between public and private law • Legal education: training in systematic analysis	Apply general code rule to specific case • Code → doctrine → specific rule → case • Less room for judicial creativity than Common Law • Analogy used to fill gaps in codes • Teleological / purposive interpretation dominant • Historical and systematic interpretation used

▼ historical foundations – four milestones ▼

ROMAN LAW *Corpus Juris Civilis · 534 CE*	IUS COMMUNE *Medieval Europe · 12th–18th c.*	PANDECTISM *19th-century Germany · Savigny*	NATIONAL CODIFICATION *Code Napoléon 1804 · BGB 1900*
Conceptual vocabulary: contract, obligation, ownership, possession, legal person, will. Rediscovered at Bologna c. 1070 CE. Became the ius commune– common law of Latin Christendom taught in universities.	Roman and canon law taught in universities. Applied by courts where local custom was silent. Created a shared legal framework above feudal local rules. Precursor to national codification.	Scientific reconstruction of Roman law into an abstract system. Produced: Rechtsgeschäft (legal transaction), legal personality, subjective rights. Underpins BGB (1900) and Ukraine s Civil Code (2003).	Two great model codes. French model: short, broadly worded, supplemented by judicial interpretation. German model: abstract, systematic, five-book pandectist structure. Ukraine follows the German model.

PUBLIC LAW / PRIVATE LAW DIVIDE – the defining structural feature of Romano-Germanic systems

PUBLIC LAW *Публічне право*	PRIVATE LAW *Приватне право*
Governs the relationship between the state and individuals. Includes: constitutional law, administrative law, criminal law, tax law, and procedural law. State parties exercise public authority; relations are not based on equality. *Example: France's Conseil d État – a separate specialist court.*	Governs relations between private persons on a basis of formal equality. Includes: civil law (contract, property, tort, succession), commercial law, and family law. The civil code is the primary instrument. State may participate as an equal party in private law relations. *Example: Ukrainian Civil Code (2003) – the apex of the private law hierarchy.*

NB: Codification (кодифікація) is the defining act of the Romano-Germanic tradition – the systematic organization of all legal rules for a branch of law into a single internally coherent text. It creates legal certainty, accessibility, and systematic order. Decodification (декодифікація) – the erosion of that unity by special legislation – is the persistent challenge modern civil law systems face as society becomes more complex.

2.3. COMMON LAW SYSTEM

COMMON LAW | Загальне право

Originating in medieval English royal courts · Spread globally through British colonialism · Precedent, induction, adversarial procedure

▼ defining characteristics of the Common Law tradition ▼

BINDING PRECEDENT *Stare decisis*	**INDUCTIVE REASONING** *Індуктивне мислення*	**NO COMPREHENSIVE CODE** *Відсутність кодексу*	**ADVERSARIAL PROCEDURE** *Змагальне судочинство*	**LAW AND EQUITY** *Право і справедливість*
Ratio decidendi of higher courts binds lower courts • Higher courts bind all below • Same court may overrule its own precedents • Creates consistency and predictability • Requires identifying the ratio – a key skill	From specific cases to general principles • Principles emerge from decided cases upward • Not deduced from a general code • Analogy: extending rules to new situations • Distinguishing: avoiding rules that don't fit	Law built case by case, not codified • Statutes supplement judge-made law • Sale of Goods Act + common law implied terms • Gaps filled by precedent, not code analogy • Greater judicial creativity in making law	Judge = neutral referee between parties • Parties and lawyers drive proceedings • No judge-led investigation • Cross-examination is central • Jury for questions of fact in serious cases	Two streams fused by Judicature Acts 1873–75 • Common law: rights and compensatory damages • Equity: conscience-based doctrines and remedies • Trust: split legal / beneficial ownership • Injunctions, specific performance, estoppel

▼ geographic spread of the Common Law – through colonialism and voluntary adoption ▼

ENGLAND AND WALES *Англія та Уельс – the birthplace*	UNITED STATES *Сполучені Штати – adapted Common Law*	GLOBAL REACH *Глобальне поширення загального права*
Royal courts from the 11th century. King's Bench, Common Pleas, Exchequer developed judge-made common law. Court of Chancery developed equity alongside. Judicature Acts 1873–1875 fused the two into a single court system.	Inherited English common law but added a written Constitution (1787), federal structure, and constitutional review (Marbury v Madison, 1803). US Supreme Court binding on all federal courts. Restatements systematize common law rules without making them binding.	Australia, Canada (outside Quebec), India, New Zealand, Singapore, Hong Kong, Pakistan, Nigeria, Kenya, and many others. In mixed jurisdictions: Common Law governs public law and procedure even where private law is civil law.

DOCTRINE OF PRECEDENT | Доктрина прецеденту

Courts follow the legal rules established in earlier decisions of higher courts ·
The defining feature of Common Law legal reasoning

▼ the hierarchical structure of binding precedent – UK example ▼

UK SUPREME COURT *Верховний Суд Великої Британії*	COURT OF APPEAL *Апеляційний суд*	HIGH COURT & BELOW *Вищий суд та суди*
Binds all courts below it in England, Wales, Scotland, and Northern Ireland. May depart from its own previous decisions when it is right to do so.	Binds all courts below it. Bound by its own previous decisions. Decisions are the most frequently cited source of Common Law principles in practice.	High Court binds lower courts; its own decisions are persuasive on other High Court judges. County court and magistrates court decisions are not binding precedents – too fact-specific and insufficiently reported.

▼ four key concepts in working with precedent ▼

RATIO DECIDENDI *Підстава для рішення*	**OBITER DICTUM** *Зауваження або міркування судді*	**DISTINGUISHING** *Відрізнення прецеденту*	**OVERRULING** *Скасування прецеденту*
The essential legal reason for deciding • Minimum rule of law necessary to justify the conclusion • The BINDING part of the precedent • Identified by lawyers reading the judgment • Only the ratio binds later courts • Everything else = obiter	A remark by the way – not essential to the decision • Persuasive but NOT binding • May be highly influential if from senior court • Example: influential obiter later adopted as ratio • Lords obiter in R v R (1991) on marital rape	Avoiding a binding precedent on material facts • Court identifies factual differences • Those differences take the case outside the ratio • Primary method of FLEXIBILITY in stare decisis • Allows law to develop without overruling	Higher court declares earlier decision was wrong • Removes precedent s binding status for future cases • The parties in the earlier case are unaffected • Corrects legal error – reflects changed social values • UK Supreme Court: UK Supreme Court only

TWO LEGAL TRADITIONS COMPARED | Порівняння двох правових традицій

The defining divide in comparative law · Understanding both traditions is essential for modern legal practice

▼ ten key points of comparison ▼

Feature	CIVIL LAW	Цивільне право	COMMON LAW	Загальне право
Historical origin	Roman law → ius commune → national codification (12th–19th centuries)	Royal courts of medieval England from the 11th century
Primary source	Comprehensive codes and statutes. Gaps filled by doctrine and analogy.	Judicial precedent. Statutes supplement but do not replace judge-made law.
Role of precedent	Persuasive, not formally binding. Courts respect prior decisions but are not strictly bound.	Binding under stare decisis. Ratio decidendi of higher courts binds all lower courts.
Legal reasoning	Deductive syllogism: general code rule → specific case result.	Inductive: from decided cases upward to a general principle.
Role of courts	Apply and interpret enacted law. Courts do not make law in theory.	Create law through decisions. Judges are explicitly law-makers.
Contract	Consensus + lawful cause. Gratuitous gifts enforceable in correct form. No consideration required.	Offer + acceptance + consideration + intention to create legal relations. Gratuitous promises unenforceable.

Procedure	Inquisitorial – active judge gathers evidence and questions witnesses.	Adversarial – neutral judge; parties and lawyers drive proceedings.
Equity	No separate equity jurisdiction. Good faith and proportionality embedded in codes.	Separate historical equity jurisdiction – trust, injunction, specific performance, fiduciary duty.
Legal education	Theoretical, doctrinal – based on systematic study of codes and doctrine.	Case-based (especially USA) – learning legal reasoning from decided cases.
Ukraine	Firmly Romano-Germanic: Civil Code, Criminal Code, Administrative Court – all codified.	Post-2014 reforms imported adversarial elements into civil procedure.

2.4. MIXED LEGAL SYSTEMS

MIXED LEGAL SYSTEMS | Змішані правові системи

Two or more legal traditions coexist in a single state · The normal condition worldwide · Pure legal families are ideal types

principal mixed jurisdictions – how the traditions divide by subject matter ▼▼

Jurisdiction	Mix of traditions	How the mix operates in practice
SCOTLAND	*Civil law private + Common law public*	Private law (property, obligations, delict) founded on Roman law and Scots civilian tradition. Constitutional and procedural law follows English common law. The Court of Session and UK Supreme Court both apply – switching traditions within one unified legal system.
QUEBEC	*Civil law private + Common law constitutional*	Civil Code of Québec (1994) governs private law in the French civil law tradition. Canadian constitutional and public law apply common law principles. Quebec lawyers must master both traditions. The paradigmatic bijural state.
LOUISIANA	*Civil law private + Common law constitutional / public*	Only US state with a Romano-Germanic civil code (derived from Code Napoléon, adopted 1808). Federal US constitutional and criminal law is common law-based. Contract, property, and delict cases apply the Louisiana Civil Code alongside common law-derived federal rules.

SOUTH AFRICA	*Roman-Dutch private + Common law public + Constitutional*	Roman-Dutch civilian private law (property, obligations, family). English common law public law and commercial practice. Post-1994 transformative constitution drawing on both traditions and international human rights law. Customary law constitutionally recognized.
EGYPT	*Civil law + Islamic personal status*	Civil Code (1948, French model) governs commercial and civil transactions. Islamic law governs personal status of Muslims – marriage, divorce, inheritance – applied by specialist courts. Classic civil law + religious law mixed system.

NB: Ukraine as a mixed system in transition (Україна – змішана система в трансформації). Ukraine's private law is firmly Romano-Germanic; its post-2014 civil procedure borrowed adversarial elements from Common Law; its EU approximation obligations import a supranational normative layer; and its legal culture continues to evolve. Understanding Ukraine s legal system requires understanding all three major traditions – Romano-Germanic, Common Law, and EU law – and how they interact in a single, continuously developing national legal order.

2.5. TASKS

Grammar focus: **Present Simple Tense** (permanent facts, definitions, habitual processes, legal principles, stative verbs) **versus Present Continuous Tense** (current trends, ongoing reforms, temporary situations, evolving doctrines). Special attention to stative verbs that resist the continuous and to time expressions that signal each tense.

GRAMMAR REVIEW

Use	Signal Words / Structure	Legal Systems Example
PRESENT SIMPLE – Permanent facts & definitions	*always, generally, typically, in principle*	A legal system consists of norms, institutions, sources of law, and legal culture. Comparative law studies how different national systems solve similar legal problems.
PRESENT SIMPLE – Scientific & legal truths	*subject + bare infinitive (no time marker needed)*	Common law courts follow the doctrine of stare decisis: they treat earlier decisions of superior courts as binding. Civil law judges apply enacted codes and reason deductively from general rules to specific cases.
PRESENT SIMPLE – Scheduled / institutional processes	*every year, annually, once the court sits, when a case reaches…*	The UK Supreme Court delivers judgments throughout the legal year. The Verkhovna Rada enacts statutes that the President signs into law.

PRESENT SIMPLE – Habitual legal processes	*routinely, customarily, as a rule, by convention*	Romano-Germanic judges routinely cite the code and academic commentary, not individual court decisions, as their primary authority.
PRESENT SIMPLE – Stative verbs (NO continuous form)	*belong, consist, contain, mean, recognize, require, involve, seem, represent, constitute, depend*	Ukraine belongs to the Romano-Germanic legal family. A civil code contains the foundational rules of private law. The doctrine of stare decisis means that earlier decisions bind later courts. WRONG: Ukraine is belonging to…
PRESENT SIMPLE – Comparative & general statements	*in contrast to, unlike, whereas, while (general)*	Civil law systems rely on comprehensive codes, whereas common law systems build private law through accumulated judicial decisions.
PRESENT CONTINUOUS – Current trends & ongoing change	*currently, at present, right now, these days, at the moment*	Ukraine is currently harmonizing its legislation with EU standards under the Association Agreement.
PRESENT CONTINUOUS – Temporary situations	*for the time being, provisionally, pending…, until the new legislation …*	The reform commission is drafting a new insolvency procedure to replace the outdated 2018 statute. Parliament is currently reviewing the code s provisions on digital assets, pending a final policy decision.

PRESENT CONTINUOUS – Evolving legal doctrines	*is changing, is developing, is shifting, is expanding*	Comparative lawyers are rethinking the traditional boundary between the civil and common law traditions as globalization drives convergence.
PRESENT CONTINUOUS – Trends in legal reform	*is moving towards, is adopting, is shifting away from*	Many mixed-system jurisdictions are moving towards greater codification of commercial law while retaining judge-made rules for contract disputes.
PRESENT CONTINUOUS – Annoying/persistent behaviour (always + PRESENT CONTINUOUS)	*always, constantly, continually + PRESENT CONTINUOUS (critical tone)*	Critics argue that common law jurisdictions are constantly producing new precedents that make the law unnecessarily complex for non-specialist users who simply want to know what the rule is.
CONTRAST – PRESENT SIMPLE vs PRESENT CONTINUOUS side by side	*PRESENT SIMPLE = timeless fact; PRESENT CONTINUOUS = current temporary process*	Civil law judges APPLY codes (permanent method – PRESENT SIMPLE). Ukrainian courts ARE APPLYING the new Civil Procedure Code for the first time in complex commercial disputes (temporary / current – PRESENT CONTINUOUS).

1. FORM: PRESENT SIMPLE AND PRESENT CONTINUOUS – AFFIRMATIVE, NEGATIVE, QUESTION

PRESENT SIMPLE – Affirmative:

I/you/we/they + base verb: Comparative lawyers' study foreign legal systems to understand how different societies organize their legal orders. / He/she/it + verb + -s/-es: The doctrine of stare decisis binds lower courts to the decisions of higher courts in the same jurisdiction. / The civil law tradition covers over 150 states and represents the world's most widely distributed legal family.

PRESENT SIMPLE – Negative & Question:

Negative: do/does + not + base verb: Common law systems do not rely on comprehensive civil codes as their primary source of private law. / The German BGB does not follow the Napoleonic model – it uses an abstract General Part that applies across all five books. Question: Do/Does + subject + base verb? Does stare decisis bind courts in civil law systems the way it does in common law systems? / Do legal transplants always succeed when a receiving system imports rules from a donor system with a different legal culture?

PRESENT CONTINUOUS – Affirmative:

am/is/are + verb-ing: Ukraine is currently aligning its corporate law with EU directives under the terms of the Association Agreement. / Legal scholars are increasingly questioning whether the Romano-Germanic and common law traditions are genuinely converging or merely borrowing surface features from each other. / Mixed jurisdictions like Scotland and Quebec are attracting growing academic interest precisely because they challenge the traditional two-family model.

PRESENT CONTINUOUS – Negative & Question:

Negative: am/is/are + not + verb-ing: The reform commission is not proposing to abolish judicial precedent entirely; it is simply recommending that its role be clarified in the new procedure code. / Parliament is not currently reviewing the provisions on legal capacity, although the Law Commission has flagged them as outdated. Question: Am/Is/Are + subject + verb-ing? Is the traditional distinction between civil and common law systems losing its analytical usefulness as globalization drives legal convergence? / Are mixed legal systems becoming more common as post-colonial states reassess the relationship between inherited law and indigenous tradition?

2. THE CORE CONTRAST: TIMELESS FACTS VS EVOLVING REALITIES

The most important decision when choosing between Present Simple and Present Continuous in legal-academic writing is whether you are stating a permanent truth or describing a current, temporary process. In comparative law, this distinction is intellectually significant: it separates what is structurally true of a legal family from what is changing right now.

PRESENT SIMPLE = structural, permanent, definitional:

Civil law systems use codes as their primary source of law. (This is a defining structural feature – it is always true.) / The doctrine of ius commune shapes the conceptual vocabulary of every Romano-Germanic legal system. (Permanent intellectual legacy.) / Judges in common law jurisdictions reason inductively from prior cases. (Enduring methodological feature.) / Legal transplants require the receiving system to adapt borrowed rules to its own cultural and institutional context. (General truth about how transplants function.)

PRESENT CONTINUOUS = current, temporary, changing:

Ukraine is currently adapting its insolvency framework to meet EU standards. (Ongoing reform process – not a permanent feature.) / The concept of convergence between civil and common law is attracting growing scholarly attention at present. (Current academic trend.) / Several mixed jurisdictions are reassessing how their courts handle conflicts between civilian private law and common law procedure. (Temporary rethinking in progress.) / The global spread of constitutional review is challenging the traditional Romano-Germanic view that courts apply law rather than make it. (An ongoing shift in legal thinking.)

NB: ask two questions:

1. Would this still be true in 50 years as a structural feature of the legal system? → Present Simple. 2. Is this something that is currently happening but might be complete or reversed in a few years? → Present Continuous.

3. STATIVE VERBS IN LEGAL WRITING: NEVER USE THE CONTINUOUS FORM

Stative verbs describe states, relationships, or mental processes – not actions. They cannot be used in the continuous form in English, even when the context seems to involve something current or ongoing. This is one of the most common errors in legal-academic writing by non-native speakers.

COMMON STATIVE VERBS IN LEGAL WRITING:

BELONGING/MEMBERSHIP: belong, consist of, contain, include, comprise, constitute, form – Ukraine belongs to the Romano-Germanic family.

MENTAL STATES: know, understand, believe, recognize, think (opinion), doubt, remember, forget – Most comparatists recognize that legal families are analytical tools, not rigid containers.

POSSESSION: have (= possess), own, possess – Every civil law system has a civil code at its core.

MEASUREMENT/QUALITY: seem, appear, mean, represent, involve, require, depend on, matter, resemble – A legal transplant requires the receiving system to adapt imported rules to local conditions.

NB: verbs that can be stative OR dynamic:

HAVE: stative (possession) = PRESENT SIMPLE: The BGB has five books. vs. dynamic (activity) = PRESENT CONTINUOUS: The reform committee is having its third meeting this week. / THINK: stative (opinion) = PRESENT SIMPLE: Most scholars think that convergence is real but limited. vs. dynamic (active mental process) = PRESENT CONTINUOUS: The committee is thinking through the implications of the proposed reform. / CONSIDER: stative (regard as) = PRESENT SIMPLE: Comparatists consider Scotland a paradigm mixed jurisdiction. vs. dynamic (deliberate) = PRESENT CONTINUOUS: The bar association is currently considering a proposal to merge the two court divisions. / SEE: stative (perceive) = PRESENT SIMPLE: Scholars see the ius commune as the shared intellectual foundation of European private law. vs. dynamic (meet with) = PRESENT CONTINUOUS: The minister is seeing the delegation from the Council of Europe this afternoon.

4. TIME EXPRESSIONS: HOW SIGNAL WORDS GUIDE YOUR TENSE CHOICE

Time expressions do not force a tense choice, but they strongly signal it. Learning to spot these signals in legal-academic texts helps you both understand what you read and produce more natural writing.

PRESENT SIMPLE signals:

always · generally · typically · usually · normally · as a rule · routinely · in principle · by convention · in most cases · traditionally · historically · under [name of system/code] – Civil law judges generally apply the code before consulting academic commentary. / Under the common law tradition, courts typically develop contract law through accumulated precedent rather than by reference to a code. / Scotland traditionally applies Roman-Dutch principles to private law disputes.

PRESENT CONTINUOUS signals:

currently · at present · at the moment · right now · nowadays · these days · increasingly · gradually · slowly but surely · more and more · for the time being · pending · still (ongoing) – Ukraine is currently implementing the legislative reform package agreed with the EU in 2023. / Increasingly, comparative lawyers are finding that the distinction between civil law and common law matters less in commercial practice than in academic theory. / For the time being, the court is applying the old procedural rules while the new code is still being tested in pilot courts.

NEITHER – always + Present Continuous = critical or expressive tone:

Always normally signals Present Simple, but when combined with Present Continuous it expresses a critical or irritated attitude toward a repeated behavior: Critics of the common law approach are always arguing that the sheer volume of case law makes the system inaccessible to ordinary citizens. (= they keep arguing this, and it is tiresome or significant.) This construction is useful in legal debate and advocacy writing, but use it deliberately, not accidentally.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY AND CLASSIFY TENSE USAGE IN A COMPARATIVE LAW TEXT

Read the passage below. Find every verb phrase in the Present Simple or Present Continuous. For each one, record: a) the full verb phrase, b) which tense it is, c) the function it performs (permanent fact, definition, habitual process, stative verb, current trend, ongoing reform, or temporary situation), and d) the signal word, if any, that helped you identify the tense.

TEXT: Comparative lawyers study legal systems by grouping them into families according to shared historical origins, structural features, and dominant sources of law. The two most widely discussed families are the Romano-Germanic tradition and the common law tradition. The Romano-Germanic family currently includes the legal systems of most of continental Europe, Latin America, and large parts of Africa and Asia. It relies on comprehensive written codes as the primary source of law and applies a deductive reasoning method: judges move from the general rule in the code to the specific case before them. The common law tradition, by contrast, builds its private law through accumulated judicial decisions. Courts follow the doctrine of stare decisis, which means that earlier decisions of superior courts bind later courts deciding materially similar cases. At present, both traditions are experiencing a degree of convergence driven by globalization, EU harmonization, and the spread of constitutional review. Scholars are debating whether this convergence is producing genuine structural change or merely surface-level borrowing of legal concepts and terminology. Ukraine belongs to the Romano-Germanic family and is currently implementing

an extensive legislative reform programme under its EU Association Agreement. Its courts are increasingly engaging with the case law of the European Court of Human Rights, which is gradually reshaping domestic procedural standards.

Create a table: Column 1 – verb phrase; Column 2 – Present Simple / Present Continuous; Column 3 – function; Column 4 – signal word (if present).

NB: The passage deliberately mixes both tenses because real comparative law texts do exactly this: they alternate between permanent structural descriptions (Present Simple) and observations about current change (Present Continuous). Every verb tense in a well-written legal text is a choice – identifying that choice and explaining it develops the analytical precision that legal writing requires.

Task 2
Reading
ANALYSE

ANALYSE TENSE CHOICES ACROSS FOUR DESCRIPTIONS OF LEGAL SYSTEMS

Each group below presents the same comparative law content in different tense combinations. Analyse: a) which version is grammatically correct, b) what difference in meaning each tense choice creates, and c) which version is most appropriate for formal academic legal writing.

GROUP A – Describing stare decisis: 1. Common law courts are following the doctrine of stare decisis, which is meaning that earlier decisions are binding. 2. Common law courts follow the doctrine of stare decisis, which means that earlier decisions bind later courts on the same legal point. 3. Common law courts are following the doctrine of stare decisis, which means that earlier decisions bind later courts. 4. Common law courts follow the doctrine of stare decisis, which is meaning that earlier decisions are binding later courts.

GROUP B – Ukraine s current reform process: 1. Ukraine implements its EU Association Agreement and harmonizes its laws. 2. Ukraine is currently implementing its EU Association Agreement and is harmonizing a growing body of its domestic legislation with EU standards. 3. Ukraine currently implements its EU Association Agreement and harmonizes its laws with EU standards. 4. Ukraine is implementing the EU Association Agreement, which it signs in 2014.

NB: Group A contains two stative verb errors. Group B contrasts Present Simple (completed schedule sense) with Present Continuous (genuine ongoing process) and includes a mixed-tense error in option.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: PRESENT SIMPLE OR PRESENT CONTINUOUS?

Listen to audio recording #2 and write the missing word – the correct verb form and state: a) which tense you chose, b) the function it performs, and c) whether a signal word was present.

1. The Romano-Germanic tradition _____ (assign) primary authority to enacted codes rather than to judicial decisions.

2. Ukraine _____ (currently / implement) a major legislative reform package covering civil procedure, corporate law, and insolvency.

3. Every civil law code _____ (contain) a set of general provisions applicable across all its special parts.

4. Comparative lawyers _____ (increasingly / question) whether the traditional two-family model still captures the real diversity of the world's legal systems.

5. In common law systems, courts _____ (reason) inductively from individual case decisions toward broader legal principles.
6. Legal transplants _____ (require) the receiving system to adapt imported rules to its own cultural and institutional context.
NB: Items 3 and 6 test stative verbs. Items 2 and 4 test Present Continuous with clear signal words. Items 1 and 5 test Present Simple for permanent structural features with no signal word.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT PRESENTATION ON CIVIL LAW VS COMMON LAW

Listen to a 2-minute student presentation comparing the civil law and common law traditions in terms of their current status and ongoing development. Evaluate: a) whether Present Simple and Present Continuous are used correctly; b) whether stative verbs appear in their correct Present Simple form; c) whether time expressions match the tense used; d) whether the legal content accurately reflects the glossary.

Listen for at least three correctly used Present Simple structures. Examples: Civil law systems use codes as their primary source of law.
Listen for at least three correctly used Present Continuous structures. Examples: Comparative lawyers are increasingly challenging the strict two-family model.
Identify at least two grammar errors to correct. Planted errors to listen for: The common law is consisting of judge-made rules (stative: consist, use Present Simple).
Identify at least one content error. Examples to listen for: claiming that civil law judges are

bound by the precedents of higher courts the same way common law judges are (incorrect: precedent is persuasive, not binding, in most civil law systems); claiming that the BGB was modelled directly on the Code Napoléon (incorrect: the BGB deliberately adopted a different, pandectist structure).

NB: this task trains to maintain two simultaneous critical frameworks: grammatical correctness and legal accuracy. A presentation that is grammatically perfect but legally wrong is as problematic as one that is legally accurate but grammatically confused. In professional legal writing and oral advocacy, both dimensions are evaluated together.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DEFINE FIVE LEGAL SYSTEMS CONCEPTS USING ONLY PRESENT SIMPLE

Without notes, define five terms from the glossary – one from each topic area – using only Present Simple. Each definition must: a) use at least two Present Simple structures; b) correctly avoid Present Continuous for any stative verb; c) accurately reflect the Glossary definition in your own words.

Example – Legal family: A legal family groups national legal systems together on the basis of shared historical roots, dominant sources of law, and similar legal methodology. Comparatists generally recognize four main families: the Romano-Germanic tradition, the common law tradition, religious law systems, and mixed systems.

After each definition, your partner checks: a) Does every stative verb appear in Present Simple? b) Is

Present Simple used consistently throughout?
c) Does the definition capture the glossary concept accurately in original words?
NB: Producing PRESENT SIMPLE-only definitions forces you to confront stative verbs head-on. This is the most effective way to internalize the stative verb rule: through deliberate production rather than passive recognition.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: LEGAL SYSTEMS DISCUSSION

Student A is a law student from a Romano-Germanic country (Ukraine, Germany, or France). Student B is a law student from a common law country (England, the USA, or Australia). They discuss both the permanent features of their respective legal systems (Present Simple) and current developments affecting both traditions (Present Continuous).

PART 1 – Permanent features (Present Simple only): Student A describes how their civil law system works. Student B describes how their common law system works. Both students use Present Simple throughout this part: In my system, judges apply the code… / Our courts follow binding precedent… / Codification means that…
PART 2 – Current changes (Present Continuous only): Both students then describe what is currently happening in their respective systems: reforms in progress, doctrines under review, convergence pressures. Student A: Ukraine is currently incorporating EU competition law standards. Student B: The UK Supreme Court is currently reviewing how strictly it applies its own earlier decisions.

PART 3 – Mixed (Present Simple + Present Continuous together): Both students compare their systems using both tenses naturally: Our system generally uses codes, but right now we are reforming the one on insolvency. NB: The three-part structure makes the tense contrast visible and teachable. In Part 1, every verb should be Present Simple. In Part 2, every verb should be Present Continuous. In Part 3, both tenses appear naturally in the same sentences.

Task 7
Speaking – Monologue
APPLY

PRESENT THE CURRENT STATE OF LEGAL CONVERGENCE USING BOTH TENSES

Deliver a 2-minute structured presentation on the topic: Are civil law and common law converging? The presentation must use Present Simple for structural facts about each tradition and Present Continuous for current trends, ongoing debates, and evolving scholarly positions.

OPENING – set the structural scene (Present Simple): The civil law and common law traditions differ in several fundamental ways…
DEVELOPMENT – describe what is happening now (Present Continuous): And yet, both traditions are currently experiencing significant convergence pressure…
CLOSE – mixed tenses for nuanced conclusion: The two traditions still differ in important ways – that remains true. But the boundaries are shifting…
NB: the presentation format tests whether students can use Present Simple and Present Continuous as tools of intellectual structure, not just grammatical requirements.

Task 8
Speaking – Debate

ANALYSE

DEBATE: IS THE ROMANO-GERMANIC TRADITION BETTER SUITED TO MODERN LEGAL NEEDS THAN THE COMMON LAW?

Hold a structured debate using both tenses appropriately (Present Simple for structural advantages, Present Continuous for current evidence). Position A argues that the Romano-Germanic tradition is better suited to the demands of modern governance, commerce, and rights protection. Position B argues that the common law tradition's flexibility and case-by-case development make it better adapted to contemporary legal challenges.

Position A opens: The Romano-Germanic tradition rests on a stable, accessible foundation: the civil code…

Position B responds: The common law does not wait passively…

Both sides must: a) use at least 3 Present Simple structures for structural features; b) use at least 3 Present Continuous structures for current evidence and ongoing developments; c) use at least one stative verb correctly in Present Simple; d) reference at least three glossary terms.

NB: the debate tests the highest-level use of the Present Simple/Present Continuous contrast: using tense as an instrument of argumentation. The ability to move fluently between these registers – general principle and current example – is a mark of sophisticated legal argumentation.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A FACT SHEET ON A LEGAL SYSTEM USING PRESENT SIMPLE

Choose one legal system from the diagrams: Romano-Germanic, Common Law, or a specific mixed system. Write a 150-word fact sheet describing its permanent features using only Present Simple. Every verb must be justified: is it a structural fact? a definition? a habitual process? a stative verb?

Example – Fact Sheet: The Common Law Tradition: The common law tradition originates… Its defining feature is… Legislation exists… The tradition does not use…

After writing, annotate: a) underline every Present Simple verb and name its function; b) circle every stative verb and confirm it is in Present Simple; c) identify any verb that you were tempted to put in Present Continuous – explain why you chose Present Simple.

Write one additional paragraph of 3–4 sentences in Present Continuous describing what is currently changing in your chosen legal system. Use at least two Present Continuous structures and at least one time signal word.

NB: Writing a Present Simple-only fact sheet is harder than it looks. The temptation to slip into Present Continuous is strongest with dynamic legal change, but the task requires you to stay in the permanent descriptive register. The additional Present Continuous paragraph then releases that pressure and shows you can code-switch deliberately.

Task 10
Writing
APPLY

COMPLETE A COMPARATIVE LAW TEXT USING THE CORRECT TENSE IN EVERY GAP

The passage below compares the Romano-Germanic and common law traditions, with a focus on their current relationship. Every verb in brackets must be put in either Present Simple or Present Continuous. Then add a final paragraph of 4–5 sentences continuing the comparison, using both tenses naturally.

TEXT: The Romano-Germanic and common law traditions _____ (represent) the two most widely studied legal families in the world, and comparatists _____ (still / debate) how meaningful the distinction between them _____ (remain) in an era of globalization. Each tradition _____ (have) a distinctive approach to the sources of law: the Romano-Germanic family _____ (treat) enacted codes as the primary authority, while the common law _____ (rely) on accumulated judicial decisions. These differences _____ (not / disappear) overnight. At the same time, both traditions _____ (currently / experience) convergence pressure from international harmonization. EU directives _____ (require) all member states – from both families – to adopt identical rules in a growing number of areas. This process _____ (mean) that a French lawyer and an English lawyer who _____ (advise) clients on consumer contracts _____ (now / work) with largely the same substantive rules, even though their underlying legal methodology _____ (differ) significantly. Legal scholars _____ (increasingly / argue) that the concept of convergence _____ (need) to be disaggregated: surface harmonization _____ (not / equal) structural convergence, and the two traditions

_____ (still / follow) different paths in areas that harmonization _____ (not yet / reach).

Suggested answers: represent (Present Simple, stative); are still debating (Present Continuous, ongoing debate);

Now write your own continuation paragraph (4–5 sentences) about a specific area – digital regulation, insolvency law, or family law – where civil and common law are currently converging or diverging. Use at least three Present Simple structures and three Present Continuous structures, and include at least one stative verb correctly in Present Simple.

NB: several items in this passage accept both Present Simple and Present Continuous depending on whether the writer sees the situation as a permanent state or a current process. These ambiguous items are the most instructive – discuss them at length.

Task 11
Writing
EVALUATE

FIND AND CORRECT TENSE ERRORS IN A COMPARATIVE LAW ESSAY

The paragraph below contains nine tense errors involving Present Simple and Present Continuous. Find each error, name the rule it violates, and rewrite the corrected paragraph.

PARAGRAPH: Modern legal systems are belonging to one of several recognized legal families, the most significant of which are the Romano-Germanic tradition and the common law. The Romano-Germanic family is including all the major civil law jurisdictions of continental Europe, Latin America, and much of Africa and Asia. It is relying on comprehensive written codes as its primary source of law, and judges are applying these codes by reasoning deductively from general rules to specific cases. At present, this tradition faces increasing convergence pressure: EU harmonization

is forcing member states from both families to adopt identical rules in many areas. As a result, scholars are debating whether the distinction between the two families is still meaningful, or whether it is gradually disappearing altogether. The common law tradition is also experiencing change: courts are increasingly codifying areas of private law that have traditionally been consisting entirely of judge-made rules. Meanwhile, mixed systems like Scotland are demonstrating that elements of both traditions coexist productively within a single state, which suggests that the binary two-family model is increasingly seeming inadequate as a framework for understanding the full diversity of the world's legal systems. Ukraine is belonging to the Romano-Germanic family and is currently implementing an extensive EU-aligned reform programme.

Error 1: are belonging → belong – stative verb; belong cannot take continuous.

Rewrite the entire corrected paragraph.

NB: Seven of the nine errors are stative verb errors – this is deliberate. The stative verb rule is the single most productive error source in Present Simple / Present Continuous work for legal writers, because legal definitions are dense with stative predicates: belong, consist, include, comprise, require, mean, represent, seem. Correcting seven in one paragraph builds the automaticity that prevents these errors from appearing in exam writing.

Task 12
Writing
CREATE

WRITE A COMPARATIVE LAW ESSAY INTRODUCTION: THE TWO GREAT TRADITIONS AND WHERE THEY STAND TODAY

Write a 200-word essay introduction comparing the Romano-Germanic and common law traditions.

OPENING PARAGRAPH – establish the two traditions (Present Simple throughout): Two legal traditions dominate the modern world…
DEVELOPMENT PARAGRAPH – current situation (Present Continuous for trends, Present Simple for permanent features): Today, both traditions are under pressure to converge. EU harmonization is driving civil and common law member states toward…
CLOSING SENTENCE – thesis statement (Present Simple): This essay argues that…
After writing, perform a full tense audit: a) highlight every Present Simple verb in blue and every Present Continuous verb in yellow; b) for each Present Simple verb, name its function; c) for each Present Continuous verb, confirm there is a current-trend justification; d) circle every stative verb and confirm it is Present Simple.
NB: the essay introduction is the genre that brings everything together. Opening with Present Simple establishes the intellectual authority of a writer who knows the structural facts. Moving to Present Continuous in the development paragraph shows awareness that the field is alive and changing. The closing thesis uses Present Simple to make a permanent claim about the essay s argument. The tense audit at the end replicates the revision process that careful legal writers use: every verb is a deliberate choice.

2.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses the Present Simple for a permanent legal fact?

a) The common law tradition is relying on judicial precedent as its primary source of private law;

b) Common law courts follow the doctrine of stare decisis, which means that earlier decisions bind later courts on the same legal point;

c) The doctrine of stare decisis is meaning that courts follow earlier decisions;

d) Common law courts are following stare decisis, which means earlier decisions are binding.

2. What does the term legal transplant mean in comparative law?

a) The creation of an entirely new legal system by a constitutional assembly following a revolution or independence;

b) The adoption by one legal system of rules, institutions, or legal concepts from another, through voluntary borrowing, colonial imposition, or harmonization pressure;

c) The formal unification of two separate legal systems into a single national code through legislation;

d) The replacement of customary law by written legislation within a jurisdiction that previously had no formal legal system.

3. Which sentence correctly uses the Present Continuous for an ongoing legal reform?

a) Ukraine belongs to the Romano-Germanic family and currently harmonizes its laws with EU standards;

b) Ukraine is belonging to the Romano-Germanic family and is currently harmonizing its laws with EU standards;

c) Ukraine currently belongs to the Romano-Germanic family and is implementing an extensive EU-aligned legislative reform programme;

d) Ukraine is currently belonging to the Romano-Germanic family and harmonizes its laws with EU standards.

4. Which of the following is a stative verb that CANNOT be used in the Present Continuous?

a) Reform;

b) Develop;

c) Consist;

d) Challenge.

5. Which sentence correctly uses Present Simple for a stative verb in a legal definition?

a) The civil law tradition is comprising over 150 states and is representing the world's most widely distributed legal family;

b) The civil law tradition comprises over 150 states and represents the world's most widely distributed legal family;

c) The civil law tradition is comprising over 150 states and represents the world's most widely distributed legal family;

d) The civil law tradition comprises over 150 states and is representing the world's most widely distributed legal family.

6. Which sentence correctly describes a current trend using the Present Continuous?

a) Comparative lawyers increasingly argue that the two-family model requires revision;

b) Comparative lawyers are increasingly arguing that the two-family model no longer captures the full diversity of the world's legal systems;

c) Comparative lawyers always argue that the two-family model requires revision;

d) Comparative lawyers have always argued that the two-family model is inadequate.

7. What is the doctrine of stare decisis?

a) The rule that judges in civil law systems must follow the systematic deductive method derived from code provisions;

b) The principle that courts must apply only enacted statutes and may not refer to academic legal doctrine;

c) The doctrine that courts are bound to follow legal rules established in earlier decisions of equal or superior courts, ensuring consistency and predictability;

d) The equitable principle that courts should consider the parties intentions rather than the strict letter of the written rule.

8. Which sentence uses BOTH Present Simple and Present Continuous correctly in the same sentence?

a) Civil law judges are applying codes, but at present they are also developing richer case law that is increasingly resembling binding precedent;

b) Civil law judges apply codes as their primary source of law, but many civil law courts are currently developing a richer body of case law that is beginning to function more like precedent;

c) Civil law judges are applying codes as their primary source of law, which is meaning that they reason deductively;

d) Civil law judges currently apply codes, which is their primary source of law, and they are meaning to reason deductively.

9. What is legal pluralism?

a) The academic discipline that compares the laws of different countries in order to identify common principles and facilitate international harmonization;

b) The coexistence within a single society of two or more legal orders – state law, customary law, religious law, or indigenous law – each claiming normative authority over the same population;

c) The principle that all citizens are subject equally to the law of the state regardless of their ethnic, religious, or social background;

d) The doctrine that legal systems can borrow rules from other traditions through a process of voluntary or imposed legal transplant.

10. Which time expression signals the Present Continuous?

a) Generally;

b) As a rule;

c) Traditionally;

d) At present.

11. Which sentence correctly uses the Present Simple for a habitual legal process?

a) Romano-Germanic judges are routinely citing the code and academic commentary as their primary authorities;

b) In civil law systems, judges routinely cite the code and academic commentary rather than individual court decisions;

c) Romano-Germanic judges are citing the code and academic commentary, which they are doing routinely;

d) In civil law systems, judges are routinely citing codes and academic commentary as their primary source of law.

12. What makes Scotland a mixed legal system?

a) Scotland applies both English common law and French civil law in equal measure to all disputes within its jurisdiction;

b) Scotland combines a Romano-Germanic private law foundation – based on Roman-Dutch law – with English-derived public law and procedure, making it a paradigm mixed civil/common law jurisdiction;

c) Scotland has no written constitution and relies entirely on judge-made rules for both private and public law;

d) Scotland applies different legal systems to different ethnic communities within its territory, creating a form of state-recognized legal pluralism.

13. Which sentence contains an error in the use of have as a stative or dynamic verb?

a) Every civil law system has a civil code that constitutes the foundation of its private law;

b) The reform committee is having its third meeting this week to finalize the draft proposal;

c) The common law tradition is having a significant impact on post-colonial legal development worldwide;

d) Scotland has a distinctive mixed legal system that combines civilian and common law elements.

14. Which sentence correctly uses the Present Continuous with always to express a critical or persistent-behavior meaning?

a) Common law courts always follow earlier decisions because stare decisis always requires this;

b) Critics of the common law are always pointing out that the volume of case law makes the system inaccessible to non-specialists;

c) Civil law systems always use codes, which means they are always applying general rules;

d) Mixed jurisdictions are always combining two traditions, which is their defining feature.

15. What is the ius commune and what tense best describes it as a concept?

a) The ius commune is the body of judge-made rules currently developing in EU member state courts as a result of harmonization; Present Continuous is most appropriate;

b) The ius commune was the shared learned law of medieval Europe; since it no longer operates as a current system, only Past Simple is appropriate;

c) The ius commune is the shared body of Roman and canon law that shaped the conceptual vocabulary of the Romano-Germanic tradition; Present Simple is appropriate because it describes a permanent intellectual legacy;

d) The ius commune is currently influencing EU law-making; Present Continuous is appropriate because its influence is an ongoing process.

16. Which sentence correctly uses the Present Continuous for a current academic debate?

a) Scholars always debate whether convergence between legal families is real or superficial;

b) Scholars are currently debating whether the convergence between civil and common law systems is producing genuine structural change or merely surface-level harmonization;

c) Scholars debate whether convergence is real – this debate is ongoing and scholars are not stopping;

d) Scholars are always debating, which means convergence is a subject of current debate.

17. In the sentence Legal transplants [require] the receiving system to adapt imported rules to local conditions, which form is correct and why:

a) are requiring – the ongoing need for adaptation makes Present Continuous appropriate;

b) require – require is a stative verb describing a permanent general truth; stative verbs take Present Simple;

c) are requiring – because legal transplants are currently happening in many jurisdictions;

d) require – only because the sentence does not contain a time signal for Present Continuous.

18. Which sentence incorrectly uses the Present Continuous for what should be a Present Simple structure?

a) Ukraine is currently implementing an extensive EU-aligned legislative reform programme;

b) More post-colonial states are reassessing the relationship between inherited legal frameworks and indigenous customary norms;

c) The concept of legal pluralism is describing the coexistence of multiple legal orders within a single society;

d) Comparative scholars are increasingly arguing that mixed systems deserve their own analytical category.

19. Which sentence provides the most accurate and grammatically correct description of the Romano-Germanic legal tradition using both tenses?

a) The Romano-Germanic tradition is relying on codes and is comprising most of the world's legal systems, and it is currently being influenced by common law ideas;

b) The Romano-Germanic tradition relies on comprehensive written codes as its primary source of law and currently encompasses over 150 states; it is actively incorporating EU-harmonized rules across a growing range of subject areas;

c) The Romano-Germanic tradition is relying on codes, which means it comprises 150 states, and it incorporates EU rules currently;

d) The Romano-Germanic tradition uses codes (PRESENT SIMPLE) and is comprising 150 states (PRESENT CONTINUOUS) and incorporates EU rules currently.

20. Which sentence provides the most grammatically correct and substantively accurate statement about legal convergence?

a) Civil and common law are converging because EU harmonization is forcing both traditions to become identical in all areas of law;

b) Civil and common law are converging in some areas – particularly commercial and consumer law – but their foundational approaches to legal reasoning and sources of law still differ significantly;

c) Civil and common law have always been converging and are becoming one tradition, which is why the distinction no longer matters;

d) Civil and common law is currently converging at present because globalization is making all legal systems the same.

ANSWER KEY

Q1: b	**Q2: b**	**Q3: c**	**Q4: c**	**Q5: b**	**Q6: b**	**Q7: c**	**Q8: b**	**Q9: b**	**Q10: d**
Q11: b	**Q12: b**	**Q13: c**	**Q14: b**	**Q15: c**	**Q16: b**	**Q17: b**	**Q18: c**	**Q19: b**	**Q20: b**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

2.7. GLOSSARY

TERM	DEFINITION
Administrative Law *Адміністративне право*	The body of law governing the activities of government agencies and regulatory bodies.
Case Law *Прецедентне право*	Law established by judicial decisions in courts; an essential source in common law systems.
Civil Law System *Система цивільного права*	A legal tradition based on codified laws and statutes, with judges applying codes rather than relying on precedent. Common in Europe, Latin America, and Asia.
Codification *Кодифікація*	The process of compiling laws into an organized and systematic written code.
Common Law System *Система загального права*	A legal system where law is primarily developed through judicial decisions and precedents rather than solely statutes. Predominant in the UK, USA, and other former British colonies.
Constitutional Law *Конституційне право*	Laws that define the structure of government and protect fundamental rights.
Customary Law *Звичаєве право*	Traditional, often unwritten, norms and practices recognized as binding within a community.
Equity *Право справедливості*	A branch of law developed in common law systems to provide remedies when strict application of statutes or precedent would lead to unfair results.
International Law *Міжнародне право*	Rules and norms that govern the relations between states and other international actors.
Judicial Precedent *Судовий прецедент*	The principle that decisions of higher courts are binding on lower courts in similar cases.

TERM	DEFINITION
Jurisprudence *Юриспруденція*	The theoretical study of law, its principles, and philosophical underpinnings.
Legal Pluralism *Правовий плюралізм*	The coexistence of multiple legal systems or sets of laws within one jurisdiction.
Legal System *Правова система*	The complete set of legal institutions, rules, principles, and procedures in a society.
Legislation / Statute *Законодавство / Статут*	Laws formally enacted by a legislative body, such as parliament or congress.
Modern Legal System *Сучасна правова система*	An organized framework of laws, institutions, and processes used to govern contemporary societies.
Natural Law *Природне право*	The idea that certain rights and moral principles are inherent in human nature and form the foundation for human-made laws.
Primary Sources of Law *Первинні джерела права*	Legal rules that have binding authority, including Constitutions, Statutes/legislation, Court decisions (case law), and Regulations.
Religious Law *Релігійне право*	Legal rules derived from religious texts or doctrines, e.g., Islamic Sharia law or Canon law.
Secondary Sources of Law *Вторинні джерела права*	Materials that explain, interpret, or comment on the law but are not binding, such as legal textbooks, scholarly articles, and legal encyclopedias.
Stare Decisis *Принцип прецеденту*	The doctrine that courts should follow established precedents to ensure consistency and predictability in the law.

UNIT 3
FOUNDATIONS OF UKRAINIAN LAW IN THE EUROPEAN LEGAL CONTEXT

3.1. HISTORICAL FOUNDATIONS OF UKRAINIAN LAW
3.2. EUROPEAN LEGAL VALUES
3.3. UKRAINIAN LAW AND EUROPEAN LEGAL TRADITIONS
3.4. THE CONSTITUTION OF UKRAINE
3.5. TASKS
3.6. QUIZ
3.7. GLOSSARY

3.1. HISTORICAL FOUNDATIONS OF UKRAINIAN LAW

Foundations of Ukrainian Law:
• Constitution of Ukraine as the fundamental law;
• Rule of Law as the principle that law is above all individuals and institutions;
• Human Rights Protection as legal guarantees of basic rights and freedoms;
• Democratic Governance when laws regulate the functioning of institutions.

FOUNDATIONS OF UKRAINIAN LAW |
Основи українського права
Civil law tradition · European integration · Rule of law · Human rights protection ·

FOUNDATIONS *Основи*	**SOURCES OF UKRAINIAN LAW** *Джерела українського права*	**EUROPEAN LEGAL CONTEXT** *Європейський правовий контекст*
• Constitution: defines the political and legal system of the state – Constitution of Ukraine • Rule of Law: law is above all individuals and institutions – equality before the law • Human Rights Protection: national legislation aligned with Universal Declaration of Human Rights	• Constitution: the highest legal authority – Constitution of Ukraine • Legislation: laws adopted by parliament – acts of the Verkhovna Rada • International Treaties: agreements with states and organizations – European human rights conventions • Judicial Decisions: court interpretations –	• Legal Tradition: Ukraine belongs to the civil law tradition – similar to many EU legal systems • Human Rights Standards: cooperation with the Council of Europe • European Integration: harmonization of Ukrainian legislation with EU law – EU Partnership

• Democratic Governance: laws regulate the functioning of democratic institutions – Parliament, elections, local government	decisions of the Constitutional Court of Ukraine • Subordinate Legislation: government decrees and regulations	• Judicial Reform: improvement of courts and legal procedures – adoption of European legal standards

PRINCIPLES OF UKRAINIAN LAW & SUPPORTING INSTITUTIONS

PRINCIPLES *Принципи українського права*	KEY INSTITUTIONS *Ключові інституції*
• Rule of Law: state power must operate within the law • Separation of Powers: legislative, executive, and judicial branches function independently • Protection of Human Rights: legal guarantees for personal and political rights • Legal Certainty: laws must be clear and predictable • Democracy: participation of citizens in governance	• Verkhovna Rada of Ukraine: adopts laws • Constitutional Court of Ukraine: ensures constitutionality of laws • Supreme Court: highest judicial authority in the court system • European Court of Human Rights: protects human rights of citizens of member states – Ukraine is a Council of Europe member since 1995

UKRAINIAN LEGAL HISTORY | Правова історія України

Over 1,000 years of legal development – from oral custom to modern constitutional democracy

▼ milestones on the path from custom to Constitution ▼

Period	Key Event / Law	Significance for Ukrainian legal development
Pre-9th century	*Customary law of early Slavic tribes (Звичаєве право)*	Unwritten rules governing land, marriage, inheritance, and blood feuds. Passed orally. Enforced by village elders. Foundation of all later written Ukrainian law.
11th–12th c.	*Ruska Pravda (Руська Правда)*	First written legal code of Kyivan Rus. Replaced blood feud with monetary compensation (vira). Earliest written source of Ukrainian law – from custom to codification.
988 AD	*Baptism of Rus · (Хрещення Русі)*	Byzantine canon law brought Roman legal concepts to Kyiv. Church courts applied Byzantine family and inheritance law. Roman law arrived in Ukraine centuries before any university taught it.
1529–1588	*Lithuanian Statute (Литовський Статут)*	Three successive codifications governing most Ukrainian territory. Third Statute (1588): criminal law, property, courts, social estates. Influenced by Roman and Western European legal thought.
1648–1764	*Cossack law and the Hetmanate*	Autonomous legal order based on Cossack custom, the Lithuanian Statute, and Magdeburg Law. Values: personal freedom, elected leadership, community rights. Hetman as lawgiver.
1710	*Constitution of Pylyp Orlyk*	Limited the Hetman's power; required Council consent for taxes and war. Often called the first modern constitution in European history – 79 years before France's Constitution of 1791.

18th–19th c.	*Imperial Russian law / Austrian law*	Russian imperial law replaced Cossack autonomy in the east. Austrian ABGB (1811) introduced Roman law concepts and constitutional rights in Galicia and Bukovina – shaping two different legal cultures in east and west Ukraine.
1917–1921	*Ukrainian People's Republic (UNR)*	Brief modern Ukrainian statehood. Own courts, laws, and government. Law on State Languages (1918). Legally significant tradition of independent statehood, cut short by Soviet conquest.
1920–1991	*Soviet law in Ukraine (Ukrainian SSR)*	Law subordinated to Party policy. Private property abolished. Holodomor (1932–33) carried out through deliberate misuse of Soviet legal instruments. Shaped Ukrainians' distrust of state power.
1990–1991	*Declaration of Sovereignty (1990) · Independence (1991)*	July 1990: supremacy of Ukrainian law asserted. August 1991: independence declared. December 1991: 90.3 % voted yes in referendum – democratic legal foundation of modern Ukraine.
2004 2013–14	*Orange Revolution · Revolution of Dignity*	Citizens demanded the rule of law, free elections, and European values. Euromaidan (2013–14) directly accelerated EU integration and launched the post-2014 reform era.

MEDIEVAL UKRAINIAN LAW | Середньовічне право України

Writing, codifying, and asserting Ukrainian law

▼ the Ruska Pravda – Ukraine's first written legal code ▼

RUSKA PRAVDA

Руська Правда · 11th–12th centuries · Prince Yaroslav the Wise

Replaced the blood feud (кровна помста) with the vira – a fixed monetary payment for killing a free man – one of the first steps from custom to codified law in Ukrainian legal history.

- Regulated: criminal liability · property disputes · inheritance · social status of different groups
- Codified existing Slavic customary norms alongside princely legislation

▼ three further foundations ▼

BYZANTINE LEGAL INFLUENCE

Візантійський правовий вплив

The Baptism of Rus (988 AD) brought Byzantine canon law and Nomocanons to Kyiv. Church courts applied Byzantine family and inheritance law.

- Shaped: church jurisdiction, marriage law, the concept of the Christian ruler bound by divine law
- *Long-term: Roman law heritage in Ukrainian private law traces partly through this Byzantine transmission*

LITHUANIAN STATUTE

Литовський Статут · 1529, 1566, 1588

Three codifications of the Grand Duchy of Lithuania governing most Ukrainian territory for two centuries. The Third Statute (1588) was the most comprehensive: criminal law, property rights, courts, and social estates – influenced by Roman and Western European legal thought.

- Introduced ius commune concepts to Ukrainian legal practice
- *Remained in force in Left-Bank Ukraine until 1842*

COSSACK LAW & HETMANATE

Козацьке право та Гетьманщина · 1648–1764

Autonomous legal order of the Zaporozhian Cossacks based on Cossack custom, the Lithuanian Statute, and Magdeburg Law. The Hetman was both military commander and lawgiver. Core values: personal freedom, elected leadership, community rights.

- Khmelnytsky negotiated preservation of Cossack legal autonomy at Pereyaslav (1654)
- *Magdeburg Law in Kyiv (1494–1835): urban self-government*

Constitution of Pylyp Orlyk (1710) – Europe's early constitutional moment ▼▼

CONSTITUTION OF PYLYP ORLYK (1710)

Конституція Пилипа Орлика · 5 April 1710

Agreement between exiled Hetman Pylyp Orlyk and the Zaporozhian Host. Often called the first modern constitution in European history – limiting the ruler's power and establishing a representative council, years before the French Constitution of 1791.

KEY PRINCIPLES:

- Limited government – Hetman could not raise taxes or declare war without Council consent
- Representative body – the General Council as a check on executive power
- Rights of Cossack officers and ordinary Cossacks guaranteed

Never implemented – but demonstrates that Ukraine's constitutional thinking predates most European states

NB: The Ruska Pravda (Руська Правда) and the Constitution of Pylyp Orlyk (Конституція Орлика) bracket the medieval and early modern periods of Ukrainian legal history. The first established the principle that the law – not private revenge – determines the consequences of wrongdoing. The second established the principle that the ruler – not personal will – must be bound by law and representative consent. Both principles are foundational to Ukraine's 1996 Constitution.

3.2. EUROPEAN LEGAL VALUES

EUROPEAN LEGAL VALUES |
Європейські правові цінності
Not abstract ideals – enforceable standards that real courts apply to protect real people · Ukraine committed through Constitution, ECHR, and Association Agreement

▼ the constitutional triangle – pillars of European legal order ▼

DEMOCRACY *Демократія*	RULE OF LAW *Верховенство права*	HUMAN RIGHTS *Права людини*
Power belongs to the people, exercised through free, fair, and regular elections. Protects: political pluralism, freedom of expression, rights of minorities. In European tradition, inseparable from rule of law and human rights. *Ukraine: presidential and parliamentary elections, universal direct suffrage – Art. 71 Constitution*	Everyone – citizens, officials, and the state itself – must obey the law. Laws must be clear, stable, and publicly known. Courts must be independent. Government decisions challengeable. The opposite of arbitrary power. *Ukraine: Art. 8 Constitution – the rule of law principle has the highest legal force*	Fundamental entitlements every person holds against the state: life, prohibition of torture, fair trial, expression, privacy, and effective remedy. Guaranteed by the ECHR and Ukraine's Constitution. Absolute rights cannot be derogated – dignity and prohibition of torture allow no exceptions. *Ukraine: ECHR ratified 1997 – 10,000+ applications to the ECtHR*

▼ further European legal values – each enforceable in Ukrainian law ▼

HUMAN DIGNITY *Людська гідність*	**SEPARATION OF POWERS** *Розподіл влади*	**LEGAL CERTAINTY** *Юридична визначеність*	**PROPORTIONALITY** *Пропорційність*
Every person has inherent worth – never taken away • Absolute: no exception, even in wartime	Legislature · Executive · Judiciary – three branches • No single person or body can hold all power • Structural guarantee against tyranny • Verkhovna Rada · President · Courts	Law must be clear, stable, and predictable • People can plan their lives knowing the rules • Prohibits retroactive criminal laws	Restrictions on rights – no greater than necessary • Legitimate aim · suitable measure · minimum restriction • Applied by EU courts · ECtHR · Ukrainian CCU • Banning a newspaper for one error = disproportionate • Heavy-handed state action is unlawful

3.3. UKRAINIAN LAW AND EUROPEAN LEGAL TRADITIONS

EU INTEGRATION THROUGH LAW | Євроінтеграція через право

▼ the legal architecture of Ukraine's EU path ▼

EU–UKRAINE ASSOCIATION AGREEMENT *Угода про асоціацію · signed 2014 · in force 2017*	ACQUIS COMMUNAUTAIRE *Правова спадщина ЄС*	EU CANDIDATE STATUS (2022) *Статус кандидата · granted 23 June 2022*
The most ambitious agreement the EU has concluded that covering political association, DCFTA (Deep and Comprehensive Free Trade Area), and a detailed legal approximation agenda. Contains binding obligations to align hundreds of Ukrainian laws with EU standards. • Covers: competition, intellectual property, food safety, company law, consumer protection, public procurement, anti-corruption, and much more	The entire body of EU law – treaties, regulations, directives, court judgments – that all EU member states must apply and that candidate countries must incorporate before accession. For Ukraine, adopting the acquis means transforming tens of thousands of pages of EU law into Ukrainian legislation. • When Ukraine adopts an EU directive on product safety, it adds another chapter of the acquis – term by term, chapter by chapter	Formal status granted by the European Council on 23 June 2022 – Ukraine's European future given a concrete legal status for the first time. Accession negotiations opened June 2024. Full alignment with EU acquis required as a condition of membership. • Historic moment: aspiration became a legal process with defined conditions and a path forward

▼ approximation in practice – what Ukrainian law reforms look like ▼

COMPETITION LAW *Конкурентне право*	**ANTI-CORRUPTION** *Антикорупційні реформи*	**CONSUMER PROTECTION** *Захист прав споживачів*	**CRIMINAL PROCESS** *Кримінальний процес*
Rewritten in 2022 to mirror Arts. 101–102 TFEU • Same rules as EU markets • Anti-monopoly, state aid, merger control • Competition authority aligned with EU model • Makes Ukraine commercially compatible with EU	NABU, SAPO, HACC created since 2014 • Asset declaration: public register • GRECO (Council of Europe) standards • UNCAC compliance • Condition of EU accession progress	Alignment with EU Consumer Rights Directive • Withdrawal rights, unfair contract terms • Distance selling rules • Product liability standards • Ukrainian and EU businesses on same legal ground	2012 CPC: adversarial elements from ECHR Art. 6 • Presumption of innocence • Right to legal assistance • Right to confront witnesses • Ne bis in idem – no double jeopardy • Abolished Soviet system of pre-written verdicts

NB: Approximation of Ukrainian law (апроксимація права) is not a one-time event but a continuous legal process – the daily work of aligning Ukraine's legislation, institutions, and enforcement practices with EU law.

▼judicial reform – international experts, transparency, and EU conditions ▼

JUDICIAL SELECTION *Добір суддів*	HIGH ANTI-CORRUPTION COURT *Вищий антикорупційний суд*	HUMAN RIGHTS OMBUDSMAN *Уповноважений ВРУ з прав людини*
High Qualification Commission of Judges • International experts on the Commission • Insisted on by Venice Commission and EU • Unprecedented in Ukrainian constitutional history • Competitive transparent selection • Removes political patronage from appointments	HACC established 2019 • Specialist court for high-level corruption cases • International advisory panel assisted selection • Demonstrates that structural transplants work • Acquitting defendants despite political pressure = judicial independence • Accountability tool for the most powerful	Independent constitutional institution – est. 1998 • Based on the Swedish ombudsman model • Monitors compliance with human rights • Visits detention facilities unannounced • Reports to parliament • Citizens can write directly to the Commissioner

3.4. THE CONSTITUTION OF UKRAINE

CONSTITUTION OF UKRAINE | Конституція України

Supreme law of Ukraine · Adopted 28 June 1996 · 15 chapters · 161 articles · Direct legal force · All other laws must conform

▼ Article 1 – the four-word definition of the Ukrainian state ▼

SOVEREIGN *Суверенна держава*	**DEMOCRATIC** *Демократична держава*	**SOCIAL** *Соціальна держава*	**RULE-OF-LAW STATE** *Правова держава*
Ukraine determines its own legal order • No other state may dictate Ukrainian law • External sovereignty: recognized international actor • Internal sovereignty: supreme legal authority • Source of all state power: the Ukrainian people (Art. 5)	Power belongs to the people (Art. 5) • Free, equal, direct, and secret elections (Art. 71) • Political pluralism – multi-party system (Art. 15) • Freedom of expression (Art. 34) • Right of citizens to participate in governance (Art. 38)	State must actively protect citizens' welfare • Right to work (Art. 43) • Right to social security (Art. 46) • Right to healthcare (Art. 49) • Right to education (Art. 53) • Right to adequate housing (Art. 47)	State itself is bound by law • Government action must have legal basis • Citizens can challenge unlawful state action • Art. 8: Constitution has the highest legal force • Norms of the Constitution are of direct effect

▼ three foundational principles of the Constitution ▼

SUPREMACY OF THE CONSTITUTION *Верховенство Конституції · Article 8*	SEPARATION OF POWERS *Розподіл влади · Articles 6, 75–131*	DIRECT EFFECT OF THE CONSTITUTION *Безпосередня дія · Article 8(3)*
The Constitution has the highest legal force. All laws and legal acts must be based on and conform to it. Norms of the Constitution are norms of direct effect – citizens can invoke constitutional rights before a court without a separate statute. *Example: The CU struck down 2010 amendments extending presidential power – even a parliamentary majority cannot change the Constitution in ways that undermine its fundamental principles.*	State power is divided between three independent branches: the legislature (Verkhovna Rada – adopts laws), the executive (President + Cabinet – implements laws), and the judiciary (courts – applies and controls laws). No single person or body can hold all power. *Example: Only the Verkhovna Rada can adopt a law; only a court can interpret it in a dispute – three separate institutions, each with its own role and limits.*	Norms of the Constitution are of direct action – a citizen can invoke a constitutional right before a court without a separate statute implementing it. Constitutional rights are self-executing and immediately enforceable. *Example: A Ukrainian court protects a citizen's right to privacy under Art. 32 of the Constitution directly – even if no specific statute covers the exact situation.*

NB: The Constitution's direct-effect principle (пряма дія) is the most practically important feature of Ukraine's constitutional system. It means that rights written in the Constitution are not aspirations for future legislation – they are real, immediately enforceable legal entitlements.

3.5. TASKS

Grammar focus: **Past Continuous Tense** – describing background situations, parallel events, and interrupted processes across Ukrainian legal history and Europe's developing rights framework.

GRAMMAR REVIEW

Use	Structure / Tense Indicators	Ukrainian Law Examples
Form: was/were + verb-ing	*I/he/she/it WAS + -ing | we/you/they WERE + -ing*	The Cossack officers were drafting the agreement while the Hetman was negotiating with the tsar's envoys.
Background situation in the past	*while, as, at that time, at that point, in [year]*	When the Ruska Pravda was compiled, Slavic communities were still relying on oral custom to resolve most disputes.
Interrupted action: PC + Simple Past	*when + Past Simple interrupted Past Continuous*	Reformers were drafting a new constitutional framework when the coup attempt of August 1991 suddenly accelerated the path to independence.
Two simultaneous past actions	*while … was/were -ing, … was/were -ing*	While NABU investigators were gathering evidence, the accused official was attempting to destroy documents.
Gradual change in the past	*gradually, slowly, step by step, over time, increasingly*	Ukrainian legal consciousness was gradually strengthening throughout the 2000s, as citizens increasingly turned to courts.

Negative: was/were not + -ing	*was not / were not (wasn't / weren't) + verb-ing*	In 1988, Ukrainian citizens were not yet demanding legal accountability – the concept of open protest was still dangerous.
Question: Was/Were + subject + -ing?	*Was/Were + subject + verb-ing + …?*	Was the Constitutional Commission taking account of the Venice Commission's recommendations when it drafted the 1996 text?
PC vs Past Simple – key contrast	*PC = ongoing/background | PS = completed, single event*	While protesters were standing on the Maidan (PC – extended background action), the Supreme Court announced a new election (PS – completed event).

1. PAST CONTINUOUS: FULL FORMS AND ESSENTIAL TIME EXPRESSIONS FOR LEGAL HISTORY WRITING

AFFIRMATIVE:

Singular (I / he / she / it): WAS + verb-ing – The Hetman was governing a semi-autonomous state under Cossack law. / The legislator was drafting new anti-corruption provisions as the reform deadline approached.

Plural (we / you / they): WERE + verb-ing – Ukrainian cities were operating under Magdeburg Law from the 14th century. Reformers were pushing for judicial independence even before the 2014 revolution.'

NEGATIVE:

was not (wasn't) / were not (weren't) + verb-ing – The Hetmanate wasn't operating on purely written law; customary rules and the Lithuanian Statute both applied.'

QUESTION:

Was / Were + subject + verb-ing? – Was Ukraine moving towards EU integration before the Orange Revolution? / Were the post-2014 reforms delivering real institutional change, or were they mainly symbolic?

Short answers: Yes, it was. / No, it wasn't. / Yes, they were. / No, they weren't.

KEY TIME EXPRESSIONS:

BACKGROUND: while · as · at that time · at that point · in [year] · throughout [period] · during [event] INTERRUPTION: when + Past Simple GRADUAL CHANGE: gradually · slowly · step by step · increasingly · over time · by [year] PARALLEL ACTIONS: while … was -ing, … was -ing SPECIFIC MOMENT: at the time · at that moment · just then – At the moment the Declaration of Independence was adopted, thousands of Ukrainians were gathering in city squares across the country.'

2. USING PAST CONTINUOUS IN HISTORICAL LEGAL WRITING: THREE CORE PATTERNS

Historical legal writing uses the Past Continuous to bring the past to life: it shows processes that were unfolding, debates that were taking shape, and institutions that were developing – not just events that happened and ended. Here are the three patterns you will use most often in this topic.

PATTERN 1 – BACKGROUND + INTERRUPTION (while/when):

Use Past Continuous for the longer ongoing background process and Past Simple for the shorter, completed event that occurred during it.

Ukrainian leaders were still negotiating the terms of the Association Agreement when President Yanukovych announced that Ukraine would not sign.

PATTERN 2 – TWO PARALLEL PROCESSES (while … was/were -ing, … was/were -ing):

Use Past Continuous for both actions to show they were happening at the same time. While the Austro-Hungarian administration was introducing Roman-law based civil courts in Galicia, the Russian Empire was imposing its centralized legal order on Eastern Ukraine.

PATTERN 3 – GRADUAL HISTORICAL CHANGE:

Use Past Continuous + adverbs of gradual change to describe institutional or legal evolution over a period of time.

By 2022, when Ukraine received EU candidate status, legal consciousness among Ukrainian citizens was clearly developing in a new direction: more people than ever were turning to courts and international mechanisms to defend their rights.

3. PAST CONTINUOUS VS PAST SIMPLE: CHOOSING THE RIGHT TENSE IN LEGAL HISTORY

The single most important skill with Past Continuous is knowing when NOT to use it. If an action was completed – an event happened, a law was passed, a court ruled – use Past Simple. If a process was ongoing at a particular moment in the past, use Past Continuous.

USE PAST SIMPLE for:

Completed events with a clear end point: Ukraine declared independence on 24 August 1991.

A sequence of completed events: The Orange Revolution began in November 2004, the Supreme Court ordered a recount, and Viktor Yushchenko won the re-run election.

USE PAST CONTINUOUS for:

Ongoing processes at a specific moment: In the winter of 2013–14, millions of Ukrainians were standing on the Maidan demanding European values. Background context for a completed event: The government was negotiating with the IMF when the protests began. Interrupted actions: The reform commission was finalizing the anti-corruption legislation when the parliamentary session ended unexpectedly.'

NB: stative verbs never take the continuous:

Even in Past Continuous contexts, stative verbs (know, believe, belong, mean, contain, consist, seem, represent, require) always take Past Simple: The Hetmanate belonged to the Romano-Germanic legal tradition through the Lithuanian Statute. (NOT: was belonging) / The Constitution contained 161 articles. (NOT: was containing)

4. PAST CONTINUOUS IN CONSTITUTIONAL AND HUMAN RIGHTS WRITING: SPECIFIC APPLICATIONS

When writing about Ukraine's constitutional development and European integration, Past Continuous is the tense that shows the living, evolving nature of legal processes – as opposed to the simple listing of events. Here are four common application patterns specific to constitutional and rights writing.

A. DESCRIBING WHAT WAS HAPPENING DURING A HISTORIC EVENT:

On 28 June 1996, while MPs were voting to adopt the Constitution, civic organizations were monitoring the session from the public gallery, aware that they were witnessing a historic moment.

B. SHOWING REFORM AS A PROCESS, NOT JUST A RESULT:

Between 2014 and 2019, Ukraine was rebuilding its anti-corruption architecture from scratch: investigators were being trained, systems were being audited, and new institutions were taking shape.

C. CONTRASTING PAST PROCESSES WITH PRESENT RESULTS:

For decades, Ukrainian courts were operating without genuine independence – today, judicial reform is changing that reality.

D. EXPRESSING LEGAL IRONY AND CRITICAL ANALYSIS:

One particularly effective use of Past Continuous in legal writing is to create analytical distance – showing that what authorities were doing in the past was the opposite of what the law required: The government was claiming to uphold the Constitution while it was systematically suppressing political opposition and media freedom. This contrast between stated and actual behavior is a standard analytical tool in constitutional and human rights writing.

Reading *Tasks 1–2*	Listening *Tasks 3–4*	Speaking *Tasks 5–8*	Writing *Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY AND CLASSIFY PAST CONTINUOUS STRUCTURES IN A UKRAINIAN LEGAL HISTORY TEXT

Read the passage below. Find every Past Continuous verb phrase, record it in a table, and classify the function it performs. Then answer the comprehension questions that follow.

TEXT: When Bohdan Khmelnytsky signed the Treaty of Pereyaslav in January 1654, he was not surrendering Cossack legal autonomy – he was negotiating what he believed would be a protective alliance. The Hetmanate was still operating its own courts, applying Cossack customary law alongside the Lithuanian Statute. Cossack officers were administering justice at the regimental level, while the Hetman's court were handling appeals in the most serious cases. Kyiv and other cities were running under Magdeburg Law – their elected councils still decided local disputes. Yet, even as this autonomous legal world was functioning, the Russian Empire was already tightening its hold on Ukrainian territory.

Table: Column 1 – Past Continuous verb phrase; Column 2 – subject; Column 3 – function (background situation / simultaneous actions / gradual change / interrupted process).

Comprehension Q1: What legal systems were coexisting on Ukrainian territory in 1654?

Comprehension Q2: Find the one Past Simple verb in the passage that describes a single completed event. Explain why Past Simple, not Past Continuous, is the correct choice for that sentence.

NB: This task works with a historically rich period that illustrates the core legal tension in Ukrainian history: the coexistence and gradual displacement of indigenous legal traditions by external imperial systems. Every Past Continuous structure in the passage serves a specific analytical purpose: background, parallel processes, or gradual change. Identifying the function of each verb is not just grammar – it is legal-historical reading comprehension.

Task 2
Reading
ANALYSE

ANALYSE TENSE CHOICES ACROSS PASSAGES ON UKRAINIAN CONSTITUTIONAL MILESTONES

Each short passage below describes a key moment in Ukrainian constitutional history. Analyse: a) which Past Continuous structures are used and why; b) which Past Simple structures appear and what distinguishes them.

PASSAGE A: Pylyp Orlyk's Constitution, 1710. On 5 April 1710, in exile near Bender, Pylyp Orlyk signed an agreement with the Zaporozhian officers. At that moment, he was not governing any real territory – the Russian army was controlling most of the Hetmanate. Yet Orlyk wrote a document that set out principles of limited government and representative councils that European political thinkers were only beginning to articulate at the time. He was proving, perhaps without knowing it, that Ukrainian constitutional thinking was not behind Europe – it was running in parallel.

PASSAGE B: Ukraine's EU candidate status, June 2022. When EU leaders gathered in Brussels on 23 June 2022, Ukraine fought for its survival on the battlefield. Ukrainian diplomats were making the case that EU membership was not just an aspiration but a matter of national existence.

The decision that EU leaders took that day transformed a political wish into a legal process with defined conditions and international legal status.

NB: This shifting from Past Continuous to Past Simple in the final sentence is intentional and demonstrates genuine grammatical and analytical thinking.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: PAST CONTINUOUS GAP-FILL ON UKRAINIAN LEGAL HISTORY

Listen to audio recording #2 and write the missing word –the correct Past Continuous form of the verb and state: a) the function the tense performs in that sentence; b) the signal word or contextual clue that guided your choice.

1. While Prince Yaroslav the Wise _____ in Kyiv, his legal scholars _____ the rules of customary law that would become the Ruska Pravda.

2. At the time of the Baptism of Rusin 988, Byzantine clergy _____ not only Christianity to Kyiv but also the first written legal texts.

3. In the 17th century, while Cossack courts _____ the Lithuanian Statute, Kyiv's elected council _____ justice under Magdeburg Law.

4. Pylyp Orlyk _____ in exile when he drafted the 1710 agreement – he _____ any real territory at the time.

5. When the Russian Empire abolished the Hetmanate in 1764, Cossack legal institutions _____ much of their real power.

6. In the autumn of 1995, the Venice Commission _____ Ukraine's draft constitution and _____ recommendations on judicial independence.

NB: Item 4 tests the negative form with a stative follow-up. Item 5 tests the already + Past Continuous pattern (gradual change at the point of interruption). Discuss how tense choice contributes to argumentative effect in legal writing.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT PRESENTATION ON THE ORANGE REVOLUTION AND THE RULE OF LAW

Listen to a 2-minute student presentation about the Orange Revolution of 2004 and its significance for the rule of law in Ukraine. Evaluate on the criteria: a) correct use of Past Continuous; b) correct use of Past Simple; c) accuracy of legal content.

CRITERION A – Correct Past Continuous structures to listen for (expect 4+): Millions of Ukrainians were protesting on the streets of Kyiv and other cities. The Supreme Court was considering the petition for a new vote while negotiations were continuing between the candidates.
CRITERION B – Correct Past Simple for completed events (expect 3+): Viktor Yushchenko won the second vote. Parliament passed constitutional amendments as part of the political settlement.
CRITERION C – Legal content errors to identify (2 planted): e.g., claim that the Orange Revolution brought Ukraine into the EU (incorrect: Ukraine's EU candidacy came in 2022, not 2004); claim that the Orange Revolution produced a new constitution (incorrect: the 1996 Constitution remained; what changed were political arrangements and a constitutional amendment on the powers of parliament). Write 5–6 sentences of feedback addressing all criteria.

NB: this task trains the dual skill of grammatical and factual evaluation that is essential in legal academic work. A statement that is grammatically perfect but legally inaccurate – or accurate but expressed with stative verbs in continuous form – fails on different grounds. Students who can identify both kinds of error simultaneously are developing the integrated critical literacy that legal study demands.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

TIMELINE WALK: RECALL AND NARRATE MOMENTS USING PAST CONTINUOUS

Choose three different historical moments from the diagrams. For each one, describe what was happening at that moment using at least two Past Continuous structures. Your partner times each description (aim for 45 seconds each) and marks any Past Continuous errors on a tracking sheet.

E.g., MOMENT 1 – The compilation of the Ruska Pravda (11th century): When Prince Yaroslav ordered his scribes to write down the first legal code, Slavic communities were still relying on entirely oral custom to settle disputes. Clan elders were travelling between villages to hear cases. The transition from unwritten tradition to written law was beginning, slowly – and the Ruska Pravda was the first, small step in that enormous shift.
Partner tracking sheet: a) Past Continuous used correctly? b) Stative verb accidentally in continuous form? c) Past Simple correctly used for any completed event? d) Legal content accurate to the diagrams?
NB: The moments span Ukraine's legal history. Choosing one from each topic area ensures breadth. The 45-second target is realistic and creates the natural pressure of real-time production. The partner's tracking role builds peer accountability without creating anxiety.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: A HUMAN RIGHTS LAWYER EXPLAINS THE ECHR TO A NEW CLIENT

Student A is a Ukrainian citizen who has just had their rights violated and wants to know whether they can go to the European Court of Human Rights. Student B is a human rights lawyer explaining the ECHR system, using Past Continuous to describe how the system developed and what was happening when the relevant case law was established.

EXCHANGE 1 – How Ukraine joined the ECHR system (PC for process): Client: When did Ukraine join the European Convention system, and how did it happen? Lawyer: Ukraine was gradually building its relationship with the Council of Europe throughout the early 1990s. While it was negotiating the terms of membership, it was also committing to bring its laws into conformity with the Convention. Formal ratification happened in 1997 – that was the moment the door to Strasbourg opened for Ukrainian citizens. Before that, Ukrainian courts were not yet applying the Convention directly, and citizens had no right of individual petition.

EXCHANGE 2 – What ECtHR was doing in Ukraine's early cases (PC for background): Client: Were Ukrainian cases reaching Strasbourg quickly after ratification? Lawyer: Yes, from very early on. Ukrainians were filing applications at a high rate because the problems were serious and widespread. While the ECtHR was processing thousands of applications from Ukraine, it was also identifying systemic problems – not just individual violations. The pilot-judgment procedure was being developed at exactly that time to deal with cases where the same structural failure was generating hundreds of individual applications. The judgment against Ukraine in 2009 on non-enforcement of court decisions was a landmark example.

EXCHANGE 3 – The client's own situation (mixed PC and PS): Client: My flat was demolished while I was working abroad. I was not informed in advance, and I was not given any opportunity to challenge the decision. Lawyer: What you are describing raises at least two Convention issues. First, Article 1 Protocol 1 – the right to property. When the authorities were carrying out that demolition, they were acting without any court order, which means the interference was not lawful. Second, Article 6 – the right to a fair hearing. While the demolition was taking place, you were being denied any procedural protection. Both violations were already occurring before you even had a chance to respond.

NB: The role-play naturalizes the use of Past Continuous for legal process narration. Notice how the lawyer uses PC for: a) the gradual development of the legal system (was building); b) the parallel processes of the ECtHR and Ukraine (was processing, was identifying); c) the client's situation at the moment of violation (was working, was not being informed, was taking place). This is precisely the pattern that real human rights lawyers use in applications to Strasbourg.

Task 7
Speaking – Monologue
APPLY

STRUCTURED PRESENTATION: WHAT WAS UKRAINE BUILDING BETWEEN 2014 AND 2022?

Deliver a 2-minute structured presentation on Ukraine's post-2014 legal reforms, divided into three sections. Use Past Continuous throughout to show that reforms were ongoing processes, not simply completed events. You must use at least five Past Continuous structures and name at least five institutions or legal acts from the Glossary.

SECTION 1 – What was being dismantled (30 seconds): Before 2014…
SECTION 2 – What was being built (60 seconds): After 2014, Ukraine was attempting…
SECTION 3 – What was changing in legal culture (30 seconds): Perhaps the most important thing was…
NB: the three-section structure makes the cognitive demand explicit. Section 1 uses Past Continuous to describe systemic failures as ongoing processes – not isolated events. Section 2 uses Past Continuous to show that institutions were being built simultaneously, creating a picture of reform as a living process. Section 3 shifts to legal culture, using Past Continuous to describe gradual change in public attitudes.

Task 8
Speaking – Debate
ANALYSE

DEBATE: WAS UKRAINE'S 1996 CONSTITUTION A GENUINE BREAK WITH THE PAST OR A CONTINUATION OF SOVIET LEGAL HABITS?

Position A argues that the 1996 Constitution represented a genuine and historically significant break: Ukraine was choosing European legal values, establishing real constitutional supremacy, and guaranteeing rights that the Soviet era had denied. Position B argues that the text was progressive but the institutions it created were not yet ready to enforce it: Soviet legal habits were still operating beneath the constitutional surface.

Position A opens – use PC for the reform processes that were already under way: Ukraine was already moving in a new direction…
Position B responds – use PC for the Soviet patterns that were still operating: Prosecutors were still using their powers to target political opponents…

Both sides must: a) use at least three Past Continuous structures; b) use at least two Past Simple structures for completed events. After the debate, each side identifies the three most effective Past Continuous uses by the other side and explains what argumentative purpose they serve.
NB: this debate sits at the heart of Ukrainian constitutional law scholarship. The question – was the Constitution genuine or symbolic? – is one that Ukrainian legal academics genuinely disagree about. Using Past Continuous to describe ongoing processes on both sides of the argument shows that reality was complex: real reforms were happening at the same time as old habits were persisting. The ability to hold that complexity, expressed through careful tense use, is exactly what law history discourse demands.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

Reconstruct a Historical Scene Using Past Continuous

Choose one of the historical moments listed in the diagrams. Write a 120-word paragraph describing what was happening at that moment, using at least five Past Continuous structures. Focus on bringing the scene alive by describing the processes unfolding simultaneously – not just listing what happened.

After writing, underline every Past Continuous structure. Circle any Past Simple verb and confirm it describes a completed event, not an ongoing one.
NB: Writing a scene is the most effective way to internalize Past Continuous because it makes the grammar serve a real communicative purpose: putting the reader inside a historical moment. The best paragraphs will use PC to show multiple processes happening simultaneously – which is exactly what makes Past Continuous so powerful in historical legal narrative.

Task 10
Writing
APPLY

COMPLETE A HISTORICAL LEGAL ANALYSIS USING THE CORRECT TENSE IN EVERY GAP

The passage below traces Ukraine's path from Soviet legal culture to European legal values. Every verb in brackets must be placed in either Past Continuous or Past Simple. Then write a continuation paragraph of 4–5 sentences, using both tenses, on the post-2014 period.

PASSAGE: On 24 August 1991, when the Verkhovna Rada _____ (adopt) the Declaration of Independence, Ukraine _____ (emerge) from a legal system that _____ (operate) for seventy years as an instrument of state control rather than citizen protection. Soviet courts _____ (not / function) independently – they _____ (apply) Communist Party policy. Ordinary citizens _____ (not / expect) the law to work in their favor. While all this _____ (happen), however, an alternative legal tradition _____ (quietly / survive) in Ukrainian legal memory: the Ruska Pravda, the Cossack tradition of elected leadership, Orlyk's constitution, and the brief but real statehood of 1917–1921. Throughout the 1990s, Ukraine _____ (slowly / build) its new legal order. The Venice Commission _____ (advise) on constitutional design. European institutions _____ (monitor) the process. Ukraine _____ (join) the Council of Europe in 1995 and _____ (ratify) the ECHR in 1997 – two completed steps in a much longer journey that _____ (still / unfold) when the Maidan _____ (transform) the political landscape in 2014.

Suggested answers: adopted (PS – single completed event); was emerging (PC – background, transitional moment).

Write your continuation paragraph: Continue the story from 2014, using both Past Continuous (for the processes of reform, resistance, and civic mobilization) and Past Simple (for key completed milestones: NABU founded 2014, EU candidacy granted 2022). Use at least four Past Continuous and three Past Simple structures.

NB: this task tests the most important distinction in the entire grammar unit: the difference between a completed event (PS: joined, ratified, transformed). and an ongoing process (PC: was building, was advising). The continuation paragraph frees students to apply this distinction creatively, using their own knowledge of the post-2014 period from the Unit.

Task 11

Writing

EVALUATE

FIND AND CORRECT EIGHT TENSE ERRORS IN A STUDENT ESSAY ON EUROPEAN LEGAL VALUES IN UKRAINE

The paragraph below is a student's essay extract on how Ukraine was engaging with European legal values in the 1990s and 2000s. It contains eight tense errors – some Past Continuous forms used where Past Simple is required, and some stative verbs incorrectly placed in the continuous form. Find each error, name the rule, and rewrite the paragraph correctly.

STUDENT PARAGRAPH: When Ukraine was declaring independence in 1991, it was entering an entirely new legal era. The first task was to write a constitution that was reflecting European values. While the Venice Commission was advising the drafters, Ukrainian MPs were debating every word of the rights chapter. Some politicians were knowing that genuine judicial independence would limit their own power, and so they were

resisting the strongest formulations. In 1995, Ukraine was joining the Council of Europe, and in 1997 it was ratifying the ECHR – two steps that were meaning a great deal for ordinary citizens. For the first time, Ukrainians were having the right to take their own government to court in Strasbourg. By the time the Orange Revolution was beginning in 2004, Ukrainian civil society was already developing a culture of legal accountability.

Error 1: was declaring→ declared – completed event with a specific date (24 August 1991); Past Simple required.

CORRECTLY KEPT: was advising, were debating, were resisting, was already developing– all genuine ongoing past processes; do not correct these.

Rewrite the corrected paragraph in full.

NB: The most instructive errors in this paragraph are the stative verb errors (were knowing) because these arise from over-applying the Past Continuous – a very common mistake when students first learn the tense and start using it enthusiastically without checking whether the verb is stative. The final note identifies four Past Continuous verbs that are CORRECT and must not be changed – discriminating between wrong and right continuous forms is the highest-level skill this task tests.

Task 12
Writing
CREATE

WRITE A HISTORICAL ESSAY INTRODUCTION: HOW UKRAINE WAS BUILDING ITS LEGAL IDENTITY BETWEEN 1991 AND 2014

Write a 200-word essay introduction on Ukraine's legal development between independence and the Euromaidan. Use Past Continuous throughout to show that legal identity was not simply adopted but was actively constructed through ongoing processes. Include at least two Past Simple verbs for key completed milestones.

OPENING PARAGRAPH – Setting the scene at independence (PC dominant, ~60 words): When Ukraine declared independence in August 1991 …
DEVELOPMENT PARAGRAPH – The constitutional and European integration process (mixed, ~100 words): Throughout the 1990s, Ukraine was building its constitutional framework…
CLOSING SENTENCE – Bridge to the Maidan (PC + PS contrast, ~40 words): By 2014, Ukraine was moving…
TENSE AUDIT after writing: a) Highlight every Past Continuous in yellow – is each one describing a process? b) Highlight every Past Simple in blue – is each one a completed event? c) Circle every stative verb and confirm it is in the simple form. d) List every glossary term used.
NB: the essay introduction is the genre that brings everything together. The opening establishes the legal landscape through PC – multiple processes unfolding simultaneously at independence. The development mixes PC (ongoing processes) and PS (completed milestones) to create a dynamic historical narrative. The closing sentence uses both tenses in direct contrast to build towards the essay's thesis. The tense audit replicates the revision process that careful legal writers use, making the connection between grammar and academic craft explicit.

3.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses Past Continuous for an ongoing background process?
a) When Prince Yaroslav compiled the Ruska Pravda, he replaced the blood feud with monetary compensation;
b) While Prince Yaroslav was reigning in Kyiv, his scholars were gradually writing down the customs that formed the basis of the Ruska Pravda;
c) Prince Yaroslav was compiling the Ruska Pravda and replaced the blood feud with the *vira* payment;
d) Slavic communities were knowing all the customary rules before the Ruska Pravda was written.

2. What was the *vira* in the Ruska Pravda?
a) A form of exile imposed on those who committed crimes against the princely family;
b) A fixed monetary payment that replaced the blood feud as the legal response to killing a free person;
c) A written oath sworn before a church court in disputes over inheritance between noble families;
d) A tax collected by the prince from Slavic villages in exchange for legal protection.

3. Which sentence correctly uses the Past Continuous negative form in a legal context?
a) Soviet courts weren't independent – they were applying Communist Party instructions;
b) Soviet courts weren't applying independent decisions – they wasn't following the law;
c) Soviet courts not were applying independence – instructions were followed from the Party;
d) Soviet courts were not independent – they didn't applying Party instructions at all.

4. Why is Past Continuous used in the sentence: While Catherine II was extending imperial rule, Cossack autonomy was eroding?

a) Because both actions were completed on the same day in the same place;

b) Because the sentence describes two simultaneous ongoing processes in the past;

c) Because was extendingis a stative verb and was erodingis a dynamic verb;

d) Because the sentence refers to a single event that was interrupted by another event.

5. What was the Constitution of Pylyp Orlyk (1710)?

a) A legal code for Cossack military discipline, signed in Kyiv before the Battle of Poltava;

b) A treaty between the Hetmanate and the Ottoman Empire guaranteeing Cossack religious freedoms;

c) An agreement between exiled Hetman Pylyp Orlyk and the Zaporozhian Host that limited the Hetman's power and established a representative council – often called the first modern constitution in European history;

d) A declaration of independence from Russian imperial authority, adopted by the full Cossack council in Poltava in 1710.

6. Which sentence correctly uses Past Continuous to describe what was happening during the night of 28 June 1996?

a) The Verkhovna Rada adopted the Constitution at 09:18 after an all-night session;

b) While the Verkhovna Rada was debating the final text through the night, a small group of civic activists was waiting outside hoping the rights chapter had survived;

c) While the Verkhovna Rada was debating the Constitution, it adopted it at 09:18 in the morning while being debated;

d) Ukrainian MPs were knowing that the Constitution would be adopted before dawn, so they were staying in their seats.

7. Which verb is STATIVE and must NOT appear in the Past Continuous form?

a) Negotiate;
b) Protest;
c) Belong;
d) Reform.

8. Which sentence correctly uses Past Continuous alongside Past Simple to show interruption?

a) The reform commission was finalizing the legislation when the parliamentary session ended unexpectedly;
b) The reform commission finalized the legislation when the parliamentary session was ending unexpectedly;
c) The reform commission was finalizing the legislation and the parliamentary session was ending at the same time;
d) The reform commission was finalizing the legislation, and the parliamentary session ended, was finishing.

9. What did Magdeburg Law provide to Ukrainian cities?

a) A system of land ownership rules for noble families based on Lithuanian feudal custom;
b) The right to conduct church trials for disputes involving members of the Orthodox clergy;
c) Urban self-government, independent local courts, and merchant freedoms, spread from Germany to Polish-Lithuanian and Ukrainian cities from the 14th century;
d) A codified system of criminal punishment replacing the blood feud in coastal trading cities.

10. Which sentence about the Orange Revolution is grammatically correct and legally accurate?

a) In 2004, Ukrainians were knowing the election was fraudulent and were protesting on the Maidan;

b) While millions of Ukrainians were standing on the Maidan in 2004, the Supreme Court was considering a petition for a new election;

c) While millions of Ukrainians were protesting, the Supreme Court was knowing that a recount was required;

d) In 2004, Ukrainians were understanding the importance of the rule of law and were knowing how to defend it.

11. Which sentence correctly describes Ukraine's gradual reform process between 2014 and 2022?

a) Ukraine built its anti-corruption system quickly and completely between 2014 and 2022;

b) Between 2014 and 2022, Ukraine was slowly building its anti-corruption architecture: NABU was being established, SAPO was taking shape, and HACC was launched in 2019;

c) Ukraine was building NABU, SAPO and HACC between 2014 and 2022 and was completing all of them at the same time;

d) Ukraine completely reformed its courts between 2014 and 2022 while NABU was founded and SAPO was establishing.

12. What is the role of the Venice Commission in Ukraine's legal development?

a) It is the EU's judicial body responsible for issuing binding rulings on whether Ukrainian laws comply with EU directives;

b) It is the Council of Europe's advisory body on constitutional law that provides expert opinions on draft constitutions and legislation; its opinions are influential but not binding;

c) It is a Ukrainian parliamentary committee established in 1996 to review draft laws for consistency with Venice-derived constitutional principles;

d) It is the international tribunal that hears appeals from Ukrainian courts in cases where citizens have exhausted all domestic remedies.

13. Which question form is grammatically correct for Past Continuous?

a) Did Ukraine was building its EU integration framework throughout the 1990s?

b) Was Ukraine building its EU integration framework throughout the 1990s?

c) Ukraine was building its EU integration framework throughout the 1990s, was it?

d) Were Ukraine building its EU integration framework throughout the 1990s?

14. What made the Holodomor a matter of legal memory, not just historical tragedy?

a) The Soviet Union formally acknowledged the famine in 1933 and passed emergency relief legislation to compensate surviving families;

b) The famine was carried out through the deliberate use of Soviet legal instruments – grain quotas, internal passport restrictions, and the blacklist system – which Ukraine later recognized as genocide in 2006, reclaiming legal truth from official Soviet denial;

c) The famine was investigated by a League of Nations commission in 1934, which concluded that Ukrainian grain had been illegally transferred to Russian territories;

d) The Holodomor was recognized as genocide by the USSR itself in 1989 during the Gorbachev-era legal reforms, which opened archives and allowed public discussion.

15. Which sentence uses Past Continuous to create an analytical contrast in legal-historical writing?

a) Soviet law was a bad system and did not protect citizens;

b) While Soviet authorities were calling their system socialist legality, they were using legal instruments to engineer mass starvation – the opposite of what the rule of law requires;

c) The Soviet system was not legal because it was using power without any legal basis at all;

d) Soviet law was trying to be legal but was failing because of Communist Party interference.

16. Ukraine ratified the ECHR in 1997. Which sentence correctly places this fact in a narrative using both tenses?

a) While Ukraine was ratifying the ECHR in 1997, it was already having thousands of potential applications;

b) Ukraine ratified the ECHR in 1997, and from that point, Ukrainian citizens were gradually discovering that they could take their government to court in Strasbourg;

c) Ukraine was ratifying the ECHR in 1997 while it was joining the Council of Europe simultaneously;

d) When Ukraine ratified the ECHR, it was meaning that Ukrainians were now having access to Strasbourg.

17. Which sentence is the most accurate description of what was happening in Western and Eastern Ukraine in the 19th century?

a) While Western Ukraine was developing under Austro-Hungarian constitutionalism, Eastern Ukraine was experiencing Russian imperial legal assimilation – the two regions were building very different legal cultures;

b) Both Western and Eastern Ukraine were experiencing the same legal system because the Russian Empire controlled all Ukrainian territory at that time;

c) While Western Ukraine was belonging to Austria, Eastern Ukraine was belonging to Russia, and both were developing together;

d) Western Ukraine was joining the Austrian Empire while Eastern Ukraine was joining Russia, making the regions legally identical.

18. Which sentence about ProZorro is grammatically correct and legally accurate?

a) Civil society activists were developing ProZorro while the Ministry of Finance was designing the legal framework to make it mandatory – and the result exceeded European transparency standards;

b) Civil society activists were knowing that corruption was widespread when they were developing ProZorro in 2016;

c) ProZorro was being developed by the government alone in 2016, and it was meaning that all contracts were now transparent;

d) While ProZorro was being built, Ukrainian officials were not knowing it would become a global model.

19. Which sentence most accurately describes what Ukraine was doing legally when the EU granted it candidate status in June 2022?

a) Ukraine was completing all its EU accession requirements when it was receiving candidate status on 23 June 2022;

b) When EU leaders met on 23 June 2022, Ukraine was fighting for its survival on the battlefield, and its diplomats were arguing that EU membership was not just an aspiration but a matter of national existence;

c) Ukraine was knowing that it would receive candidate status before the Brussels summit, so it was preparing the legal documents in advance;

d) Ukraine received EU candidate status while it was completing the Copenhagen criteria requirements that the Commission had set.

20. Which sentence most skillfully uses Past Continuous to introduce an essay on Ukraine's legal identity?

a) Ukraine had a complicated legal history and its identity was difficult to define in the past;

b) When Ukraine declared independence in 1991, it was not inheriting a ready-made legal system – it was beginning to build one, reaching back into over a thousand years of legal memory while simultaneously constructing new institutions in dialogue with European partners;

c) Ukraine was having a complicated legal history and was being independent in 1991 while it was building its new legal identity;

d) Ukraine's legal identity was being built in 1991 when independence was declared, because Ukrainian law was belonging to the European tradition.

ANSWER KEY

Q1: b	**Q2: b**	**Q3: a**	**Q4: b**	**Q5: c**	**Q6: b**	**Q7: c**	**Q8: a**	**Q9: c**	**Q10: b**
Q11: b	**Q12: b**	**Q13: b**	**Q14: b**	**Q15: b**	**Q16: b**	**Q17: a**	**Q18: a**	**Q19: b**	**Q20: b**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

3.7. GLOSSARY

TERM	DEFINITION
Administrative Law *Адміністративне право*	Laws regulating the activities of public authorities, influenced by European legal standards.
Civil Law Tradition *Традиція цивільного права*	The continental European legal system based on codified laws; Ukrainian law is primarily influenced by this tradition.
Codification *Кодифікація*	The process of systematizing laws into organized written codes, influenced in Ukraine by European legal models.
Constitution of Ukraine *Конституція України*	The fundamental law of Ukraine that establishes the structure of government, guarantees rights and freedoms, and serves as the supreme legal authority.
Constitutional Court of Ukraine *Конституційний Суд України*	The judicial body responsible for interpreting the Constitution and reviewing the constitutionality of laws.
Constitutionalism *Конституціоналізм*	The principle that the constitution limits government powers and guarantees citizensrights.
Council of Europe *Рада Європи*	An international organization promoting human rights, democracy, and the rule of law in Europe; Ukraine became a member in 1995.
European Convention on Human Rights *Європейська конвенція з прав людини*	An international treaty guaranteeing fundamental human rights; binding on Council of Europe member states, including Ukraine.
European Court of Human Rights *Європейський суд з прав людини*	A supranational court enforcing the European Convention on Human Rights; its decisions impact Ukrainian law and jurisprudence.

TERM	DEFINITION
European Legal Context *Європейський правовий контекст*	The broader framework of European legal norms, institutions, and practices influencing Ukrainian law.
European Union Law *Право Європейського Союзу*	The body of treaties, regulations, and directives that govern EU member states. While Ukraine is not an EU member, its law is increasingly harmonized with EU standards.
Human Rights *Права людини*	Basic rights and freedoms that all individuals are entitled to, protected by national and international law.
International Treaties *Міжнародні договори*	Agreements between states that form part of Ukraine's legal framework once ratified.
Judicial Independence *Незалежність судів*	The principle that courts must make decisions free from political or external influence, a key aspect of Ukraine's legal development in line with European norms.
Legal Harmonization *Правова гармонізація*	The process of aligning national laws with international or European legal standards.
Legal Integration *Правова інтеграція*	The process of incorporating international legal norms, treaties, and practices into national legislation.
Legal Modernization *Правова модернізація*	The adaptation and development of national law to meet contemporary European standards and international obligations.
Legal Reform *Правова реформа*	Systematic changes to modernize laws, improve justice, and harmonize with European practices.

TERM	DEFINITION
Rule of Law *Верховенство права*	The principle that all individuals and institutions are subject to law, including lawmakers and government officials.
Verkhovna Rada *Верховна Рада*	The unicameral parliament of Ukraine responsible for enacting legislation.

UNIT 4
LEGAL EDUCATION AND PROFESSIONAL TRAINING OF LAWYERS

4.1. STRUCTURE OF LEGAL EDUCATION IN UKRAINE
4.2. DEGREES AND QUALIFICATIONS
4.3. PROFESSIONAL TRAINING OF LAWYERS
4.4. CONTINUING LEGAL EDUCATION
4.5. TASKS
4.6. QUIZ
4.7. GLOSSARY

4.1. STRUCTURE OF LEGAL EDUCATION IN UKRAINE

LEGAL EDUCATION
is the specialized, theoretical, and practical training of individuals in the principles, practices, and theory of law.
PROFESSIONAL TRAINING OF LAWYERS
involves a multi-stage process combining higher legal education, practical traineeships, and mandatory continuing professional development to maintain competence, ethics, and specialization

THE LEGAL EDUCATION SYSTEM |
Система юридичної освіти в Україні
Governed by the Law on Higher Education (2014) · Aligned with the European Bologna Process

HIGHER EDUCATION INSTITUTIONS *Заклади вищої освіти (ЗВО)*	**REGULATORY BODIES** *Регуляторні органи*	**PROGRAMME FRAMEWORKS** *Рамки освітніх програм*
• **University / Academy:** A state or private institution authorized to provide higher education and award degrees • **Law faculty:** The structural unit within a university that organizes legal programmers, research, and training	• **Ministry of Education and Science:** Sets the State Higher Education Standard for Law; approves degree programs • **NAQA:** National Agency for Higher Education Quality Assurance – accredits programs and institutions; replaced centralized ministry control in 2014	• **Specialty D8 Law:** The official national classification code for all law bachelor's and master's programs in Ukraine • **State Higher Education Standard for Law:** Defines minimum competences and credit volume every law programme must achieve

• **Specialized law university:** E.g., Yaroslav Mudryi National Law University – fully dedicated to law *Both have law faculties; only specialized law universities have no other faculties*	• **HQCJ:** High Qualification Commission of Judges – runs competitive selection for the judiciary *NAQA benchmarks Ukrainian legal education against European standards and publishes quality assessments*	• **Educational programme (curriculum):** Each faculty's own design – specifying compulsory and elective courses within the Standard *Universities must comply with the Standard but may add content to differentiate their programs*

THE BOLOGNA PROCESS & ECTS | Болонський процес та кредити ЄКТС

BOLOGNA PROCESS *Болонський процес*	**ECTS CREDIT SYSTEM** *Кредити ЄКТС*
• **Origin:** European higher education reform launched in 1999 – Ukraine joined in 2005 • **Goal:** Created the European Higher Education Area: standardized degree cycles (bachelor/master/doctorate), mutual recognition of qualifications • **Practical effect:** A Ukrainian law diploma follows the same cycle and credit model as German or French law degrees – enabling academic transfers and postgraduate study across Europe *Because of Bologna, Ukrainian diploma is understandable and comparable anywhere in Europe*	• **Unit:** 1 ECTS credit = approximately 30 hours of student work (contact hours + independent study) • **Bachelor's volume:** 240 ECTS credits over four years • **Master's volume:** 90–120 ECTS credits over one to two years • **Transfer:** A student completing a semester abroad earns credits that are fully recognized at their home university *ECTS makes learning measurable, comparable, and transferable – the common currency of European higher education*

STUDY MODES & ADMISSIONS | Форми навчання та вступ

FULL-TIME vs. PART-TIME *Денна та заочна форма навчання*	**STATE-FUNDED vs. CONTRACT** *Бюджетні та контрактні місця*	**ENTRANCE: NMT** *Національний мультипредметний тест*
• Full-time (денна): daily classes; standard duration; required for regulated professions • Part-time (заочна): intensive sessions; slower progression; allows parallel employment *Both modes lead to identical diplomas if all requirements are met*	• State-funded: fully paid by the state budget; awarded to the highest NMT scorers • Contract: student pays tuition fees; no difference in diploma or legal standing *Both places lead to identical state-standard diplomas upon graduation*	• National Multi-Subject Test (NMT) – replaced old opaque entrance exams from 2021 • Subjects tested: Ukrainian language, history, and a third chosen subject • Applicants are ranked transparently by NMT score plus university criteria *A high NMT score opens state-funded places at multiple law faculties simultaneously*

NB: *Accreditation is the quality guarantee that protects students. Only programs accredited by NAQA may issue state-recognized law diplomas. If a school loses accreditation, its students cannot receive a state-standard diploma.*

ACADEMIC LIFE – CURRICULUM, SEMESTERS & ASSESSMENT

HOW A LAW PROGRAM IS ORGANIZED | Організація навчального процесу

From enrolment to final attestation – what every law student needs to know

ACADEMIC YEAR & SEMESTER *Навчальний рік та семестр*	COMPULSORY & ELECTIVE COURSES *Обов'язкові та вибіркові дисципліни*	PRACTICAL TRAINING *Практична підготовка (практика)*
• **Academic year:** Runs September to June; divided into two semesters • **Semester 1:** Autumn semester – ends with a January examination session • **Semester 2:** Spring semester – ends with a May–June examination session • **Structure:** Each semester: weeks of teaching → examination period *Plan your study rhythm around these two examination windows – missing either has significant academic consequences*	• **Compulsory courses:** Required for all students – constitutional law, civil law, criminal law, procedural law cannot be skipped • **Elective courses:** Chosen by the student from a set of options – IP law, tax law, cyber law, environmental law, etc. • **Both types:** Carry ECTS credits; both appear on the transcript and diploma supplement *Your choice of electives is how you build a specialization – choose strategically, not randomly*	• **Definition:** Supervised work placements forming a required programme component • **Placement hosts:** Courts, law firms, prosecutors' offices, notaries, state bodies • **Credit bearing:** Practical training credits count towards the degree • **Legal clinic:** University-based pro bono practice – supervised students advise real clients *Practical training bridges classroom knowledge and real legal work – attend every session*

FINAL ATTESTATION & ACADEMIC INTEGRITY | Підсумкова атестація та академічна доброчесність

FINAL ATTESTATION
Підсумкова атестація

- **Bachelor's level:** Comprehensive state examination in law AND/OR defence of a bachelor's thesis
- **Master's level:** Comprehensive state examination in law AND/OR defence of a master's thesis
- **Bachelor's / Master's thesis:** Original research paper: identifies a legal problem, analyses primary and secondary sources, proposes conclusions
- **Evaluation:** Assessed by an academic supervisor and an examination board

The final attestation is the last academic hurdle before receiving your diploma – preparation begins in year 3

ACADEMIC INTEGRITY
Академічна доброчесність

- **Definition:** All academic work must be honest and original – essays, theses, and examinations
- **Violations:** Plagiarism, falsification, and cheating violate academic integrity and may result in expulsion or degree revocation
- **Legal basis:** Ukraine's Law On Education and individual university integrity codes govern this area
- **Detection:** Ukrainian universities use anti-plagiarism software to screen all submitted work

Submitting another person's work as your own is not only an academic violation – it is a matter of professional character

DISTANCE LEARNING | Дистанційне навчання
Digital and Wartime Education

WHAT IT IS *Що таке дистанційне навчання*	WARTIME EDUCATION *Дистанційне навчання під час війни*
• **Definition:** Education delivered through digital platforms, recorded lectures, online seminars, and electronic assessments without physical presence on campus • **Legal basis:** A recognized mode under Ukrainian higher education law – expanded significantly after COVID-19 • **Tools:** Moodle, Zoom, electronic submission portals, digital library access *Distance learning is not a lesser alternative – it requires greater self-discipline than classroom study*	• **Wartime use:** After 2022 many Ukrainian law faculties moved entirely online – students in different regions and abroad continued without interruption • **Advantage:** Students displaced by the war could maintain academic continuity regardless of physical location • **Challenge:** Building professional networks and practical skills is harder online – seek every in-person opportunity *Distance learning kept Ukraine's legal education system functioning during the most difficult period in its modern history*

4.2. DEGREES AND QUALIFICATIONS

THE DEGREE PATHWAY IN UKRAINIAN LAW

BACHELOR IN LAW
Бакалавр права

- **Level:** First Bologna cycle – the foundational law degree
- **Duration:** 4 years · 240 ECTS credits
- **Content:** Comprehensive coverage of all core branches: constitutional, civil, criminal, administrative, procedural law
- **What it allows:** Legal roles not requiring a master s; prerequisite for master's study
- **Completion:** Final attestation: state examination and/or bachelor's thesis defence

The bachelor's degree is the entry credential for the legal profession – treat it as the foundation, not the finish line

MASTER IN LAW
Магістр права

- **Level:** Second Bologna cycle – advanced degree
- **Duration:** 1–2 years · 90–120 ECTS credits
- **Content:** Deepens a chosen area of law; usually includes a specialization
- **What it allows:** Eligibility to sit the Bar examination; entry to the judiciary and prosecution
- **Completion:** state examination and/or Master's thesis defence before a graduation committee

The master's degree is the standard minimum academic credential for all regulated legal professions in Ukraine

RESEARCH DEGREES & ACADEMIC TITLES | Наукові ступені та вчені звання

PhD IN LAW
Доктор філософії в галузі права

- **Level:** Third Bologna cycle – the standard European research doctorate

DOCTOR OF LEGAL SCIENCES
Доктор юридичних наук (Doctor habilitatus)

- **Level:** Senior research degree – above the PhD; no direct Bologna equivalent

• **Duration:** 4 years of doctoral study • **Requirements:** Original dissertation contributing new knowledge to legal science; comprehensive examinations; public defence before a specialized academic council • **What it allows:** University teaching; legal research; senior advisory roles *The PhD is the qualification that opens the door to an academic career – it signals the ability to generate, not just consume, legal knowledge*	• **Requirements:** A second major dissertation after the PhD demonstrating a significant contribution to an entire field of legal science • **Holders:** Typically full professors leading research schools • **Origin:** Legacy of the Soviet academic tradition; being harmonized with the European habilitation model *The Doctor of Legal Sciences is the highest rung of the Ukrainian academic ladder – held by a small elite of senior scholars*

ACADEMIC TITLE: ASSOCIATE PROFESSOR *Вчене звання доцента*	**ACADEMIC TITLE: PROFESSOR** *Вчене звання професора*
• **Requirements:** PhD + minimum 3 years teaching + peer-reviewed publications + departmental nomination • **Awarded by:** NAQA on the university's recommendation • **What it gives:** Formal right to supervise bachelor's and master's theses *Associate Professor is not just a job title – it is a formal state recognition of teaching and scholarly achievement*	• **Requirements:** Doctor of Legal Sciences (usually) + extensive teaching + major publication record + doctoral supervision record • **Awarded by:** NAQA on recommendation of an academic council • **What it gives:** Full academic seniority; right to lead a research school and supervise doctoral candidates *The Professor title is the formal summit of the Ukrainian academic hierarchy – earned over decades, not years*

CAREER DECISION: Every degree level opens different doors. A bachelor's enters legal employment. A master's enables regulated professions. A PhD enables an academic career. A Doctor of Legal Sciences leads a research field. Choose the level that matches your ambition – and plan backwards from it.

DIPLOMAS, GRADES, ACADEMIC EXCELLENCE & INTERNATIONAL RECOGNITION

DOCUMENTS CERTIFYING YOUR LEGAL EDUCATION | Документи про юридичну освіту

The state diploma · diploma supplement · grading system · Red Diploma · recognition of foreign qualifications

STATE DIPLOMA *Диплом державного зразка*	**DIPLOMA SUPPLEMENT** *Додаток до диплома*	**PROFESSIONAL QUALIFICATION OF A LAWYER** *Кваліфікація юриста*
• **Definition:** Official document issued by an accredited HEI confirming the holder's qualification in accordance with national standards • **Contents:** Holder's name; speciality (Law); qualification (Bachelor/Master in Law); GPA • **Legal effect:** Proof of education recognized by employers,	• **Definition:** Standardized European document issued alongside the diploma, describing courses, grades, and learning outcomes in a format readable across all Bologna countries • **Purpose:** Allows foreign universities and employers to understand your Ukrainian qualification without knowing the Ukrainian system	• **Recorded as:** Bachelor in Law or Master in Law on the diploma • **What it certifies:** Academic competence in law – it does NOT authorize advocacy, notarial work, or judicial service • **Next step:** Regulated professions (advocate, notary, judge) each require additional professional

professional bodies, and foreign institutions • **Condition:** Only accredited programs may issue state diplomas – check accreditation before enrolling *The diploma is both an academic document and the entry ticket to regulated professional examinations*	• **Required by:** The Bologna Process – every Ukrainian HEI must issue one • **When essential:** Applying for a master's abroad; seeking recognition of your qualification in another country *Never apply to a foreign institution without attaching your diploma supplement – it is the translation of your academic record into a European language*	qualification procedures beyond the academic degree *The academic qualification of a lawyer is the starting point – not the finish line – of a professional career*

GRADING, GPA & DIPLOMA WITH DISTINCTION | Оцінювання, середній бал та диплом з відзнакою

GRADING SYSTEM *Система оцінювання*	**GPA (Grade Point Average)** *Середній бал диплома*	**DIPLOMA WITH DISTINCTION** *Диплом з відзнакою*
• **National scale:** Відмінно (excellent) · Добре (good) · Задовільно (satisfactory) · Незадовільно (unsatisfactory) • **ECTS scale:** A (excellent) through F (fail) – aligned with the national scale	• **Definition:** The average grade across all subjects, calculated on the diploma • **Why it matters:** A higher GPA improves competitiveness for master's admissions, scholarships, judicial clerkships, and merit-based opportunities	• **Threshold:** GPA typically 90/100 or above, with no failing grades, and highest grades in final state examinations • **Value:** Signals academic excellence to employers, postgraduate programs, and professional qualification bodies

• **100-point scale:** Institutional scale from 0 to 100 – all three appear on the transcript and diploma supplement *A score of 92/100 = відмінно = ECTS A – all three values appear on every European document*	• **Calculated on:** All examined subjects across all semesters – every grade counts from year 1 *Your GPA is built in year 1, not rescued in year 4 – consistent effort across all semesters is the only reliable strategy*	• **Formal name:** Диплом з відзнакою – physically distinct from the standard diploma *A Diploma with Distinction is a tangible, permanent mark of consistent academic excellence – it follows you throughout a career*

RECOGNITION OF FOREIGN QUALIFICATIONS | Нострифікація / визнання іноземних дипломів

WHEN NEEDED *Коли потрібна нострифікація*	HOW IT WORKS *Порядок визнання*
• **Returning Ukrainians:** A Ukrainian who completed a law degree abroad and returns to Ukraine must have their diploma recognized before practicing • **Bar examination:** Without recognition of a foreign diploma, the holder cannot sit the Ukrainian Bar examination • **Academic positions:** Foreign degrees must be recognized before the holder may teach at a Ukrainian university or hold an academic title *Recognition is not automatic – begin the process early, as it can take several months*	• **Authority:** The Ministry of Education and Science or the relevant HEI, depending on the procedure • **Process:** The foreign programme is checked against Ukrainian degree standards to confirm equivalence • **Bilateral agreements:** Governed by the Law on Higher Education and bilateral recognition agreements with specific countries • **Erasmus credits:** Erasmus+ and bilateral exchange credits are recognized automatically under the ECTS framework *Recognition procedures vary by country of origin – check the Ministry's guidance before accepting a foreign offer*

NB: *The academic qualification (Master in Law) certifies you have studied law. The professional qualification (advocate, notary, judge) certifies you are licensed to practise law. Both are necessary for a regulated career – neither alone is sufficient.*

ACADEMIC SUPERVISION & RESEARCH SKILLS

DEVELOPING AS A LEGAL SCHOLAR | Академічний та науковий розвиток

Supervision · Moot court · Legal clinic · Erasmus+ · Continuing legal education

ACADEMIC SUPERVISION *Наукове керівництво*	MOOT COURT *Навчальний судовий процес'*	LEGAL CLINIC *Юридична клініка*
• **Definition:** Formal relationship in which an academic staff member guides a student through thesis writing – feedback on research design, arguments, structure, and academic integrity • **For doctoral candidates:** Supervisor also advises on publication strategy and defence preparation	• **Definition:** Simulated court hearing in which students argue a fictional legal case before a panel of practicing lawyers, judges, or lecturers • **Skills developed:** Oral advocacy; structured legal argument; case analysis under pressure; professional presentation	• **Definition:** University-based pro bono practice: supervised students give free legal advice to members of the public who cannot afford a lawyer • **Integration:** Recognized as part of the practical training component of the law degree • **Skills developed:** Client interviewing; legal analysis in real situations; drafting under supervision

• **Bachelor's and master's:** Supervisor's approval is required before the thesis is submitted for defence • **Eligibility to supervise:** Associate Professor confers formal right to supervise bachelor's and master's theses *Choose your supervisor carefully – a good supervisor shapes not only your thesis but your academic thinking*	• **International:** Ukrainian universities participate in the Philip C. Jessup International Law Moot (English) and other competitions • **Value:** The closest approximation to real advocacy available during academic study *Participating in a moot court competition is one of the most effective ways to prepare for the Bar examination*	• **Dual purpose:** Provides practical training AND increases access to justice *Working in a legal clinic is not just good for your CV – it is the first time the law you study affects a real person's life*

4.3. PROFESSIONAL TRAINING OF LAWYERS

STAGES OF PROFESSIONAL TRAINING *Етапи підготовки*	**SKILLS & INSTITUTIONS** *Навички та інституції*
• Legal Education: university study of law → fundamental legal knowledge • Internship / Apprenticeship: practical training in courts, law firms, government → practical experience • Qualification Examination: professional exam testing legal knowledge and skills → eligibility to practise • Licensing / Bar Admission: official permission from a professional body → legal right to practise • CPD: ongoing courses, seminars, and training → maintaining professional competence	**Key Skills:** • Legal Research: find and analyse laws, cases, and legal sources • Legal Writing: drafting contracts, legal opinions, and court documents • Advocacy: representing and defending clients in court • Negotiation: resolving disputes and reaching agreements • Analytical Thinking: interpreting laws and solving complex legal problems **Institutions:** Universities · Law Firms · Courts · Bar Associations · Legal Training Centres

INTERNATIONAL MOBILITY | Міжнародна мобільність – Exchange Programs & Erasmus+

EXCHANGE PROGRAMME / ERASMUS+ *Програма обміну / Єразмус+*	HOW TO USE IT STRATEGICALLY *Як використати обмін з максимальною користю*
• **Definition:** Structured international student mobility – one or two semesters at a European university, earning transferable ECTS credits • **Erasmus+:** Main EU-funded exchange programme – Ukrainian universities participate under bilateral agreements • **Credits:** Credits earned abroad are fully recognized by the home university under ECTS rules • **Bilateral agreements:** Many Ukrainian law faculties also have exchange agreements with non-EU institutions *An Erasmus+ semester at a leading European law school is a transformative academic and professional investment*	• **Language skills:** Studying abroad forces rapid development of professional English (or French/German) – the most valuable legal career asset • **EU law knowledge:** A semester in Vienna, Cologne, or Warsaw provides direct exposure to EU law in its natural context • **Network:** Relationships built on exchange programs become professional contacts for decades • **Transcript value:** International grades on your diploma supplement signal initiative, adaptability, and cross-border competence to future employers *Apply in year 2 so that your year 3 or early year 4 exchange maximizes its academic value before final attestation*

CAREER INSIGHT: Moot court, legal clinic, exchange programs, and early research experience all signal professional readiness to future employers and the Bar examination committee. These activities are investments, not extracurriculars.

4.4. CONTINUING LEGAL EDUCATION

CONTINUING LEGAL EDUCATION (CLE) | Підвищення кваліфікації юристів

WHAT IT IS *Що таке підвищення кваліфікації*	**REQUIREMENTS BY PROFESSION** *Вимоги за видами юридичних професій*
• **Definition:** Ongoing professional training that practicing lawyers complete after graduation to maintain and update their knowledge and skills • **Purpose:** The law changes constantly – a qualification earned in 2010 does not keep itself current • **Forms:** Seminars, certified webinars, conference participation, publication of scholarly articles *The learning that begins at university never stops – every practicing lawyer is also a continuing student*	• **Advocates (CPD):** Minimum 12 hours of verified continuing education per year – monitored and recorded by NAAU • **Judges:** Mandatory ongoing training at the National School of Judges – including sessions on new legislation, ECHR case law, and judicial ethics • **Consequence of non-compliance:** Failure to meet CPD requirements for advocates may result in disciplinary proceedings *CPD is not a bureaucratic box to tick – it is the professional standard that protects clients from outdated advice*

***NB**: Academic study gives you the knowledge; professional qualification gives you the license; continuing development keeps both current. Legal education is not a stage of life that ends at graduation – it is the ongoing obligation of every person who holds a legal qualification.*

4.5. TASKS

Grammar focus: **existential there is / there are, the quantifiers some / any and much / many, and the degree quantifiers little / few / a little / a few** –in the contexts of legal education, academic qualifications, and the path to professional qualification as an advocate, judge, or notary.

GRAMMAR REVIEW

Structure / Quantifier	Used With	Key Rule	Legal Education Example
There is + singular noun	*uncountable or singular count*	Describes existence of one item or a mass noun	There is a six-month traineeship requirement before any law graduate can sit the Bar qualification examination.
There is + uncountable noun	*uncountable nouns*	No plural; verb stays singular	There is very little time between completing the master's degree and beginning the Bar traineeship for most graduates.
There are + plural noun	*countable plural nouns*	Describes existence of more than one item	There are three degree levels in Ukrainian legal education: bachelor, master, and doctorate.
There is no / There are no	*singular / plural nouns*	Negative existence; stronger than not any in formal writing	There is no automatic right to Bar admission – every candidate must pass the qualification examination and complete the traineeship.

Some + plural / uncountable	*affirmative sentences*	Positive statements about an unspecified quantity	Some law students complete a legal clinic placement as part of their practical training hours during the third year.
Some + singular (offer/request)	*requests and offers*	Polite offers and requests use some, not any	Could you give me some advice on choosing between a master's program in commercial law and one in international law?
Any + plural / uncountable	*questions and negatives*	Questions about existence; negatives about zero quantity	Are there any state-funded places available on the master's law program this year, or are they all contract places?
Any (= it does not matter which)	*affirmative conditionals*	Means whichever or no matter which in positive sentences	Any law graduate who holds a master's degree and completes the traineeship is eligible to sit the Bar examination.
Much + uncountable noun	*uncountable nouns*	Large quantity of a mass noun; formal register	There is not much flexibility in the compulsory component of the bachelor's curriculum – all core subjects are fixed by the Higher Education Standard.
Many + plural countable noun	*countable plural nouns*	Large number of discrete items	Many Ukrainian law students participate in moot court competitions to develop oral advocacy and case analysis skills.

How much / How many	*uncountable / countable*	Questions about quantity; use the correct noun type	How many ECTS credits does a full-time bachelor's law programme require? – 240 credits across four academic years.
A little + uncountable noun	*uncountable nouns*	A small but positive amount – optimistic or neutral tone	There is a little flexibility in the elective component: students may choose from a range of specialization courses.
Little + uncountable noun	*uncountable nouns*	A very small, almost insufficient amount – often negative tone	There is little funding available for doctoral candidates at many Ukrainian law faculties, which drives talented researchers abroad.
A few + plural countable noun	*countable plural nouns*	A small but positive number – sufficient or encouraging tone	A few universities in Ukraine offer a joint degree programme in law and international relations, combining two full curricula.
Few + plural countable noun	*countable plural nouns*	A very small, often insufficient number – negative or critical tone	Few law faculties currently offer a standalone specialization in cyberlaw, despite growing demand from the technology sector.
No + noun (= not any)	*singular and plural nouns*	Formal alternative to not any; common in academic writing	There are no state-funded doctoral positions available this cycle at the Faculty of International Law.

1. THERE IS / THERE ARE: EXISTENCE AND AVAILABILITY IN LEGAL EDUCATION CONTEXTS

The existential structure there is / there are introduces the existence or availability of something, rather than describing a quality or action. It is one of the most practical structures in legal writing because it answers the fundamental question: what exists, what is available, what is required?

SINGULAR: There is a mandatory traineeship requirement. / There is no automatic right to Bar admission. / There is very little room to deviate from the compulsory curriculum core.

PLURAL: There are three academic degree cycles in Ukrainian law. / There are no state-funded master's places remaining this year. / Are there any bilateral exchange agreements with EU universities?

NB: the verb agrees with the noun that follows, not with an imagined subject. When the first item in a list is singular, use there is in formal writing, even if later items are plural: There is a written examination and two oral assessments in the final attestation. In informal speech, there's is common before plural nouns, but avoid this in academic and legal writing.

2. SOME / ANY: QUANTITY IN QUESTIONS, NEGATIVES, OFFERS, AND POSITIVE STATEMENTS

SOME is the default quantifier for positive (affirmative) statements about an unspecified quantity of either countable or uncountable nouns:

some law graduates choose to complete the Bar traineeship immediately after their master's degree. / The curriculum includes some elective courses on EU law and comparative legal systems. / There is some flexibility in how doctoral candidates structure their research timetable.

ANY is used in questions (genuine uncertainty) and in negative sentences (zero quantity):

QUESTIONS: Are there any state-funded places on this master's programme? / Does the curriculum include any courses on international humanitarian law?

NEGATIVES: There are not any remaining slots for the Bar examination this quarter. / She did not have any prior work experience before beginning the traineeship.

SPECIAL USE: any in positive sentences means whichever / it doesn't matter which: Any law graduate who holds a master's degree may apply for the judicial selection procedure. Here, any does not imply a question or a negative – it means every qualifying person, without restriction.

3. MUCH / MANY: LARGE QUANTITIES IN LEGAL EDUCATION DESCRIPTIONS

MANY is used with countable plural nouns. It is neutral in register and common in both academic writing and conversation:

Many Ukrainian universities have signed bilateral Erasmus+ exchange agreements with European law faculties. / How many ECTS credits does a master's law programme require? / There are not many specialized cyberlaw programs available at bachelor's level in Ukraine.

MUCH is used with uncountable nouns. It is most natural in questions and negatives; in positive sentences, prefer a great deal of or a large amount of in formal writing:

QUESTIONS: How much time does the Bar traineeship take? / How much research experience is expected before applying for a doctoral programme?

NEGATIVES: There is not much room for deviation from the compulsory curriculum core. / There isn't much funding available for first-year doctoral candidates at most Ukrainian law faculties.

POSITIVE ALTERNATIVES: There is a great deal of flexibility in how master's students select their elective courses. / The diploma supplement contains a large amount of detail about each course completed.

4. LITTLE / FEW AND A LITTLE / A FEW: CRITICAL VS. OPTIMISTIC QUANTITIES

This set of quantifiers carries an evaluative dimension: the presence or absence of the article "a" changes the meaning from negative (insufficient) to positive (small but sufficient). This is a particularly important distinction in legal and academic writing, where the evaluation of a quantity is often part of the argument.

FEW (no article) + countable plural = very small number, often insufficient or disappointing:

Few law schools in Ukraine currently offer a specialization in military law, despite the urgent practical demand. (= not enough – a problem) / Few graduates achieve a Red Diploma, as it requires consistently outstanding grades across all four years. (= not many, quite rare)

A FEW (with article) + countable plural = small but positive number, sufficient or encouraging:

A few universities have already introduced joint programs in law and technology, setting an example for the sector. (= some, a positive development) / After a few sessions in the legal clinic, students typically feel confident enough to draft a complaint independently. (= a small but adequate number)

LITTLE (no article) + uncountable = very small amount, insufficient or concerning:

There is little public funding for doctoral research in law at Ukrainian universities. (= not enough, a problem) / There was little awareness among students of their right to appeal a grade before the new complaints' procedure was introduced.

A LITTLE (with article) + uncountable = small but positive amount, sufficient or reassuring:

There is a little flexibility in how students schedule their practical training placement. (= some flexibility exists, which is helpful) / With a little prior research experience, a master's graduate can complete a PhD dissertation within the standard four-year timeframe.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY GRAMMAR STRUCTURES IN A LEGAL EDUCATION TEXT

Read the passage below carefully. Find and underline every example of: a) there is / there are, b) some / any, c) much / many, d) little / few / a little / a few. For each one, write the structure, the noun it introduces or modifies, and a brief explanation of why that particular form was chosen.

TEXT: Legal education in Ukraine is a structured journey. There are three main degree cycles: bachelor, master, and doctorate. There is no shortcut to professional qualification – every future advocate must hold a master's degree before sitting the Bar examination. Some universities offer specialized tracks within their law programs, but there is still little consensus across the sector on how deep a specialization should go at bachelor's level. Many students choose to complete a legal clinic placement in their third year, gaining real experience by advising members of the public who have no access to private legal services. There are a few joint degree programs available that combine law with international relations or economics, though not many faculties have the resources to run them. How much time does a typical traineeship take? Six months – and there is not much flexibility in that requirement, as it is set by statute. A few institutions have begun offering distance learning options for part-time students, and there is a little room for such students to complete placement hours online, though this is still evolving.

Find three instances where the writer could have used a different structure (e.g. a few instead of few, or some instead of any). For each, explain: a) what meaning would change, and b) in which context would the alternative be more appropriate. NB: In legal and academic writing, quantifier choice is never decoration – it is information. There are a few programs tells the reader that options exist (positive); there are few programs tells the reader that options are scarce (negative). There is not much flexibility signals a strict rule; there is a little flexibility signals room to manoeuvre. Identifying these structures in a text is the first step towards using them precisely in legal writing.

Task 2
Reading
ANALYSE

ANALYSE QUANTIFIER CHOICES IN DESCRIPTIONS OF LEGAL EDUCATION SYSTEMS

Each group below describes the same aspect of legal education using four different quantifier choices. Analyse: a) whether the grammar is correct, b) whether the meaning is appropriate for the legal education context, and c) which version is most precise and informative.

GROUP A – Elective courses: The curriculum contains a little elective courses for students to choose from. The curriculum contains few elective courses – the vast majority of content is fixed by the Higher Education Standard. The curriculum contains a few elective courses, giving students some control over their area of specialization. The curriculum contains much elective courses across all four years.

GROUP B – Time for traineeship preparation: There is not many time to prepare for the Bar examination during the traineeship period. There

is little time left for exam preparation once the traineeship obligations are fulfilled. There is a little time available for exam preparation alongside traineeship duties, but students must plan carefully. There is few time to prepare, so candidates should begin studying well in advance.

GROUP C – Exchange opportunities: Are there any Erasmus+ exchange opportunities for Ukrainian law students? Are there some Erasmus+ exchange opportunities for Ukrainian law students? There are many Erasmus+ partner universities that Ukrainian law faculties have agreements with. There are much Erasmus+ exchange opportunities available. For each group, rank from least to most accurate and explain the errors in the weaker options.

NB: Group C highlights the "there is / there are agreement" error – the most common mistake with existential constructions. Group A illustrates the "a few vs. few" contrast: both are grammatically correct, but they tell different stories about the curriculum. Groups A, B and C show the "little vs. few" error and the "much/many confusion" with nouns. In each case, the wrong quantifier does not just break a grammar rule – it misrepresents the legal education reality being described.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: QUANTIFIERS IN LEGAL EDUCATION CONTEXTS

Listen to audio recording #4 and write the missing word – the correct form and identify the noun type (countable / uncountable) that determined your choice.

1. _____ a Bar qualification examination in Ukraine: it is a two-part test covering both legal knowledge and practical skills.
2. _____ four cassation courts within the Supreme Court of Ukraine: civil, criminal, commercial, and administrative.
3. During the six-month traineeship, _____ flexibility in the schedule: the Law on the Bar sets the minimum requirements.
4. _____ Ukrainian law graduates complete Erasmus+ exchange semesters abroad before finishing their master's degree.
5. Does the bachelor's curriculum include _____ courses in comparative law, or is it focused entirely on Ukrainian national law?
6. _____ law faculties in Ukraine currently offer a standalone specialization in cyber law, though interest is growing fast.
NB: Items 3 and 6 are the most analytically demanding: item 3 tests the distinction between little (insufficient, problem) and a little (some, reassuring) with an uncountable noun; item 6 tests the distinction between few (insufficient number, negative) and a few (small but positive number) with a countable plural. Discuss both contrasts after checking answers.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT PRESENTATION ON PATHWAYS TO THE UKRAINIAN BAR

Listen to a 2-minute student presentation describing the steps a law graduate must follow to become a licensed advocate in Ukraine. Evaluate: a) whether the grammar structures from today's focus are used correctly, b) whether the quantifiers accurately reflect the requirements described in the glossary, and c) whether the presentation is informative and well-organized.

Listen for and note at least three correctly used structures from the grammar focus (e.g. there is a mandatory traineeship requirement; some candidates find the practical examination more challenging than the written test).
Identify at least two grammar errors: e.g. there is no many options (incorrect – should be there are not many options); few time is available (incorrect – time is uncountable, use little).
Identify at least one content error about the Bar qualification process – e.g. stating that the traineeship lasts three months (incorrect: six months).
For each error (grammar and content), write a corrected version and explain in one sentence why it matters both grammatically and in terms of accurately representing the legal education system.
NB: evaluating a peer's presentation on a technical legal topic requires two simultaneous lenses: the grammar lens (are the quantifiers formed and used correctly?) and the content lens (do the quantifiers reflect reality?). If a student says there is little flexibility in the traineeship when the statute actually allows some scheduling adjustments, the grammar may be correct but the message is misleading. Accuracy means getting both right simultaneously.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DESCRIBE THE STRUCTURE OF UKRAINIAN LEGAL EDUCATION USING GRAMMAR STRUCTURES

Using the Legal Education Glossary, describe the structure of legal education in Ukraine in 2 minutes. Your description must include at least one example of each grammar structure from today's focus: there is, there are, some, any, much / many, little / few / a little / a few.

Example opening: There are three main cycles in Ukrainian legal education: bachelor, master, and doctorate.
Example middle: Many students begin their studies under Specialty D8 Law, which is the official classification code for all law programs in Ukraine.
Example end: After graduation, there is a further journey for those who want to practice as advocates …
After speaking, your partner identifies: a) which structures you used correctly; b) whether you used both few and a few (or little and a little) with different evaluative meanings; c) one structure you could add to make the description more precise.
NB: Describing an educational system requires all four grammar structures simultaneously: there is / are to state what exists; some / any to quantify options and requirements; much / many to describe volume; and little / few vs. a little / a few to evaluate whether what exists is sufficient. A description that uses all four moves from a bare list of facts to an informed assessment – which is what a legal professional is expected to do.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: FIRST-YEAR STUDENT AND ACADEMIC ADVISER

Student A is a first-year law student with questions about how the programme works, what qualifications lead to what careers, and what support is available. Student B is an academic adviser who answers each question using precise grammar structures from today's focus.

SCENARIO: It is the first week of the autumn semester. Student A has received their timetable and is trying to understand which courses are compulsory, how grading works, and what paths are open after graduation.
Student A asks: Are there any elective courses in the first year, or is everything compulsory?
Student B: In the first year, there are very few elective options – the curriculum is almost entirely compulsory. There are some choices later in the programme, but for now you should focus on the core subjects. There is a lot of material to cover in the first semester, and there isn't much room to fall behind.
Student A asks: How many subjects do I need to study to become an advocate?
Student B: That's a bigger question. There isn't a simple list of subjects – what you really need is the master's degree, which gives you the academic qualification. After that, there is a traineeship requirement of six months, and then there are two parts to the Bar examination. There are also some continuing education requirements once you requalified – at least 12 hours a year. So, there is quite a lot involved, but there is a clear path if you plan ahead.

NB: The adviser's answers model how grammar structures carry practical meaning in advisory conversations. There are very few elective options (negative: insufficient) vs. there are a few scholarship options (positive: some available) signals the same small quantity with completely different implications. Practice distinguishing these not just in written exercises but in speech, where the evaluative tone must come through clearly.

Task 7
Speaking – Monologue
APPLY

DESCRIBE THE PATH TO BECOMING A LICENSED ADVOCATE IN UKRAINE

You are speaking at an open day for prospective law students. Using the glossary, describe in 2 minutes what a law graduate must do to become a licensed advocate in Ukraine. Use grammar structures from today's focus at every stage of the description.

STEP 1 – Academic foundation: To become an advocate in Ukraine, there is one non-negotiable academic requirement: a master's degree in law. A bachelor's degree is not sufficient – there is no route to Bar admission without the full second-cycle qualification. There are many master's programs available across Ukrainian universities, and some of them offer specializations in criminal law, commercial law, or international law that provide useful preparation for practice.
STEP 2 – The traineeship: After completing the master's degree, there is a mandatory traineeship period of six months. During this time, the trainee works under a supervising advocate, observing and assisting with real cases. There is not much independent client work during the traineeship – the trainee cannot represent clients in court alone. There are a few practical tasks the trainee is expected to complete independently, such as drafting documents and researching legal questions, but every step requires supervisor approval.

STEP 3 – The Bar examination: There are two parts to the Bar qualification examination. There is an anonymous written test of 120 questions covering legislation and legal ethics, and there is a practical skills assessment. Both parts must be passed. There are few second chances – candidates who fail must wait before re-sitting. There is some support available from regional bar councils in the form of preparation guidance, but there is little formal coaching infrastructure compared to what candidates in some Western European systems can access.

STEP 4 – The oath and registration: Finally, there is the advocate's oath, taken before a regional bar council. There is no exemption from this requirement. Once the oath is taken, the advocate's name is entered in the unified register, and from that point there are both professional rights and ongoing obligations – including a minimum of 12 hours of continuing professional development every year.

NB: describing a multi-step qualification process is an excellent context for practicing all four grammar areas simultaneously. Each step has something that exists (there is / there are), something that is required in quantity (much, many, some), and something that is scarce or limited (little, few) or small but real (a little, a few). Structuring your description around these contrasts makes the information genuinely more useful to a prospective student.

Task 8
Speaking – Debate
ANALYSE

DEBATE: SHOULD THERE BE A UNIFIED BAR EXAMINATION FOR ALL LEGAL PROFESSIONALS IN UKRAINE?

Hold a structured debate. Position A argues that there should be a single unified qualifying examination for all legal professionals in Ukraine – advocates, in-house lawyers, legal consultants, and others. Position B argues that the current system, which has separate qualification routes for different professions, better reflects the different demands of each role.

Position A must use grammar structures to support unification: At present, there are too many separate pathways to legal practice in Ukraine, and there is very little consistency in the standards they set. Many law graduates are unclear about which qualification route leads where, and there are few mechanisms for checking whether non-advocate lawyers meet any minimum competence standard. There is a strong argument that a single qualifying examination – open to any law master's graduate – would create much more transparency and much less confusion. There are a few countries, including England and Wales, where the legal qualification landscape has recently been restructured around a single assessment framework, and there is some evidence that this increases public confidence in the profession.

Position B must use grammar structures to defend specialization: There is a reason why the Ukrainian system has separate qualification routes: the work of an advocate in criminal proceedings has very little in common with the work of a compliance officer or an in-house lawyer. There are many different skills required across these roles, and there is not much overlap in the daily practice of, say, a litigation advocate

and a corporate legal counsel. A unified examination would test some common foundations but would miss many of the specialized competences that each role demands. There is also a risk that unification would reduce the number of people entering legal practice overall – there are currently few enough qualified lawyers in rural areas of Ukraine as it is.

Both sides must use there is little or there are few at least once to identify a genuine gap or problem, and there is a little or there are a few at least once to acknowledge a positive element of the opposing position.

Agreed conclusion: There is no perfect system. There are a few models from other jurisdictions that Ukraine could learn from, and there is some political will for reform. But there are many stakeholder interests involved, and there is little prospect of rapid change without broad consensus across the Bar, the judiciary, and the Ministry of Justice.

NB: the debate trains the ability to use quantifier structures as argumentative tools. There are too many separate pathways frames fragmentation as a problem. There are few qualified lawyers in rural areas introduces a social justice concern. There are a few models we could learn from concedes that the other side has a point. Each structure carries a position. In legal argument, quantity is never neutral.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY USING GRAMMAR STRUCTURES FROM THE FOCUS

Choose one term from the glossary. Write a complete entry: term in English, Ukrainian equivalent, a two-sentence definition in your own words, and two example sentences – one using there is / there are and one using a quantifier (some, any, much, many, little, few, a little, or a few).

Example entry – Legal clinic (юридична клініка):
A legal clinic is a university-based programme in which supervised law students provide free legal advice to members of the public. It combines practical training with access to justice, giving students real experience before they qualify.
There is / There are sentence: There are legal clinics at most Ukrainian law faculties, though there is considerable variation in how well they are funded and how many hours of client contact they provide per semester. [There are + plural noun; there is + uncountable noun]
Quantifier sentence: Many students find that a few sessions in the legal clinic are enough to change their view of legal practice: the theory studied in lectures suddenly becomes real when there is an actual person on the other side of the table with an actual problem to solve. [Many + countable plural; a few + countable plural; there is + singular]
After writing the entry, annotate each grammar structure: a) what noun type follows it (countable/uncountable, singular/plural); b) why you chose that particular structure (positive/negative quantity, existence, question, etc.); c) whether a different quantifier would change the meaning significantly.

NB: Writing a glossary entry forces you to decide: how much of this thing exists? Is it plentiful or scarce? Is the quantity a positive or a negative feature of the concept? These are not abstract grammar decisions – they reflect your understanding of the legal education system. A student who writes there are few legal clinics in Ukraine is making a different claim from one who writes there are a few legal clinics – and both claims need to be defensible.

Task 10
Writing
APPLY

COMPLETE AND EXPAND A DESCRIPTION OF THE DEGREES AND QUALIFICATIONS SYSTEM

The paragraph below describes Ukrainian academic degrees in law, but every quantifier and existential structure has been removed and replaced with a gap. Fill each gap with the most appropriate structure, then add a final sentence of your own that uses at least two different grammar structures from today's focus.

TEXT: In Ukrainian legal education, _____ four main academic qualifications: junior bachelor, bachelor, master, and doctorate. _____ junior bachelor programs in law – this qualification is mainly offered at vocational colleges and provides a foundation for further study rather than independent practice. _____ bachelor's programs require 240 ECTS credits and take four years to complete, though _____ variation between universities in how elective credits are distributed. After the bachelor's degree, _____ master's programs with different specializations – _____ universities focus on commercial law, _____ on international law, and _____ on criminal justice. _____ doctoral candidates in law receive state funding for their research in the current cycle, which is a well-known challenge

for the academic sector. A Diploma with Distinction is awarded when _____ failing grades throughout the programme, and the graduate achieves a GPA above the required threshold. _____ time between completing the master's degree and sitting the Bar examination? Technically none – a graduate may begin the traineeship immediately.

Suggested answers (discuss alternatives): there are; There are few…

Now write your own final sentence (2–3 sentences) continuing the paragraph, using at least two different grammar structures from the focus. Your sentence should add a new piece of information about qualifications or the progression from academic to professional status.

NB: gap-fill tasks reveal the difference between recognizing a structure and producing it in context. Several gaps in this text accept more than one correct answer – your choice reveals how you read the legal education landscape. Is the variation between universities significant (use much) or minor (use a little)? Are the doctoral funding problems serious (use few) or manageable (use a few)? Grammar here is not just form – it is evaluation.

Task 11
Writing
EVALUATE

FIND AND CORRECT GRAMMAR ERRORS IN A DESCRIPTION OF PROFESSIONAL TRAINING

The paragraph below contains ten errors involving the grammar structures from today's focus. Identify each error, explain what is wrong, and rewrite the corrected paragraph in full.

PARAGRAPH: To become an advocate in Ukraine, there is several important requirements that every law graduate must meet. First, there is no many time to waste after completing the

master's degree – the sooner the traineeship begins, the better. There are a traineeship period of six months, during which the trainee works under a supervising advocate. There is few opportunities for trainees to work independently at this stage, which is appropriate given their level of experience. After the traineeship, there are a Bar examination with two distinct parts: a written knowledge test and a practical skills assessment. Are there some financial support available for candidates who cannot afford examination fees? Unfortunately, there are little information on the Bar website about fee waivers. Many of candidate do not realize that much preparation is possible even during the traineeship itself. A few knowledge of exam technique goes a long way, and there is any reason not to begin revision early. Once qualified, advocates must complete some continuing professional development every year – there are few flexibility in this requirement, as 12 hours is the statutory minimum.

Error 1: there is several important requirements → there are several important requirements – plural noun requires there are.

Rewrite the corrected paragraph in full.

NB: The ten errors in this paragraph represent every major mistake pattern with the grammar focus: there is / there are agreement (Errors 1, 3, 4, 5, 7); much / many confusion with noun type (Error 2, 8); some / any in questions (Error 6); a few / a little confusion with noun type (Error 9); any in a positive context without negation (Error 10); and the bonus few / little confusion (Error 11). Each error is produced by the same root cause: not checking the noun's countability and number before choosing the quantifier.

Task 12
Writing
CREATE

WRITE A SHORT GUIDE: WHAT TO EXPECT FROM A LAW DEGREE IN UKRAINE

Write a 200-word guide aimed at school-leavers who are considering a law degree in Ukraine. The guide must be informative, honest, and encouraging. Use grammar structures from today's focus throughout, drawing on at least six terms from the glossary.

INTRODUCTION (2–3 sentences): Use there is / there are to establish the landscape. There are several things to know before you apply to a law faculty in Ukraine. First, there is a clear degree structure that takes you from bachelor's level to the master's degree, and ultimately to doctoral study if you choose the academic path…

MAIN BODY – Paragraph 1: The programme. Use some / any and much / many. Many law programs are structured around a compulsory core of subjects – constitutional law, civil law, criminal law...

MAIN BODY – Paragraph 2: Opportunities and challenges. Use little / few and a little / a few. There are a few practical training options within the degree itself: most programs include a placement requirement, and many universities…

CONCLUSION (2 sentences): Honest, balanced, encouraging. There is no shortcut to becoming a good…

NB: the guide genre is one of the most practically useful in legal education contexts. It requires you to describe, quantify, evaluate, and encourage – all in one piece of writing. The grammar focus structures are not just exercises here: there is a little financial support (reassuring) vs. there is little financial support (concerning) is exactly the kind of choice a writer makes when deciding what tone to strike. The best guides are not unrealistically positive or needlessly negative – they are accurate, and their grammar signals that accuracy.

4.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses there is or there are?
a) There is four degree cycles in Ukrainian legal education;
b) There are a mandatory traineeship before the Bar examination;
c) There are three main degree cycles in Ukrainian legal education: bachelor, master, and doctorate;
d) There is many state-funded places available at every law faculty.

2. The Bar qualification examination in Ukraine:
a) is a single written test with 120 multiple-choice questions that must be passed in one sitting;
b) consists of two parts: an anonymous written test of legal knowledge and a practical skills assessment, both of which must be passed;
c) is optional for law graduates who have completed a master's degree with distinction;
d) is administered directly by the Ministry of Justice and has no practical component.

3. Which sentence correctly uses some or any?
a) Are there some funded doctoral positions available in the current competition cycle?;
b) There aren't some flexibility in the six-month traineeship requirement;
c) Some law faculties offer specialized tracks within their programs, allowing students to focus on a chosen area of law;
d) Any student can become an advocate without completing the Bar examination.

4. Which sentence correctly uses much or many?

a) There is not much elective courses available in the first year of the bachelor's programme;

b) How many ECTS credits does a full-time bachelor's law programme require in Ukraine?;

c) Much students find the practical examination more challenging than the written knowledge test;

d) There is much funded places on master's programs at leading law universities.

5. What is the correct structure to complete the sentence: After completing her master's degree, _____ obstacle remained before she could begin the traineeship: she needed to find a supervising advocate.

a) there were a;

b) there was one;

c) there are one;

d) there was any.

6. Which sentence uses few or little correctly with the right evaluative tone?

a) There is few room for academic dishonesty under Ukraine's Law on Education, which mandates anti-plagiarism checks;

b) There are a few universities that offer joint degree programs in law and economics, which is encouraging for students interested in both fields;

c) There is a little doctoral positions available this year, which is good news for research-oriented graduates;

d) There are little exchange agreements between Ukrainian and European law faculties.

7. Which is the most accurate description of state-funded and contract places in Ukrainian law programs?

a) There are any state-funded places, but they are awarded only to applicants with a Red Diploma from their previous studies;

b) There is no difference between state-funded and contract places – both require students to pay full tuition fees;

c) There are state-funded places awarded to the highest-scoring applicants, which cover tuition entirely; contract places require students to pay fees, though both lead to identical diplomas;

d) There are much state-funded places available, so most students at Ukrainian law faculties study for free.

8. A legal clinic in a Ukrainian law faculty is best described as:

a) a commercial law firm that employs law students as paid junior associates during their final year;

b) a university-based pro bono programme in which supervised students provide free legal advice to members of the public, combining practical training with access to justice;

c) a mandatory placement in a court or prosecutor's office during the second semester of the first year;

d) an optional programme with little educational value and few participants at most Ukrainian universities.

9. Which sentence correctly uses a little or a few with a positive, encouraging tone?

a) There is a little hope for students who fail the Bar examination – there are few opportunities to re-sit;

b) A few weeks before the Bar examination, candidates are advised to review the Rules of Professional Conduct and the key procedural codes;

c) A little law students manage to complete the traineeship and Bar examination in the same calendar year;

d) There are a little scholarship options available for doctoral students, making this path practically impossible.

10. What does the diploma supplement contain, and why is it important?

a) It is a decorative addition to the diploma that lists the graduate's extracurricular activities and awards;

b) It is a standardized European document issued alongside the degree diploma, describing the holder's courses, grades, and learning outcomes in a format understandable across different countries – essential for recognition of Ukrainian qualifications abroad;

c) It replaces the diploma entirely for graduates who studied part-time and therefore have fewer contact hours;

d) It is a document issued only to graduates with a Red Diploma, confirming their exceptional academic performance.

11. Which sentence correctly uses there is no in a legal education context?

a) There is no opportunities for Ukrainian law graduates to work in international organizations;

b) There is no automatic right to Bar admission – every candidate must pass the qualification examination regardless of academic results;

c) There is no a difference between a bachelor's and a master's degree for the purpose of Bar admission;

d) There is no many state-funded places at doctoral level.

12. How much continuing professional development must a licensed advocate in Ukraine complete each year?

a) There is no requirement – CPD is voluntary and individual advocates decide how much training they complete;

b) Advocates must complete a minimum of 12 verified hours of CPD per year; the NAAU monitors compliance and records CPD activity;

c) Advocates must complete much CPD – a full 40-hour programme every year administered by the Ministry of Justice;

d) There are few CPD providers in Ukraine, so most advocates complete their training abroad.

13. Which sentence correctly describes the ECTS credit system?

a) There is much confusion about ECTS because few Ukrainian universities use it – most still award national credits only;

b) There are 30 ECTS credits in a standard full-time academic semester, where one credit equals approximately 30 hours of student work, making it easy to transfer credits between Ukrainian and European universities;

c) There is any difference between ECTS credits and Ukrainian national credits – they are identical;

d) ECTS credits are worth much more than Ukrainian national credits, so students lose many hours when studying abroad.

14. Which sentence uses any correctly in the sense of whichever or it doesn't matter which?

a) Any master's graduates who want to become advocates must sit the Bar examination, regardless of their academic specialization;

b) Are there any problems with the recognition of Ukrainian law diplomas in EU member states?;

c) There aren't any funded positions available at the Faculty of International Law this year;

d) I can't find any information about the doctoral application deadline on the faculty website.

15. A moot court competition is:

a) a real court hearing in which law students represent clients under the supervision of a licensed advocate;

b) a competitive simulation in which law students argue a fictional legal case before a panel of judges, developing advocacy and oral argument skills;

c) a compulsory element of the bachelor's thesis assessment at all Ukrainian law faculties;

d) a programme that provides much academic credit but few practical skills.

16. Which sentence contains a grammar error in the use of quantifiers?

a) There are many bilateral exchange agreements between Ukrainian law faculties and European universities;

b) There is a little room in the curriculum for elective courses on EU law and comparative legal systems;

c) Few doctoral candidates receive full state funding for their research in the current cycle;

d) There is few information available about fee waivers on the Bar Association's official website.

17. Academic integrity in Ukrainian legal education requires that:

a) there is some tolerance for plagiarism in bachelor's theses if the source is cited in a footnote;

b) all academic work – essays, theses, and examinations – must be honest and original; plagiarism, falsification, and cheating violate academic integrity and may result in expulsion or degree revocation;

c) there are few anti-plagiarism checks at bachelor's level, as the system mainly focuses on doctoral dissertations;

d) there is any amount of collaborative work allowed, as long as both students submit separately.

18. Which sentence correctly uses much or many with the appropriate noun type?

a) How much elective courses are students allowed to choose in the third year of their bachelor's programme?;

b) There is not much flexibility in the compulsory core of the law curriculum – all foundational subjects are fixed by the Higher Education Standard;

c) Much law graduates choose to continue to master's study immediately after completing their bachelor's degree;

d) There are much reasons why the diploma supplement is more useful than the diploma itself for international applications;

19. A Diploma with Distinction is awarded when:

a) there are any outstanding grades in the final year, regardless of the overall academic record;

b) there are some disciplinary issues but the overall GPA is above average;

c) the graduate achieves a GPA above a set threshold, has no failing grades, and passes final state examinations with the highest grades – signaling consistent academic excellence throughout the programme;

d) there is a little improvement in grades between the first and final years of study.

20. Which sentence provides the most accurate and grammatically correct overall description of professional qualification routes in Ukraine?

a) There is much professional qualifications in Ukraine, and there are any route that leads to advocacy without a master's degree;

b) There are several distinct professional qualification routes in Ukrainian law: there is a separate Bar examination for advocates, a notarial examination for notaries, and a judicial selection procedure for judges – and there is no single pathway that applies to all of them;

c) There are few professional qualifications available, and much lawyers in Ukraine practice without any formal licence;

d) There is any qualification available to law graduates who want to practise, as the system is entirely unregulated.

ANSWER KEY

Q1: c	**Q2: b**	**Q3: c**	**Q4: b**	**Q5: b**	**Q6: b**	**Q7: c**	**Q8: b**	**Q9: b**	**Q10: b**
Q11: b	**Q12: b**	**Q13: b**	**Q14: a**	**Q15: b**	**Q16: d**	**Q17: b**	**Q18: b**	**Q19: c**	**Q20: b**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

4.7. GLOSSARY

TERM	DEFINITION
Advocate / Lawyer *Адвокат / правник*	A licensed legal professional who represents clients in courts and provides legal advice.
Bar examination *Адвокатський іспит*	A professional examination that law graduates must pass to become licensed lawyers.
Career path in law *Кар'єрний шлях у праві*	The professional trajectory a law graduate may follow, e.g., advocate, judge, prosecutor, notary, or legal consultant.
Continuing legal education *Безперервна юридична освіта*	Ongoing professional training for lawyers to update knowledge and comply with ethical and legal standards.
Internship / legal traineeship *Стажування / Юридичне практикантство*	Practical training in law offices, courts, or legal institutions where students gain hands-on experience.
Judge *Суддя*	A legal professional authorized to adjudicate disputes and interpret the law in courts.
Law degree *Юридичний ступінь*	An academic qualification (e.g., Bachelor of Laws, LL.B., or Master of Laws, LL.M.) required to enter the legal profession.
Law Faculty / Law School *Юридичний факультет / Юридична школа*	The academic department or institution where students receive formal legal education.
Legal competence *Правова компетентність*	The knowledge, skills, and judgment required to perform legal duties effectively.

TERM	DEFINITION
Legal drafting *Юридичне складання документів*	The skill of preparing contracts, pleadings, and other legal documents with precision.
Legal education *Юридична освіта*	The formal process of studying law at a university or law school to acquire knowledge and skills necessary for legal practice.
Legal internship / clerkship *Юридичне стажування*	Short-term practical experience for law students under supervision in courts or law offices.
Legal research *Правові дослідження*	The process of investigating laws, precedents, and legal literature to support legal practice.
Licensing / admission to the bar *Ліцензування / Допуск до адвокатури*	The process by which a qualified individual becomes authorized to practice law professionally.
Moot court *Навчальний судовий процес*	Simulated court proceedings used in legal education to develop advocacy and argumentation skills.
Notary *Нотаріус*	A legal professional who certifies documents, authenticates transactions, and ensures legal formalities are observed.
Practical legal training *Практична юридична підготовка*	The applied aspect of legal education that develops courtroom, drafting, and advisory skills.

TERM	DEFINITION
Professional ethics *Професійна етика*	Rules and principles guiding lawyers conduct, including honesty, integrity, confidentiality, and avoiding conflicts of interest.
Professional qualification *Професійна кваліфікація*	Official recognition that a law graduate has met the requirements to practice law.
Prosecutor *Прокурор*	A legal professional who represents the state in criminal proceedings and ensures enforcement of the law.

UNIT 5
LEGAL PROFESSIONS, ETHICS AND CAREER PATHS

5.1. LEGAL PROFESSIONS IN UKRAINE
5.2. PROFESSIONAL ETHICS
5.3. CAREER PATHS IN LAW
5.4. LAWYER WELLBEING
5.5. TASKS
5.6. QUIZ
5.7. GLOSSARY

5.1. LEGAL PROFESSIONS IN UKRAINE

THE LEGAL PROFESSION is a specialized field comprising trained professionals – including lawyers, judges, notaries, and prosecutors – who study, apply, and interpret the law. ETHICS defines the mandatory rules, professional standards, and moral principles governing the conduct of lawyers, solicitors, and judges. It ensures integrity, competence, and confidentiality, balancing a lawyer's duty to their client, the court, and the administration of justice.

UKRAINIAN LEGAL PROFESSIONS – WHO IS A LAWYER IN UKRAINE?

LEGAL PROFESSIONALS IN UKRAINE | Юристи в Україні

Three broad categories – defined by the type of licence or appointment required

LICENSED PROFESSIONS *Ліцензовані юридичні професії*	**STATE-APPOINTED OFFICIALS** *Держслужбовці та посадовці*	**OPEN TO ALL LAW GRADUATES** *Відкриті для кожного юриста*
• Advocate (Адвокат) *Exclusive rights: criminal defence & Supreme Court* • Solo advocate practice • Advocacy bureau (Адвокатське бюро) • Advocacy association (Адвокатське об'єднання)	• Judge (Суддя) *General / Commercial / Administrative* • Prosecutor (Прокурор) *Criminal prosecution on behalf of the state* • Investigator (Слідчий)	• Legal consultant / Юрист *Advises without Bar admission* • In-house counsel (Корпоративний юрист) • Compliance officer (Комплаєнс-офіцер) • Arbitrator (Арбітр) • Mediator (Медіатор) • International lawyer (Міжнародний юрист)

• Notary (Нотаріус) *Certifies legal transactions and documents* • Private executor (Приватний виконавець) *Enforces judgments commercially – since 2016*	*Gathers evidence; supervised by prosecutor* • State executor (Державний виконавець) *State Enforcement Service official*	• Military lawyer (Військовий юрист) *Armed forces legal adviser; IHL compliance* • War crimes investigator • LegalTech specialist • NGO legal director • Legal journalist / commentator

NB: *Only advocates may represent clients in criminal proceedings and before the Supreme Court. All other roles are open to law graduates without Bar admission. (Law on the Bar and Advocacy, 2012)*

BECOMING AN ADVOCATE – ENTRY PATH, FORMS OF PRACTICE & EXCLUSIVE RIGHTS

ENTRY REQUIREMENTS | Умови вступу до адвокатури

Four mandatory steps under the Law on the Bar and Advocacy (2012)

STEP 1 *Перший крок*	**STEP 2** *Другий крок*	**STEP 3 & 4** *Третій та четвертий кроки*
Master's Degree in Law *Магістр права – mandatory qualification* • Full law program at a Ukrainian university. • Without this degree, no other step is possible.	**6-Month Traineeship** *Стажування – supervised practice* • Completed under a qualified advocate. • Introduces real client work, court procedure, and file management.	**Bar Examination** *Адвокатський іспит – knowledge & ethics test* • Written examination set by NAAU. • Covers: substantive law, procedure, and Rules of Professional Conduct.

		Advocate's Oath *Присяга адвоката – a legal undertaking, not ceremony* • Sworn before the Regional Council of the Bar. • Name entered in the Unified Register of Advocates.

FORMS OF ADVOCATE PRACTICE | Організаційні форми адвокатської діяльності

SOLO ADVOCATE PRACTICE *Індивідуальна адвокатська діяльність*	**ADVOCACY BUREAU** *Адвокатське бюро*	**ADVOCACY ASSOCIATION** *Адвокатське об'єднання*
• No partners – full independence • Practices under own name • Bears all admin and financial responsibility personally *Typical for small-town or specialist solo practitioners*	• Established by ONE advocate • Has own legal personality, bank account, and seal • Can employ staff and sign contracts in bureau's name *Effectively a one-advocate firm with separate legal identity*	• Two or more licensed advocates as partners • All partners must hold Bar admission • Non-advocates may be employees – not partners *Most common structure for mid-size and large Ukrainian law firms*

EXCLUSIVE RIGHTS OF ADVOCATES | Виключні права адвоката

WHAT ONLY ADVOCATES MAY DO *Виключні права*	WHY IT MATTERS TO GRADUATES *Чому це важливо для здобувачів*
• **Criminal defence:** Only advocates may act as defence counsel in criminal proceedings at ANY stage – pre-trial, trial, or appeal. • **Supreme Court:** Representation before the Supreme Court of Ukraine is reserved for advocates only – even the most brilliant lawyers without Bar admission cannot do this. • **Constitutional right:** Under Art. 59 of Ukraine's Constitution, every accused person has the right to an advocate – this gives the profession its social importance.	• **Career decision:** If you want to appear in criminal proceedings or the Supreme Court, you must sit the Bar examination – there is no alternative. • **In all other proceedings:** In civil, commercial, and administrative courts, non-advocate lawyers may also represent clients. The monopoly is not total. • **After 2017:** Constitutional amendments expanded the advocate monopoly to all courts in significant matters – the transition is phased. Always check current rules.

NB: The advocate monopoly was expanded by the 2017 constitutional amendments. Entry to the Bar is a professional investment – start preparing early by studying the Rules of Professional Conduct alongside substantive law.

COURT PROFESSIONS – JUDGE, PROSECUTOR & INVESTIGATOR COMPARED

THREE ROLES IN THE JUSTICE PROCESS | Суддя · Прокурор · Слідчий

Each serves a distinct constitutional function – none may direct the others

JUDGE | Суддя *Здійснює судову владу*	**PROSECUTOR | Прокурор** *Підтримує державне обвинувачення*	**INVESTIGATOR | Слідчий** *Збирає докази*
• **Role:** Decides cases independently and impartially, based only on law and facts • **Appointment:** Selected by HCJ after competitive process • **Products:** Reasoned written judgments • **Tenure:** Security of tenure; constitutional immunity from pressure • **Constraint:** No party, official, or employer may tell a judge how to rule *A judge who accepts a bribe must be removed – a judge who acquits for lack of evidence must not be punished: both are constitutional requirements*	• **Role:** Conducts criminal prosecution on behalf of the state; supervises pre-trial investigation • **Employer:** Prosecutor General's Office or regional offices • **At trial:** Presents evidence, cross-examines, requests sentence • **Ethics:** Must seek JUSTICE, not merely convictions; must disclose exculpatory evidence to the defence • **Higher duty:** Prosecutors hold state power – their ethical obligations exceed those of private advocates *The prosecutor acts for the public interest, not for any private victim*	• **Role:** Gathers evidence, conducts searches, questions witnesses, proposes charges • **Supervision:** Works under a prosecutor's direction at all times • **Employers:** National Police, SBI, NABU, and other authorized bodies • **Powers:** Applies to the court for warrants: searches, intercepts, arrests • **Output:** Evidence file used by the prosecutor at trial *The investigator does NOT appear in court to argue the case – that is the prosecutor's role*

JUDGE SPECIALISATIONS | Спеціалізація суддів

GENERAL COURT JUDGE *Суддя місцевого суду*	COMMERCIAL COURT JUDGE *Суддя господарського суду*	ADMINISTRATIVE COURT JUDGE *Суддя адміністративного суду*
• Civil and family disputes • Criminal proceedings • Highest volume of cases in the system *Most common entry point for a judicial career*	• Business-to-business disputes • Bankruptcy proceedings • Corporate matters *Both parties must be legal entities – individuals go to general courts*	• Reviews lawfulness of government acts • Citizens and businesses challenge: tax, permits, licences • Checks authority's decision against the relevant statute *The court asks: did the authority act lawfully? – not: was the decision wise?*

NB: The investigator builds the case file. The prosecutor argues the case in court. The judge decides the case. Three separate institutions – each independent of the others.

NOTARY, ENFORCEMENT PROFESSIONALS & DISPUTE RESOLUTION OUTSIDE COURT

NOTARY | Нотаріус – The Legal Weight of Documents

Regulated by the Law on Notaries (1993) and the Ministry of Justice

WHAT A NOTARY DOES
Функції нотаріуса

- **Core function:** Certifies the authenticity of legal transactions and documents
- **Documents:** Wills, real estate contracts, powers of attorney, company resolutions
- **Legal effect:** Notarially certified transactions carry enhanced legal force under Ukrainian law
- **Types:** State notaries (government-employed) and private notaries (self-employed)

WHY NOTARISATION MATTERS
Значення нотаріату

- **Registration:** Without notarisation, certain transactions cannot be registered – e.g., a flat sale must be signed before a notary and registered in the State Property Register
- **Vs. advocate:** A notary does NOT represent parties in disputes – they certify acts
- **Vs. legal aid:** Notarisation is a fee-based private service – it is not legal representation

The notary's seal is the law's stamp of authenticity on a document

ENFORCEMENT | State vs. Private Executors – Виконавці рішень

STATE EXECUTOR
Державний виконавець

- Official of the State Enforcement Service
- Enforces court judgments on behalf of creditors
- Tools: debt collection, asset seizure, eviction orders
- Backed by full state authority

Sometimes slower than the private alternative – but access is universal

PRIVATE EXECUTOR
Приватний виконавець

- Licensed private professional – introduced by 2016 reform
- Enforces judgments on a commercial basis
- Competes with state executors on speed and effectiveness
- Earns fees from enforcement proceedings

Created because state enforcement was too slow – a market-based alternative

ALTERNATIVE DISPUTE RESOLUTION | Арбітраж та медіація

ARBITRATOR | Арбітр *Приватний судовий арбітраж*	MEDIATOR | Медіатор *Добровільне врегулювання*
• **Role:** Neutral third party who resolves the dispute and issues a BINDING award • **Process:** Private adjudication chosen by the parties – no state court • **Profile:** Typically an experienced lawyer or sector expert • **Seats:** International: London, Paris, Vienna, Stockholm • **Enforcement:** Award enforceable worldwide under the New York Convention (1958) *Faster and more private than litigation – parties choose their own arbitrators*	• **Role:** Trained neutral facilitator – does NOT decide the outcome • **Process:** Voluntary, structured conversation – both parties must agree • **Result:** A voluntary settlement agreement drafted by the parties themselves • **Law:** Ukraine's Law on Mediation (2021) created a formal national framework • **Benefit:** Faster, cheaper, and preserves business relationships *The mediator guides the process – the agreement belongs entirely to the parties*

NB: Arbitrator = decides (binding award). Mediator = facilitates (voluntary settlement). Judge = state authority (enforceable judgment). Know which role does what – this distinction appears in every procedural law exam.

5.2. PROFESSIONAL ETHICS

PROFESSIONAL ETHICS – THE CORE DUTIES BINDING EVERY LAWYER

THE ETHICAL FRAMEWORK | Правові та етичні рамки – Three Binding Codes

Professional ethics go beyond what the law requires – a legal act may still be unethical

RULES OF PROFESSIONAL CONDUCT *Правила адвокатської етики (НААУ)*	**CODE OF JUDICIAL ETHICS** *Кодекс суддівської етики*	**PROSECUTORIAL ETHICS** *Етика прокурора*
• Adopted by the National Bar Association (NAAU) • Governs: loyalty to client, confidentiality, diligence, candour • Towards courts: truthfulness, no false evidence • Towards colleagues: fair competition, no client-poaching • Towards the profession: dignity, no fee-splitting with non-lawyers *Violation can end a career even when no law is broken*	• Adopted by the Congress of Judges of Ukraine • Standards: impartiality, independence, diligence, integrity • Applies on AND off the bench – public conduct always matters • Social media: posts expressing bias violate the Code • Underpins public confidence in the judiciary *A judge whose personal views become public may be disciplined before deciding a single case*	• Prosecutors represent the STATE – not a private client • Must seek JUSTICE, not merely win convictions • Must disclose exculpatory evidence to the defence • Must not pursue charges without sufficient evidence • Higher obligations than advocates – they hold state power *If the evidence shows the accused is innocent, the prosecutor's duty is to say so*

THE FIVE CORE DUTIES | П'ять основних обов'язків кожного юриста

LOYALTY
Обов'язок лояльності

- **Definition:** Act exclusively in the client's best legal interests – above own interests, third parties, and personal views
- **Limit:** Loyalty does not require acting unlawfully – the advocate serves lawful goals only

An advocate who dislikes their client's business must still argue the case as forcefully as the law allows

CONFIDENTIALITY
Конфіденційність

- **Definition:** Never disclose any client information obtained during legal assistance – including the fact that advice was sought
- **Duration:** Survives the end of the retainer and continues after the client's death

An advocate cannot share former-client information even when acting for a new client in a separate matter

INDEPENDENCE
Незалежність адвоката

- **Definition:** Act on own professional judgment – free from pressure by clients, courts, state, or third parties
- **Practice:** May counsel a client against a course of action that is legal but unwise – independence protects both advocate and client

Even a powerful client cannot override the advocate's professional judgment

DILIGENCE
Обов'язок старанності

- **Definition:** Handle every matter with competence, thoroughness, and attention – meet all deadlines, research the law, follow up
- **Stakes:** Negligence is both an ethical violation and a source of professional negligence liability

Missing a limitation period can destroy the client's entire claim – and expose the advocate to a damages action

CANDOUR
Правдивість перед судом

- **Definition:** Never make knowingly false statements of fact or law to a court – correct misrepresentations if discovered
- **Priority:** Candour is owed to the court EVEN WHEN it conflicts with the client's interests

If a witness has lied, the advocate must inform the court – even though this damages the client's case

NB: Professional ethics go beyond what the law requires. A lawyer may do something perfectly legal that is nonetheless unethical – and face Bar disciplinary proceedings regardless of the legal outcome.

NB: PRO BONO Lawyers are expected – and in some contexts required – to devote time to free legal work for those who cannot afford representation. Law is a public service, not only a business.

5.3. CAREER PATHS IN LAW

CAREER PATHS IN LAW – THE FULL LANDSCAPE FOR UKRAINIAN LAW GRADUATES

SIX MAIN SECTORS |
Шість основних напрямів кар'єри в праві
A law degree opens more doors than almost any other qualification

PRIVATE PRACTICE *Приватна юридична практика*	**PUBLIC SERVICE** *Державна служба*	**JUDICIAL CAREER** *Суддівська кар'єра*
• Law firm (advocacy association or solo) • Serving private clients – individuals, companies, NGOs – for a fee • Key specializations: litigation, M&A, criminal defence, family, IP, tax, environmental • Income depends on winning cases and client satisfaction *Most common destination for Ukrainian law graduates – competitive but rewarding*	• Ministry, agency, court administration, or local authority • Work: legislative drafting, regulatory compliance, legal advice to government • Governed by the Law on Civil Service (2015) • Structured career progression; merit-based advancement *Contributes to public policy rather than serving individual clients*	• Entry via competitive selection by the HQCJ • Progress: district court → court of appeal → Supreme Court • Values: independence, analytical rigor, integrity above commercial ambition • Security of tenure and constitutional immunity once appointed *A judge at 30 may spend 35 years shaping legal development through reasoned judgments*

ACADEMIC CAREER *Академічна кар'єра*	**INTERNATIONAL CAREER** *Міжнародна кар'єра*	**NGO / HUMAN RIGHTS** *Права людини та НДО*
• PhD → lecturer → docent → professor • Research, teaching, and advising on legislation • Often combined with part-time practice • Scholarship influences courts and parliament *Academic lawyers develop the theory that practising lawyers apply – an often-underrated career*	• UN, EU, ICC, Council of Europe, OSCE • International law firms and diplomatic missions • Requires: strong English/French + LL.M. from European or US law school • New pathways opening as Ukraine's EU accession progresses *Language skills are not optional – they are the entry ticket*	• Strategic litigation before national courts or the ECtHR • Documentation of rights violations; advocacy; legislative lobbying • Works with: courts, UN bodies, ICC, domestic NGOs • Lower pay than commercial law – high societal impact *Human rights lawyers are often the last protection between state power and individual freedom*

SPECIALIST PRACTICE AREAS | Спеціалізації в приватній практиці

LITIGATION *Судові спори*	**TRANSACTIONAL** *Угоди та транзакції*	**CRIMINAL DEFENCE** *Кримінальні справи*
• Resolves disputes in court or arbitration • Skills: oral advocacy, procedural knowledge, analytical rigor	• M&A, real estate, private equity, joint ventures, financing • Drafts and negotiates agreements – do NOT go to court	• Defends accused at pre-trial, trial, and appeal • Constitutionally guaranteed right (Art. 59 Ukraine's Constitution)

• Only advocates may appear before the Supreme Court *The litigator is the face of the law in the courtroom*	• Speed, precision, and commercial awareness are essential *A transactional lawyer structures tomorrow's business today*	• Requires: courage, rigor, and ethical firmness *The last line between state power and individual freedom*

TAX LAW *Податковий юрист*	**IP LAW** *Інтелектуальна власність*	**ENVIRONMENTAL** *Екологічне право*
• Advises on structuring transactions to minimize tax lawfully • Represents clients in disputes with tax authorities • Complex, politically sensitive, and high-demand in Ukraine *Tax law changes constantly – continuous learning is not optional*	• Patents, trademarks, copyright, trade secrets • Advising on protecting and commercializing IP assets • Growing rapidly as Ukraine's tech sector expands *EU approximation is raising IP standards – a field with a bright future*	• Advises on pollution, permits, and environmental compliance • Represents communities affected by environmental harm • Driven by EU Green Deal standards and Ukraine's reconstruction agenda *Reconstruction after 2022 will generate enormous demand for environmental lawyers*

NB: International law firm associates earn the highest salaries in the market. Judges earn constitutionally guaranteed salaries plus security of tenure. Public servants earn moderate but stable incomes. Each path has different rewards – choose based on your values, not only the pay.

5.4. LAWYER WELLBEING

EMERGING ISSUES – WELLBEING, WAR CRIMES, LEGALTECH & EU CAREERS

LAWYER WELLBEING | Психологічне здоров'я юриста

An ethical responsibility – not a personal weakness

RISK FACTORS *Фактори ризику*	PROFESSIONAL RESPONSE *Відповідальна реакція*
• **Structural risks:** High stress, long hours, exposure to trauma, pressure to suppress emotion • **Consequences:** Burnout, depression, substance misuse – all significantly elevated in the legal profession • **Ukraine context:** Lawyers handling war crimes, displacement, and detention cases face sustained secondary trauma *A burned-out lawyer cannot serve clients properly – wellbeing is an ethical, not personal, matter*	• **Bar programs:** Many Bar associations now offer peer support, supervision, and wellbeing referral services • **Signs to watch:** Difficulty sleeping; emotional numbness; inability to detach from casework • **Right response:** Seeking supervision and support is professional responsibility – not weakness *Recognizing your own limits protects both your wellbeing and your clients' interests*

WAR CRIMES INVESTIGATOR & MILITARY LAWYER | Слідчий у справах воєнних злочинів · Військовий юрист

WAR CRIMES INVESTIGATOR
Слідчий у справах воєнних злочинів

- **Role:** Documents and investigates war crimes, crimes against humanity, and genocide
- **Scale:** Since 2022: Ukraine is the largest active war crimes investigation in history
- **Partners:** Works with ICC, Ukraine's Prosecutor General's Office, international NGOs
- **Tasks:** Survivor testimony; satellite image analysis; command responsibility memoranda

Cases may take years to prosecute – but shape international justice for decades

MILITARY LAWYER
Військовий юрист

- **Role:** Advises armed forces units on legal matters
- **Areas:** Military discipline; IHL compliance; servicemember rights; procurement
- **IHL duty:** Ensures that orders given to troops comply with Ukraine's Geneva Convention obligations
- **Growth:** The profile of military lawyers has grown significantly since 2014 and especially since 2022

IHL knowledge is not optional for military lawyers – it is the core of the job

FRONTIER CAREERS | EU Institutions · LegalTech · Entrepreneurial Law

CAREER IN EU INSTITUTIONS *Кар'єра в інституціях ЄС*	LEGALTECH SPECIALIST *Юрист у сфері правових технологій*	ENTREPRENEURIAL LAWYER *Підприємницький юрист*
• European Commission, CJEU, General Court, European Parliament legal service • Entry via EPSO competitive selection process • Requires excellent English and/or French + EU law knowledge • New pathways as Ukraine's accession progresses *Start preparing for EPSO in your final year – it is a rigorous multi-stage competition*	• Designs legal tech products; advises on AI regulation • E-discovery management; automated legal services • One of the fastest-growing and highest-paid paths for tech-savvy graduates • Combine law + programming skills = rare and highly valued combination *The legal market increasingly rewards lawyers who build, not only bill*	• Founds a law firm, builds a legal tech product, or launches a consultancy startup • Creates value rather than simply billing hours • Examples: online legal subscriptions; legal education platforms; automated contract tools *The legal market rewards innovation – not just seniority*

CAREER INSIGHT: Legal journalist, compliance officer, diplomat, legal tech specialist, and NGO legal director are all recognized professional paths for law graduates – not fallback options. The breadth of a law qualification is one of its greatest advantages.

5.5. TASKS

Grammar focus: **ways of expressing future** – including **will, be going to, Present Continuous Tense, Present Simple Tense, be about to, Future Perfect Tense, Future Continuous Tense, and semi-modals such as be due to, be expected to, be likely to, be set to** – used to discuss career plans, professional obligations, procedural timelines, and legal outcomes.

GRAMMAR REVIEW

Future Form	Structure	Core Meaning / When to Use	Legal Professions Example
will + infinitive	*will + base verb*	Spontaneous decisions; predictions based on opinion; promises; offers; future facts	I'll represent you in the cassation proceedings. / The advocate will present her closing argument at 10 a.m. tomorrow.
be going to + infinitive	*am/is/are going to + base verb*	Plans already decided before speaking; predictions based on present evidence	She's going to sit the Bar examination in spring – she's been preparing for six months. / Look at the evidence file – this case is going to collapse at trial.
Present continuous	*am/is/are + verb-ing*	Fixed personal arrangements; appointments already scheduled	I'm meeting the client at the advocacy bureau at 3 p.m. / The disciplinary commission is hearing the complaint next Thursday.

Present simple	*base verb (3rd sg: +s)*	Timetabled or scheduled events; fixed future in conditional/time clauses	The hearing starts at 9 a.m. / Once the advocate signs the fee agreement, the retainer begins. / If the candidate passes the Bar exam, they take the oath.
Future continuous	*will be + verb-ing*	Actions in progress at a specific future moment; polite enquiries about plans	At this time next year, she will be completing her six-month judicial traineeship. / Will you be attending the National School of Judges induction next week?
Future perfect	*will have + past participle*	Actions completed before a specific future point	By the time the case reaches the Supreme Court, the advocate will have spent three years litigating it. / She will have passed all vetting stages before the HCJ appointment.
Future perfect continuous	*will have been + verb-ing*	Duration of an ongoing action up to a future point	By her retirement, she will have been practicing as a solo advocate for thirty-two years.

be about to + infinitive	*am/is/are about to + base verb*	Immediate future – something happening very soon	The advocate is about to enter the courtroom. / The commission is about to announce its decision on the disciplinary complaint.
be due to + infinitive	*am/is/are due to + base verb*	Scheduled, expected by arrangement or official timetable	The prosecutor is due to submit the indictment by Friday. / The Bar examination results are due to be published next month.
be expected to + infinitive	*am/is/are expected to + base verb*	Generally anticipated outcomes; professional or social expectations	All advocates are expected to complete continuing professional development each year. / The litigation is expected to settle before the appellate hearing.
be likely to + infinitive	*am/is/are likely to + base verb*	Probability – something will probably happen	Given the evidence, the compliance officer is likely to recommend full disclosure. / A candidate without work experience is unlikely to pass the integrity assessment.

be set to + infinitive	*am/is/are set to + base verb*	Strong expectation, often of significant or noteworthy change; journalistic/formal register	Legal technology roles are set to become the fastest-growing employment area for law graduates over the next decade.
be to + infinitive	*am/is/are to + base verb*	Official instructions, obligations, or formal plans (formal/written register)	All newly appointed judges are to complete the National School training before hearing their first case. / The fee agreement is to be signed before work begins.
will have to / will need to	*will have to / will need to + base verb*	Future obligation or necessity (not yet in force)	After qualifying, you will have to complete a six-month traineeship before sitting the Bar exam. / The in-house counsel will need to review the merger documentation before closing.

1. WILL VS. BE GOING TO: THE MOST MISUSED DISTINCTION IN LEGAL ENGLISH

Both forms refer to future events, but they signal very different relationships between the speaker and the future action. Getting these right matters in professional and courtroom contexts.

WILL – use when:

a) You decide at the moment of speaking: I'll take your case. b) You make a promise or offer: The advocate will return your call by close of business. c) You predict based on personal opinion or belief: I think this arbitration will settle. d) You state a future fact with certainty: The hearing will last approximately three hours.

BE GOING TO – use when:

a) You describe a plan already formed before the conversation: She's going to apply for the judiciary. b) You predict based on present, visible evidence: The respondent has no defence – they're going to lose. In legal and professional writing, be going to is preferred for decisions already made; will is preferred for on-the-spot commitments and official future statements.

COMMON ERROR: using will for plans clearly already made. WRONG: I will apply for Bar admission next spring (if you already enrolled in the preparatory course). CORRECT: I'm going to apply for Bar admission next spring OR I'm applying for Bar admission next spring (if the date is fixed).

2. PRESENT TENSES AS FUTURE: ARRANGEMENTS AND TIMETABLES

Two present tenses can refer to future events – and both are extremely common in legal professional communication:

PRESENT CONTINUOUS – personal arrangements already confirmed with another party:

'I'm meeting the client tomorrow morning at the advocacy bureau. / The HQCJ panel is interviewing the shortlisted candidates on Friday. / We're signing the fee agreement at 2 p.m. These are diary entries – arrangements already made and coordinated with others.

PRESENT SIMPLE – scheduled events on a fixed timetable:

'The Bar examination starts on 15 June. / The court session opens at 9 a.m. / The traineeship ends in December. These are institutional or timetabled facts. Present simple is also obligatory in time clauses and conditional clauses referring to future: When the advocate qualifies, she will take the oath. If the complaint is upheld, the commission will impose a sanction. NEVER use will in the when/if/after/once/before/until clause.

3. SEMI-MODALS: BE DUE TO, BE EXPECTED TO, BE LIKELY TO, BE SET TO, BE TO

These semi-modal structures carry different degrees of certainty and formality. They are essential in legal professional writing, formal correspondence, and career planning discussions:

BE DUE TO – official schedule or deadline: The disciplinary hearing is due to conclude by 30 June. / The candidate is due to receive her qualification certificate within ten working days.

BE EXPECTED TO – general professional expectation or norm: Advocates are expected to maintain confidentiality indefinitely. / The associate is expected to bill at least 1,800 hours per year.

BE LIKELY TO – probability assessment: The appeal is likely to succeed given the procedural errors at first instance. / LegalTech roles are likely to outnumber traditional associate positions within twenty years.

BE SET TO – strong expectation of notable change (journalistic/analytical register): War crimes investigation roles are set to expand significantly as international proceedings intensify.

BE TO – formal obligation or instruction: All fee agreements are to be signed before work commences. / Newly appointed judges are to take the judicial oath before the High Council of Justice. This form is common in official regulations and procedural codes – it states what must happen rather than what will happen.

4. FUTURE PERFECT AND FUTURE CONTINUOUS IN PROFESSIONAL TIMELINES

These two future forms become essential when lawyers discuss career milestones, case timelines, and the sequencing of professional obligations:

FUTURE PERFECT (will have + past participle) – completed before a future reference point:

'By the time she takes the Bar exam, she will have completed six months of traineeship and received her supervisor's assessment. / The arbitration will have concluded before the limitation period expires. Use with time expressions: by the time, by [date], before, already.

FUTURE CONTINUOUS (will be + -ing) – in progress at a specific future moment:
'At this time next year, I will be working as a trainee advocate in a Kyiv litigation firm. / While the prosecutor is presenting evidence, the defence advocate will be taking notes for cross-examination. Use with time expressions: at this time + future, while, when [point in time].
COMMON ERROR: future perfect is often confused with will + infinitive. WRONG: By 2030, she will pass the Bar exam. CORRECT: By 2030, she will have passed the Bar exam. The word by signals completion before a future point – the trigger for future perfect, not simple will.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY FUTURE FORMS IN A CAREERS ADVISORY TEXT

Read the passage below, which draws on the glossary. Underline every future form. For each one, state: a) the exact form used, b) which future structure it represents, and c) the reason that specific form was chosen rather than an alternative.

TEXT: You are about to begin one of the most versatile degrees available to a Ukrainian student. By the time you graduate, you will have studied civil, criminal, commercial, and administrative law – and you will be choosing between career paths that most professions can only dream of. Some of you are going to become advocates, sitting Bar examinations and taking the advocate's oath within a few years. Others will join law firms as legal consultants, building experience before deciding whether to qualify formally. A few

will pursue the judiciary: if you pass the competitive HQCJ selection process, you will be issued a judicial appointment and you are to complete the National School of Judges training before hearing your first case. The compliance and LegalTech sectors are set to grow significantly over the next decade, and international career paths are likely to expand further as Ukraine's EU accession process advances. One thing is certain: the legal profession is due to change more in the next twenty years than it changed in the previous century. The lawyers who will thrive are those who keep learning after graduation.

Create a table: Column 1 – the future form as it appears in the text; Column 2 – the structure name (e.g. future perfect, be going to, present continuous, etc.); Column 3 – the reason this form was chosen (what meaning or nuance does it carry in this specific context?).

Write three sentences of your own about your personal legal career plans, each using a different future form from the grammar table. Label each form you use.

NB: English has no single future tense – it has a system of forms, each signaling something different about the speaker's relationship to the future event: is it a plan, a prediction, a scheduled fact, something about to happen, something already completed by a future point? In legal and professional contexts, choosing the right form signals both grammatical competence and professional awareness. A lawyer who says I will pass the Bar exam (when she has already enrolled) sounds less decisive than one who says I'm going to pass the Bar exam or I'm sitting the Bar exam in June.

Task 2
Reading
ANALYSE

ANALYSE FUTURE FORM CHOICES IN FOUR PROFESSIONAL CONTEXTS

Each group below presents the same professional situation with four different future forms. Analyse: a) which form is grammatically possible, b) which form is most appropriate given the context and meaning, and c) what meaning is lost or changed when a different form is used.

GROUP A – An advocate telling a new client about the hearing scheduled for Monday: The hearing will take place on Monday. The hearing is taking place on Monday. The hearing takes place on Monday. The hearing is going to take place on Monday. – *Discuss: which form(s) are natural? Does the answer change if the hearing is on a fixed court timetable vs. newly confirmed with the client?*

GROUP B – A career adviser predicting that LegalTech will transform the legal market: LegalTech will change everything. LegalTech is going to change everything – the evidence is already there. LegalTech is set to transform the legal market fundamentally. LegalTech is changing everything. – *Discuss: how does the choice of form signal the degree of certainty and the nature of the evidence?*

GROUP C – A managing partner addressing a trainee on her first day: You will need to complete 1,800 billable hours this year. You are to complete 1,800 billable hours this year. You are going to complete 1,800 billable hours. You are expected to complete 1,800 billable hours this year. – *Discuss: how does each form change the register and the relationship between speaker and listener?*

GROUP D – An advocate explaining a case timeline to a client: By the time the Supreme Court hears this, we will spend three years in litigation. By the time the Supreme Court hears this, we will have been litigating for three years. By the time the

Supreme Court hears this, we will have spent three years in litigation. By the time the Supreme Court will hear this, we spend three years. – *Identify the grammatically impossible option and explain why. Rank the remaining three from least to most precise.*

NB: Group D is particularly important for legal writing. The phrase by the time always introduces a time clause and therefore requires present simple (not will) in the subordinate clause – option 4 is wrong for this reason alone. Options 2 and 3 are both possible but carry a subtle difference: future perfect continuous emphasizes the ongoing duration; future perfect emphasizes the completion. A skilled lawyer chooses between them depending on whether the duration or the completion matters more to the client's situation.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: FUTURE FORMS IN PROFESSIONAL CONTEXTS

Listen to audio recording #5 and write the missing word – the correct forms and explain: a) which future structure it represents, and b) why that form is more appropriate than the alternatives.

1. The trainee advocate _____ (meet) her supervising partner at the advocacy bureau at 9 tomorrow morning. [is meeting – present continuous: personal arrangement already confirmed]
2. Under the Rules of Professional Conduct, an advocate who discovers a conflict of interest _____ (disclose) it to the client immediately.
3. The Bar examination _____ (start) on 12 September. Applications close on 1 August.

4. At this time next year, she _____ (work) as an in-house counsel at a Kyiv bank, having chosen corporate law over litigation. [will be working – future continuous: in progress at a specific future moment]
5. Once the prosecutor _____ (file) the indictment, the case _____ (move) to the trial stage automatically.
6. By her tenth year in practice, a successful litigation advocate _____ (argue) hundreds of cases and _____ (build) a reputation that attracts major clients independently.
7. I _____ (not stay) in academic law forever – I _____ (apply) to the advocacy training program after I finish my PhD.

NB: Items are intentionally open to invite discussion of meaning and register.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT CAREER PLANNING PRESENTATION

Listen to a 2-minute student presentation about their post-graduation legal career plans. Evaluate: a) whether future forms are used correctly and appropriately, b) whether the forms chosen match the intended meaning (plan, prediction, obligation, timeline), and c) whether the overall presentation sounds professional and natural.

Listen for and note: at least three correctly used future forms (e.g. I'm going to apply for Bar admission in my final year; By the time I'm thirty, I will have completed my traineeship and passed the Bar exam).
Identify at least two future form errors: e.g. By the time I will graduate, I will work in law (will in time clause; wrong tense in main clause).
Identify at least one content error about legal professions – e.g. stating that the judicial oath

is taken before the HQCJ (it is taken before the HCJ).
For each error, write the corrected version and explain in one sentence why both the grammar and the content matter in a professional context.
NB: when a law student presents their career plans to a potential employer, future forms carry specific signals. I will work in compliance sounds tentative and undecided. I'm planning to specialize in compliance – I'm already in contact with two firms in that sector sounds focused and purposeful. Evaluating the grammar and the professional self-presentation together trains the skill of listening for what forms reveal about the speaker's confidence, preparation, and knowledge.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DESCRIBE THE STEPS TO QUALIFYING AS AN ADVOCATE IN UKRAINE

You are explaining to a secondary school student what it takes to become a licensed Ukrainian advocate. Walk through every stage of the qualification process in chronological order, using a different future form at each stage to reflect whether each step is a fixed requirement, a personal plan, a prediction, or an imminent obligation. Speak for 2 minutes.

Stage 1 – The degree: First, you will need to complete a master's degree in law at a Ukrainian university. While you're studying, you're going to decide which area of law interests you most, because that will shape your traineeship choice. [will need to – future obligation; going to – personal decision in progress; will – consequence]

Stage 2 – The traineeship: Once you graduate, you are to complete a six-month traineeship under the supervision of a licensed advocate [be to – formal obligation]…
Stage 3 – The Bar examination…
Stage 4 – The oath and registration…
NB: The qualification pathway is a natural sequence of future events – some timetabled (the exam dates), some obligatory (the oath), some predictive (passing rates), some planned (the traineeship choice). Using the right future form at each stage models the precision that distinguishes a legal professional from a general speaker: each form tells the listener not just what will happen but how certain it is, who has decided it, and whether it is scheduled or contingent.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: INITIAL CLIENT MEETING AT AN ADVOCACY BUREAU
Student A is an advocate; Student B is a new client who has just discovered that their business partner has been diverting company funds. Student A must explain what the legal process will look like, using a variety of future forms to manage the client's expectations honestly and professionally.

OPENING: Client arrives anxious. Advocate sets the scene: Thank you for coming in. I'm going to ask you some background questions first, and then I'll explain what your legal options are. This consultation is going to take about an hour. [going to – pre-decided plan; will – spontaneous explanation; going to – duration assessment based on experience]
NEXT STEPS: Advocate outlines the immediate future: Before we instruct any investigators, we're going to commission a forensic audit of the company accounts. That is due to take three

to four weeks. Once you have the audit report, I'll review it with you and we'll decide whether to file a criminal complaint or pursue civil proceedings first. [going to – decided plan; be due to – estimated schedule; will + present simple – conditional future sequence]

REALISTIC TIMELINE: Advocate manages expectations: I have to be honest with you: if this becomes a criminal case, you're unlikely to see a final verdict for at least two years. By the time the case reaches the appeal stage, we will have been in proceedings for three years or more. However, we can apply for interim measures immediately – the court is likely to freeze the disputed assets within days of our application. [unlikely to – probability negative; future perfect continuous – duration; likely to – positive prediction]

FEE DISCUSSION: Advocate explains the fee structure: We're going to sign a fee agreement today before I start any work – that is required under Ukrainian law. I will charge an hourly rate for investigation work, and if we proceed to litigation, the hearing fee will be fixed in the agreement. If the case succeeds in recovering the diverted funds, we'll discuss a success bonus. [going to – next step already decided; will – fee commitments as promises; will – future conditional outcome]

NB: Client management is one of the most demanding communication challenges for a young advocate. Every future form sends a signal: I'll do that is a promise; I'm going to do that is a plan; that's due to happen manages expectations without over-committing; that's likely to is honest about uncertainty. A client who feels well-informed and realistically advised is far more likely to trust their advocate – and to stay calm when the process takes longer than hoped.

Task 7
Speaking – Monologue
APPLY

PRESENT YOUR FIVE-YEAR LEGAL CAREER PLAN

You are presenting your career plan to a university tutor. Your plan must include at least six different future forms and reflect a genuine understanding of the qualification requirements and career paths described in the glossary. Speak for 3 minutes.

YEAR ONE (post-graduation): Use present continuous for fixed arrangements already made and be going to for plans already decided. I'm starting as a lawyer at a commercial litigation firm in September – the offer is already confirmed. In my first year, I'm going to focus on building procedural knowledge and observing hearings from the associate bench. I'll also begin preparing for Bar admission.'

YEARS TWO TO THREE: Use will for commitments and be due to for scheduled milestones. In my second year, I'm due to start the six-month trainee advocate program under my supervising partner's licence. I will use that period to conduct my first independent client consultations and draft pleadings for review. By the end of my traineeship, I will have handled at least thirty files from intake to close.'

YEAR FOUR: Use will have (future perfect) for completions and be likely to for predictions. By the time I sit the Bar exam, I will have accumulated three years of substantive litigation experience. I'm likely to specialize in commercial disputes – the sector is growing and firms are actively recruiting advocates with transactional and litigation overlap.'

YEAR FIVE: Use be set to for ambitious professional projection and future continuous for ongoing state. By year five, I will be practicing as a fully licensed advocate, managing my own case portfolio and mentoring junior associates. Commercial dispute resolution is set to become increasingly important as Ukrainian companies scale

internationally – and I intend to be fluent in the relevant international arbitration procedures by that point.'

NB: a career presentation is not a wish list – it is a professional document in spoken form. The future forms you choose reveal how carefully you have planned: present continuous signals confirmed arrangements; be going to signals decisions already made; future perfect signals that you know what milestones you must pass; be likely to signals that you understand the market. A candidate who uses only will throughout sounds like they are improvising. A candidate who moves between forms with purpose sounds like someone who has already started.

Task 8
Speaking – Debate
ANALYSE

DEBATE: WILL AI REPLACE LAWYERS, OR WILL IT ONLY CHANGE WHAT THEY DO?

Hold a structured debate. Position A argues that artificial intelligence will fundamentally transform the legal profession – replacing routine tasks and reshaping what lawyers are for. Position B argues that AI will change the tools lawyers use but will not replace the core of what a lawyer does: advise, advocate, and exercise professional judgment.

Position A – Transformation: Document review, contract drafting, legal research, and compliance monitoring are all going to be automated within ten years – the technology already exists and firms are deploying it now…'

Position B – Evolution: AI will handle what is predictable – and legal problems are rarely fully predictable. The advocate who stands before the Supreme Court, the criminal defence lawyer who reads a jury, the mediator who navigates a bitter business divorce: these roles will always require human judgment, human presence, and human accountability...

Both sides must use: at least one future perfect (will have) to describe a state of affairs at a future reference point, at least one be going to to describe something already in motion, and at least one semi-modal (be likely to / be set to / be expected to) to signal a probability rather than a certainty.
Agreed conclusion: Both sides produce one jointly drafted sentence that uses future forms to summarize the most balanced prediction they can reach.
NB: the AI debate is the perfect testing ground for future forms because it forces a distinction between what is certain, what is probable, what is already in motion, and what is a long-range prediction. Position A uses be going to to signal visible, present-tense evidence of change; be set to to mark expected transformation. Position B uses will + infinitive to make a counter-prediction; going to + negative to rebut. The agreed conclusion uses future perfect twice – showing mastery of the form that marks not just future but future completion.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY USING THREE FUTURE FORMS

Choose one term from any topic of the glossary. Write a full entry: the English term, the Ukrainian equivalent, a two-sentence definition in your own words, and three example sentences – each using a different future form deliberately chosen to reflect how that concept operates in time.

Example entry – Disciplinary proceedings (дисциплінарне провадження): Disciplinary proceedings are the formal process through which the Bar's regional qualification-disciplinary commission investigates a complaint against an advocate and, where the complaint is substantiated, imposes a proportionate sanction.

Sanctions range from a warning to disbarment, depending on the seriousness of the conduct.'
Future form sentence 1 – will (promise/future fact): If the advocate continues to miss hearing dates without notice, the commission will open disciplinary proceedings against their and they will be required to appear before the panel to answer the complaint.'
Future form sentence 2 – be due to (scheduled): The disciplinary hearing is due to take place on 14 October; the advocate is due to receive written notice of the charges at least thirty days in advance.'
Future form sentence 3 – future perfect (completed before a future point): By the time any sanction is formally imposed, the commission will have conducted a full investigation, given the advocate an opportunity to respond, and considered any mitigating circumstances. After the entry, annotate each future form: name the structure and explain in one sentence why it was chosen for that specific sentence.
NB: Writing a glossary entry with deliberate future form choices turns a passive grammar exercise into an active professional skill. An advocate drafting a letter of advice, a junior lawyer writing a case timeline for a client, or a compliance officer describing an upcoming audit process all face the same challenge: which future form accurately conveys the degree of certainty, the scheduling, and the professional obligation that applies? The three-form discipline forces you to move beyond will for everything.

Task 10
Writing
APPLY

WRITE A CLIENT UPDATE LETTER USING VARIED FUTURE FORMS

Your client is a Ukrainian entrepreneur whose former business partner has been accused of fraud. You are the instructed advocate. Write a 200-word client update letter outlining the next steps in the case. Use at least six different future forms and label each in brackets after the sentence.

STRUCTURE: Opening (acknowledge the client's position and the current stage), Next immediate steps (what happens in the next two weeks), Medium-term process (what will happen over the next six months), Managing expectations (honest predictions about timing and outcomes), Closing (commitment and contact details).

REQUIRED future forms to include: 1) present continuous for a confirmed appointment; 2) be going to for an action already planned and set in motion; 3) will for a promise or commitment to the client; 4) be due to for a procedurally scheduled step; 5) future perfect for what will be completed by a specific future point; 6) be likely to for an honest probability assessment about the case outcome.

MODEL OPENING: Dear Ms Bondarenko, I am writing to update you on the current status of your case and to outline the steps we are taking over the coming weeks. I am meeting the forensic auditor tomorrow afternoon to review the preliminary findings [present continuous – confirmed arrangement]. We are going to submit a formal criminal complaint to the State Bureau of Investigation by the end of this week [be going to – decision already made]…

Close the letter professionally, using be set to or will have to convey one final confident statement about the case trajectory.

NB: client correspondence is one of the most important genres in legal practice, and future form choice is never neutral in it. We will write to you next week is a promise; we are writing to you next week is a diary entry; we are due to receive the expert report next week is a scheduling statement. Each carries a different level of commitment and a different relationship to the client. A letter that uses only will for everything is both grammatically imprecise and professionally unconvincing.

Task 11
Writing
EVALUATE

FIND AND CORRECT FUTURE FORM ERRORS IN A CAREER PLANNING EMAIL

The email below contains eight future form errors. Identify each error, explain why it is incorrect, and rewrite the corrected email in full.

EMAIL: Dear Professor Marchenko, I am writing to ask for your advice about my career plans. After I will graduate in June, I am going to look for a position as a lawyer in a commercial litigation firm. I hope that by the time I will be thirty, I will finish my trainee advocate program and I pass the Bar examination. My long-term goal is to specialize in human rights law – I will probably going to work at a Ukrainian NGO before I apply for an international position. I think LegalTech roles will be growing rapidly over the next decade, so I am also considering whether to take a coding course. I have already arranged an informational interview at a Kyiv firm: I am meeting their HR partner next Tuesday. I also spoke with an advocate who told me that all new associates will to complete 1,800 hours in their first year. Could you please give me your thoughts? I will wait for your reply.'

Error 1: After I will graduate → After I graduate – present simple in time clause; will never appears in after/when/before/until/once clauses.

NB: The eight errors in this email are the most frequent future form mistakes in student legal writing: using will in time clauses (Errors 1 and 2), forgetting future perfect after by/by the time (Errors 3 and 4), mixing will and be going to (Error 5), misusing future continuous for a general trend (Error 6), and the non-existent will to structure (Error 7). Error 8 is a register error rather than a grammar error – but in professional legal correspondence, register and grammar carry equal weight.

Task 12
Writing
CREATE

WRITE A SHORT PROFESSIONAL PROFILE USING FUTURE-ORIENTED LANGUAGE

You are applying for a place on a competitive judicial internship program run by Ukraine's National School of Judges. Write a 250-word personal statement explaining who you are, why you want to join the program, what you will contribute, and where you see your career in ten years. Use at least seven future forms, each deliberately chosen.

OPENING – motivation and plan already formed (be going to + present continuous): I am in my final year of a master's degree in law at State Tax University. I am going to pursue a career in the administrative judiciary – a decision I made after completing a three-month placement with the Kyiv District Administrative Court, where I observed how judges apply the principle of proportionality to challenge government decisions. I am submitting this application because the National School of Judges internship is the most direct route to that goal.'

CONTRIBUTION – what you will bring (will as commitment + will be doing as ongoing state): During the internship, I will bring a genuine commitment to procedural accuracy and an

analytical approach developed through four years of moot court competition. I will be contributing not only to case research but also to the program's working group on digitization of administrative proceedings – a field I have studied specifically for this application.'

TIMELINE – what you will achieve (future perfect + be due to): By the end of the internship, I will have observed at least fifty hearings across different court divisions and will have produced a research note on the application of EU administrative law principles in Ukrainian courts. I am due to complete my master's thesis on the same topic in April, and I will share the final chapter with my internship supervisor.'

LONG-TERM VISION – career projection (be set to + likely to): The administrative judiciary is set to play an increasingly central role in Ukraine's post-war reconstruction – resolving disputes about property restitution, regulatory decisions, and public procurement that will shape how the country rebuilds. I am likely to specialize in precisely this interface between EU administrative standards and Ukrainian constitutional law. I am ready to begin.'

NB: the personal statement is perhaps the most high-stakes writing task a law student faces. Every future form in it is read by the selection panel as a signal: be going to (I have already decided); will (I commit to this); future perfect (I have planned my milestones); be set to (I understand the context I am entering); be likely to (I am realistic). A candidate who writes only I will do this and I will do that signals spontaneity without preparation. A candidate who moves through forms with purpose signals exactly the kind of professional precision the judiciary is looking for.

5.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses the future form to describe a plan already decided before the conversation?
a) I will apply for Bar admission – I haven't decided yet;
b) I'm going to apply for Bar admission in spring – I've already enrolled in the preparatory course;
c) I am applying for Bar admission since last year;
d) By the time I apply for Bar admission, I will be studying for six months.

2. Complete the sentence with the correct future form: "Once the advocate _____ the fee agreement, the retainer _____."
a) will sign…will begin;
b) signs…will begin;
c) is signing…begins;
d) signs…begins when she sign.

3. Which sentence correctly uses the future perfect to describe a professional timeline?
a) By the time she takes the Bar exam, she will complete her traineeship;
b) By the time she takes the Bar exam, she will have completed her six-month traineeship;
c) By the time she will take the Bar exam, she completes her traineeship;
d) By the time she takes the Bar exam, she is completing her traineeship.

4. An advocate discovers mid-trial that a witness has given false evidence. According to the duty of candour, the advocate:

a) will probably tell the court at some point in the future when it is convenient;

b) is about to inform the court immediately, since candour overrides client loyalty even when doing so damages the client's case;

c) is going to delay disclosure until after the verdict;

d) will to disclose this at the next available hearing.

5. Which future form is most appropriate in the sentence: "The Bar examination _____ on 15 September; applications close on 1 August."

a) is going to start;

b) will be starting;

c) starts;

d) is about to start.

6. Which sentence correctly uses *be to* to express a formal professional obligation?

a) All newly appointed judges are to complete National School training before hearing their first case;

b) All newly appointed judges will to complete National School training;

c) All newly appointed judges are being to complete training;

d) All newly appointed judges are going to being trained.

7. A compliance officer tells a new client: You _____ screened against EU and US sanctions lists before we open your account. Which form best expresses a formal procedural requirement?

a) are going to be;

b) will be being;

c) are to be;

d) are about to be.

8. Which sentence correctly uses the future continuous?

a) At this time next year, I will be completing my traineeship at a Kyiv litigation firm;

b) At this time next year, I will have been completing my traineeship;

c) At this time next year, I completed my traineeship at a Kyiv firm;

d) At this time next year, I am completing my traineeship last month.

9. What is the correct meaning of be likely to in the sentence: "A candidate without practical experience is unlikely to pass the integrity assessment."

a) The candidate is forbidden from passing the assessment;

b) The candidate is scheduled not to pass the assessment;

c) The probability of the candidate passing the assessment is low;

d) The candidate has already failed the assessment once before.

10. The duty of confidentiality is:

a) an obligation that ends when the professional relationship ends;

b) a duty that the client may waive but that otherwise survives the end of the retainer and continues after the client's death;

c) a rule that applies only during active court proceedings;

d) a guideline rather than a binding obligation under the Rules of Professional Conduct.

11. Which sentence contains a future form error?

a) If the complaint is upheld, the commission will impose a sanction;

b) After the advocate will qualify, she will take the oath;

c) Once she passes the Bar examination, her name will appear in the register;

d) When the hearing finishes, the judge will give a reserved judgment.

12. A managing partner tells a trainee: "You are expected to bill 1,800 hours this year." This means:

a) the trainee has already billed 1,800 hours;

b) the trainee is being asked to make an immediate, spontaneous decision;

c) billing 1,800 hours is the professional norm or standard that applies to the role;

d) the trainee is about to be dismissed if she bills fewer hours.

13. Which future form best completes this sentence from a careers adviser: "LegalTech roles _____ become the fastest-growing area of the legal market over the next decade, driven by AI adoption and digital court systems."

a) will have;

b) are set to;

c) are about to;

d) were going to.

14. A criminal defence advocate is about to cross-examine the final prosecution witness. Which sentence best describes this moment?

a) The advocate will cross-examine the witness at some point;

b) The advocate has been cross-examining the witness since last week;

c) The advocate is about to begin her cross-examination of the final prosecution witness;

d) The advocate is going to have cross-examined the witness by tomorrow.

15. Which sentence correctly describes a career milestone using future perfect continuous?

a) By her retirement, she will have been practising as a solo advocate for thirty years;

b) By her retirement, she will practise as a solo advocate for thirty years;

c) By her retirement, she is being a solo advocate for thirty years;

d) By her retirement, she will be practised as a solo advocate for thirty years.

16. A prosecutor is ethically required to disclose exculpatory evidence to the defence. Which future form most precisely expresses this as a scheduled professional obligation in a formal procedural context?

a) The prosecutor will disclose any exculpatory evidence when she feels it is appropriate;

b) The prosecutor is going to disclose exculpatory evidence if she finds any;

c) The prosecutor is to disclose all exculpatory evidence to the defence before the trial commences;

d) The prosecutor is about to disclose exculpatory evidence at the next available moment.

17. Which sentence correctly uses the present continuous to express a future personal arrangement?

a) I am meeting the client at 3 p.m. tomorrow – the appointment is already confirmed;

b) I am meeting the client every Tuesday for the past month;

c) I am meeting the client since she filed the complaint last year;

d) I am meeting the client if she calls to confirm.

18. A law graduate asks their university mentor: What will I be doing at this time next year if I join a litigation firm? The mentor answers correctly with:

a) You will work on commercial disputes and learning courtroom procedure;

b) You will be working on commercial dispute files and beginning to attend hearings as an observer;

c) You will have worked for a full year by then, so you will be promoted;

d) You are going to work on disputes and you work in a team.

19. Which of the following describes a contingency fee arrangement for an advocate in Ukraine?

a) The advocate charges a fixed fee regardless of outcome, payable in advance;

b) The advocate charges an hourly rate billed monthly throughout the case;

c) The advocate receives payment or a success bonus only if the case achieves a favourable outcome, permitted within the limits set by the NAAU;

d) The advocate is prohibited from charging any fee and must work pro bono on all cases.

20. Which sentence provides the most complete and grammatically correct career projection using a combination of future forms?

a) I will apply for the judiciary and I will pass and I will be a judge for ever;

b) By the time I am thirty-five, I will have passed the Bar exam, completed at least five years in litigation, and be ready to apply for judicial selection – I am going to start preparing the application file next year;

c) I am going to be a judge soon because I will have been studying for a long time by next year;

d) I will to become a judge after I will complete my studies and I will pass the exam.

ANSWER KEY

Q1: b	**Q2: b**	**Q3: b**	**Q4: b**	**Q5: c**	**Q6: a**	**Q7: c**	**Q8: a**	**Q9: c**	**Q10: b**
Q11: b	**Q12: c**	**Q13: b**	**Q14: c**	**Q15: a**	**Q16: c**	**Q17: a**	**Q18: b**	**Q19: c**	**Q20: b**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

5.7. GLOSSARY

TERM	DEFINITION
Advocacy skills *Навички адвокатської діяльності*	The ability to represent and argue effectively for clients in courts or negotiations.
Career path in law *Кар'єрний шлях у праві*	The progression of roles a legal professional may follow, such as legal trainee → lawyer → judge → senior legal advisor.
Confidentiality *Конфіденційність*	The ethical obligation of legal professionals to protect client information.
Conflict of interest *Конфлікт інтересів*	A situation where a lawyer's personal or professional interests could compromise their impartiality or loyalty to a client.
Continuing legal education (CLE) *Безперервна юридична освіта (CLE)*	Programs designed to update lawyers on legal developments, ethics, and professional skills.
Disciplinary action *Дисциплінарне стягнення*	Sanctions imposed on lawyers for violating ethical or professional rules, including suspension or disbarment.
Judge *Суддя*	A legal professional who presides over court proceedings, interprets laws, and issues binding decisions.
Judicial career path *Кар'єрний шлях судді*	The professional trajectory that leads from legal practice to judicial positions.
Law Society / Bar Association *Юридичне товариство / Адвокатська асоціація*	A professional body that regulates the legal profession, maintains ethical standards, and provides continuing education for its members.

TERM	DEFINITION
Lawyer / Advocate *Юрист / Адвокат*	A professional who represents clients in court, provides legal advice, and prepares legal documents.
Legal Advisory *Юридична консультація*	The provision of legal advice to clients on rights, obligations, and legal strategies.
Legal ethics / professional ethics *Правова / Професійна етика*	A system of moral principles and rules governing lawyers conduct, including integrity, confidentiality, impartiality, and avoiding conflicts of interest.
Legal profession *Юридична професія*	A field of work that involves practicing, interpreting, or enforcing the law.
Legal training *Юридична підготовка*	The education and practical preparation required to enter and succeed in the legal profession.
Mentorship / supervision *Наставництво / керівництво*	Guidance provided by experienced legal professionals to trainees or junior lawyers to develop skills and ethical practice.
Notary *Нотаріус*	A legal professional who authenticates documents, certifies transactions, and ensures compliance with formal legal procedures.
Professional integrity *Професійна доброчесність*	Adherence to ethical principles and honest conduct throughout a legal career.
Professional standards *Професійні стандарти*	Rules and expectations that guide the behavior and performance of legal professionals.
Specialization in Law *Спеціалізація в праві*	Focusing on a specific area of legal practice, such as criminal law, civil law, corporate law, or human rights law.

UNIT 6
JUDICIAL SYSTEM OF UKRAINE AND ACCESS TO JUSTICE

6.1. JUDICIAL SYSTEM OF UKRAINE
6.2. COURT STRUCTURE AND JURISDICTION
6.4. SIMPLIFIED PROCEEDINGS, ADR & DIGITAL JUSTICE
6.5. TASKS
6.6. QUIZ
6.7. GLOSSARY

6.1. JUDICIAL SYSTEM OF UKRAINE

The judicial system of Ukraine is the organized totality of courts exercising judicial power on behalf of the people, established by the Constitution of Ukraine (Arts. 124–131) and the Law on the Judiciary and the Status of Judges. Courts are independent, impartial, and accountable only to the law. Understanding the system – who judges are, how they are appointed, and what values bind them – is essential before learning what any individual court does.

FOUNDATIONS, PRINCIPLES & ACCOUNTABILITY

JUDICIAL POWER | Судова влада (Art. 124 Constitution)
Belongs exclusively to courts · No other body may exercise judicial functions · Law on the Judiciary (2016)

CORE JUDICIAL PRINCIPLES
Основні принципи правосуддя

- INDEPENDENCE: judges decide on law and fact only, free from any pressure or instruction.
- LEGALITY: every decision must be based on legal norms and established facts.
- ADVERSARIAL CHARACTER: both parties have equal opportunity to present arguments; judge is a neutral arbiter.

JUDICIAL IMMUNITY & ACCOUNTABILITY
Недоторканність та підзвітність суддів

- IMMUNITY: judges cannot be arrested or searched without HCJ consent – guards against executive harassment.
- ACCOUNTABILITY: misconduct leads to disciplinary proceedings before the HCJ disciplinary chamber.

JUDICIAL OATH & ETHICS
Присяга судді · Кодекс суддівської етики

- OATH: taken before the HCJ on appointment; pledges impartiality, honesty, and no personal interest in decisions.
- Not ceremonial – the oath is a legal undertaking.
- CODE OF JUDICIAL ETHICS: governs

• PUBLICITY (OPEN JUSTICE): hearings are public; decisions published on the Unified Register. • IMPARTIALITY: no personal, financial, or political interest in the outcome.	• KEY BALANCE: a judge who accepts a bribe must be dismissed (accountability); a judge who acquits for lack of evidence must not be punished (independence). • Neither immunity without accountability, nor accountability without independence, is compatible with the rule of law.	conduct inside and outside the courtroom. • ECHR DIMENSION: Ukraine's record before the ECtHR on judicial independence and fair trial has been a major driver of structural reform.

HIGH COUNCIL OF JUSTICE (HCJ) – Вища рада правосуддя	**JUDICIAL SELECTION, TRAINING & REFORM**
Constitutional body responsible for forming an independent judiciary. Functions: • Appoints and dismisses judges • Handles disciplinary cases (disciplinary chamber) • Gives consent to arrest or search of a judge HQCJ (Вища кваліфікаційна комісія суддів): • Conducts competitive selection of judicial candidates • Periodic qualification assessment (vetting) of serving judges • Tests: knowledge, skills, and personal integrity	SELECTION PROCESS: 1. Anonymous written knowledge test 2. Psychological assessment 3. Integrity check + asset declaration review 4. Interview before HQCJ 5. Recommendation to HCJ for appointment NATIONAL SCHOOL OF JUDGES: 6 months mandatory training before first hearing. Covers: judgment drafting, procedure, ethics, EU law, ECHR case law.

PUBLIC INTEGRITY COUNCIL: civil society body reviewing candidates' asset declarations, lifestyle, and conduct history; HQCJ must justify in writing if it proceeds with a flagged candidate.

VETTING (Qualification Assessment):
Periodic assessment of ALL serving judges.
Judges who fail are dismissed.

REFORM OF 2016: unified Supreme Court; competitive selection; strengthened HCJ; vetting launched.

CONSTITUTIONAL COURT, COURT REGISTER & GOVERNANCE

CONSTITUTIONAL COURT OF UKRAINE (CCU)

Конституційний суд України
· Art. 147 Constitution

SOLE body of constitutional jurisdiction in Ukraine.
Sits OUTSIDE the general court hierarchy.
18 judges; 9-year non-renewable terms.

FUNCTIONS:
- Rules on constitutionality of laws
- Resolves constitutional disputes
- Provides official interpretation of the Constitution

Decisions: FINAL, BINDING, and cannot be appealed.
Not even the President or Parliament can overturn a CCU decision.

TRANSPARENCY & SELF-GOVERNANCE

Прозорість та суддівське самоврядування

UNIFIED STATE COURT REGISTER:
- Publicly accessible online database of ALL court decisions.
- Maintained by the State Judicial Administration.
- Searchable by judge, party, court, or legal topic.
- Enables: accountability, legal research, journalism.

STATE JUDICIAL ADMINISTRATION:
- Provides organizational, material, and financial support.
- Manages buildings, staff, IT infrastructure, and budgets.
- Does NOT exercise judicial functions or instruct judges.

CONSTITUTIONAL COMPLAINT (Конституційна скарга):

- Introduced by 2016 reform.
- Any individual, legal person, or Ombudsman
- may petition the CCU claiming a law applied
- in a final court decision violated their constitutional rights.
- First time ordinary citizens can directly challenge legislation applied to them.

COURT SELF-GOVERNANCE:

- Conference of Judges of Ukraine
- Council of Judges
- Court councils at each court level

Judges govern their own community; body is independent of the executive.

ECtHR & UKRAINE:

- Ukraine ratified ECHR in 1997.
- One of the states with the most pending ECtHR applications.
- Judgments on non-enforcement drove creation of domestic remedy.

6.2. COURT STRUCTURE AND JURISDICTION

NB: Ukraine's court system is a three-tier hierarchy: local courts at the base, courts of appeal in the middle, and the Supreme Court at the top. Alongside general courts, there are specialized commercial and administrative courts. Jurisdiction – the legal authority of a court to hear a particular case – is determined by subject matter, the parties, territory, and the level of the case.

COURT SYSTEM OF UKRAINE | Судова система України
Law on the Judiciary and the Status of Judges (2016) · Three-tier hierarchy

▼ three-tier hierarchy ▼

LOCAL COURTS	→	COURTS OF APPEAL	→	SUPREME COURT
Місцеві суди *First instance* *District civil / criminal* *Commercial* *Administrative* *High volume of cases*		*Апеляційні суди* *Second instance* *Reviews facts + law* *May uphold, vary, or quash* *Separate for each type*		*Верховний Суд* *Highest court* *Cassation review points of law only* *Uniform application of law nationwide*

▼ four cassation courts within the Supreme Court ▼

CIVIL CASSATION COURT	CRIMINAL CASSATION COURT	COMMERCIAL CASSATION COURT	ADMINISTRATIVE CASSATION COURT
Касаційний цивільний суд	*Касаційний кримінальний суд*	*Касаційний господарський суд*	*Касаційний адміністративний суд*
Reviews civil and family case decisions on points of law. Does NOT re-examine facts.	Reviews criminal court decisions on points of law. Checks: correct application of criminal law, procedural compliance,	Reviews commercial court decisions on points of law. Resolves: correct application of commercial law, insolvency legislation, and corporate law.	Reviews administrative court decisions. Ensures consistent application of administrative law. Sets precedents on the legality of government action.

Checks: correct application of civil procedure and substantive civil law.	and lawfulness of sentence. Procedural error may lead to quashing and retrial.		

JURISDICTION – ALLOCATING AUTHORITY TO THE RIGHT COURT

JURISDICTION | Підсудність

Which court has authority to hear which case ·
Wrong court = claim returned or transferred

SUBJECT-MATTER JURISDICTION *Предметна підсудність*	TERRITORIAL JURISDICTION *Територіальна підсудність*	EXCLUSIVE JURISDICTION *Виключна підсудність*	JURISDICTION BY AGREEMENT *Договірна підсудність*
Which TYPE of court: civil, commercial, administrative, or criminal. Based on: nature of the dispute and parties involved. Private individual v. individual: → CIVIL court Company v. company: → COMMERCIAL court Individual v. government: → ADMINISTRATIVE court Criminal charge: → CRIMINAL court	Which SPECIFIC COURT within the court type. General rule: court at the DEFENDANT's location. Civil claim: filed at defendant's place of residence or registered address. Example: Lviv resident suing Kyiv company → files in KYIV court (defendant's location).	Cases that MUST be filed in a specific court regardless of parties' agreement. Applies to: • Immovable property disputes → court at property location • Corporate disputes → company's registered address • Insolvency → debtor's location Parties CANNOT agree to file elsewhere.	Parties to a commercial or civil contract may agree which court will hear future disputes. Limits: • Cannot override exclusive jurisdiction rules • Cannot transfer outside Ukrainian court system (unless arbitration agreed) Example: contract clause: All disputes → Kyiv Commercial Court.

APPELLATE REVIEW (Апеляційний перегляд)

Second-instance court review

Filed by a dissatisfied party after a first-instance decision.
Court of appeal checks BOTH facts and law.
May: uphold / vary / quash the decision.
Deadline to appeal: strict (e.g., 30 days in criminal proceedings).

NOT a fresh trial – a review of whether the lower court was right.
Appellate court may decide the case itself OR remit for re-hearing.

CASSATION REVIEW (Касаційний перегляд):
- Highest review level; conducted by the Supreme Court.
- Points of LAW ONLY – no re-examination of facts.
- Grounds for cassation are strictly defined by law.
- Does not call witnesses or review new evidence.
- Corrects misinterpretation of substantive law or procedural violations.

ENFORCEMENT & INTERIM MEASURES

Виконання рішень та забезпечення позову

ENFORCEMENT OF JUDGMENTS (Виконання судових рішень):
- Process by which a judgment is put into effect.
- Executed by: State Enforcement Service or private executors.
- Tools: bank account seizure, property transfer, asset freeze.
- Without enforcement, a court victory is only paper.

WRIT OF EXECUTION (Виконавчий лист): Formal document issued after judgment enters into force.
- Authorises enforcement service to compel compliance. Without it, an enforcer has no legal authority to act.

INTERIM MEASURES (Забезпечення позову): Court orders BEFORE or DURING proceedings.
- Purpose: preserve status quo; protect assets; prevent harm.
- Examples: account freeze, prohibition on property sale.
- Granted quickly – sometimes the same day of application.

6.3. ACCESS TO JUSTICE

ACCESS TO JUSTICE | Доступ до правосуддя
Art. 55 Constitution of Ukraine · Art. 6 ECHR ·
Every person regardless of wealth, education, or location

RIGHT TO JUDICIAL PROTECTION *Право на судовий захист Art. 55 Constitution*	LEGAL AID (Безоплатна правова допомога) *Art. 59 Constitution ·*	REASONABLE TIME REQUIREMENT *Вимога розумного строку Art. 6 ECHR*
• Every person has the right to challenge in court ANY decision, action, or inaction of a state body, local authority, or official. • No law may remove or unreasonably restrict this right. • RIGHT TO A FAIR TRIAL: • Fair and PUBLIC hearing. • Within a REASONABLE TIME. • Before an INDEPENDENT and IMPARTIAL tribunal established by law. • Covers: civil rights, criminal charges, most administrative disputes.	• Free legal assistance for those who cannot afford a lawyer. TWO LEVELS: • PRIMARY AID: information, brief advice – available to EVERYONE. • SECONDARY AID: full court representation – MEANS-TESTED. • Organised through the Coordination Centre for Legal Aid Provision (CCLA). • COURT FEES (Судовий збір): calculated as % of claim value or fixed sum. • EXEMPTIONS for: labour claimants, persons with disabilities, domestic violence victims, war veterans. • Removes the financial barrier for the most vulnerable claimants.	• Cases must be decided within a reasonable period. • Measured from proceedings beginning to the final enforceable judgment. • Excessive delay violates Art. 6 ECHR even if the eventual decision is correct. • ECtHR: Ukraine has a significant record of Art. 6 violations for unreasonable delay and non-enforcement. • Non-enforcement as systemic problem: identified in Ivanov pilot judgment (2009); drives legislative reform.

6.4. SIMPLIFIED PROCEEDINGS, ADR & DIGITAL JUSTICE

SIMPLIFIED PROCEEDINGS *Спрощене провадження (2017 reform)*	**SMALL CLAIMS PROCEDURE** *Малозначні справи*	**ALTERNATIVE DISPUTE RESOLUTION** *Альтернативне вирішення спорів (ADC)*	**DIGITAL ACCESS TO JUSTICE** *Цифровий доступ до правосуддя · Електронний суд*
Fast-track procedure for straightforward or low-value cases. Decided on DOCUMENTS ONLY – no court hearing. Shorter timeframe. Introduced by Ukraine s 2017 procedural reform to reduce backlogs.	Claims below 100 × the minimum wage. Cheap, fast, and accessible WITHOUT a lawyer. Judge decides on WRITTEN SUBMISSIONS ONLY. Lower court fees. Judgment within 30 days. Example: consumer suing retailer for UAH 12,000 faulty appliance.	Dispute resolution OUTSIDE state courts. MEDIATION (Law 2021): Voluntary, structured process. Neutral mediator facilitates. Parties reach own settlement. Mediator does NOT decide. ARBITRATION: Binding award by arbitrator(s). Faster and more private than litigation.	Technology removes distance, cost, and time barriers. Tools: • Electronic filing (e-court) • Video hearings • Online fee payment • Digital legal aid applications • AI-assisted legal information Critical in wartime Ukraine.

NB: LANGUAGE OF PROCEEDINGS (мова судочинства): proceedings are conducted in Ukrainian. Parties who do not speak Ukrainian have the right to use their native language and to receive a state-provided interpreter in criminal cases. Linguistic accessibility is a component of the right to access justice: a person who cannot understand the proceedings cannot meaningfully participate.

6.5. TASKS

Grammar focus: adjectives and adverbs – including attributive and predicative adjectives, adverb formation, gradability, intensifiers, legal collocations, and the precise use of adjective–adverb pairs in judicial and procedural contexts.

GRAMMAR REVIEW

Word / Form	Part of Speech	Function in Legal Writing	Judicial System Example
independent	*adjective*	predicative / attributive	An independent court decides cases free from political pressure. Judges must remain independent throughout their tenure.
independently	*adverb*	modifies a verb or clause	The High Council of Justice operates independently of the executive branch and cannot be directed by any ministry.
impartial	*adjective*	attributive / predicative	Every litigant has the right to an impartial tribunal – a judge who has no personal stake in the outcome of the case.
impartially	*adverb*	modifies a verb	A judge must assess the evidence impartially, giving neither the prosecution nor the defence any procedural advantage.

binding	*adjective*	attributive	The Constitutional Court's decisions are binding on all state bodies, courts, and officials throughout Ukraine.
bindingly	*adverb*	rare in legal writing	The Court ruled bindingly that the provision was unconstitutional – note: with binding force is more natural in formal writing.
rigorous	*adjective*	attributive / predicative	The HQCJ applies a rigorous selection process to judicial candidates, testing knowledge, integrity, and practical skills.
rigorously	*adverb*	modifies a verb or adj.	All serving judges were rigorously vetted after the 2016 reform; those who failed integrity criteria were removed from office.
accessible	*adjective*	predicative / attributive	The Unified State Court Register must be publicly accessible so that citizens and journalists can search any court decision.
accessibly	*adverb*	modifies a verb or adj.	Court decisions should be written accessibly enough for a non-lawyer to understand the outcome and the reasons for it.

expeditious	*adjective*	attributive / predicative	An expeditious cassation hearing is one that resolves the legal question within the statutory timeframe without unnecessary delay.
expeditiously	*adverb*	modifies a verb	Ukrainian courts are required to resolve cases expeditiously under both the Constitution and Article 6 ECHR.
final	*adjective*	attributive / predicative	The Constitutional Court's decisions are final and cannot be challenged before any other court or authority in Ukraine.
finally	*adverb*	discourse marker (careful!)	Finally as a discourse connector means lastly – different from finally meaning with finality . Prefer with final effect in legal contexts.
voluntary	*adjective*	attributive	Mediation is a voluntary process: neither party can be compelled to participate, and either party may withdraw at any time.
voluntarily	*adverb*	modifies a verb	The parties voluntarily submitted their dispute to arbitration, waiving their right to litigate before the Ukrainian state courts.

exclusive	*adjective*	attributive	Disputes about immovable property fall within the exclusive jurisdiction of the court at the property's location.
exclusively	*adverb*	modifies a verb or clause	Judicial power in Ukraine belongs exclusively to courts: no executive body, ministry, or official may exercise it.
public	*adjective*	attributive / predicative	Court hearings are public by default; a closed hearing requires a specific legal basis such as protecting state secrets.
publicly	*adverb*	modifies a verb	All court decisions in Ukraine are published publicly in the Unified State Court Register, accessible to any internet user.

1. ADJECTIVES IN LEGAL WRITING: ATTRIBUTIVE, PREDICATIVE, AND POSTPOSITIVE

ATTRIBUTIVE: placed before the noun. This is the most common position in legal writing. *An independent tribunal. / A binding decision. / An impartial judge. / An expeditious hearing.*

PREDICATIVE: placed after a linking verb (be, remain, become, appear, seem). *The court's decision is final. / The process must remain voluntary. / All judgments are publicly accessible.*

POSTPOSITIVE: adjective placed immediately after the noun it modifies. Common in legal set phrases. *The court martial concerned… / The attorney general instructed… / The judge responsible confirmed…*

NB: *Some adjectives change meaning depending on position. The responsible judge (attributive) = the judge who has responsibility for the case. The judge responsible (postpositive) = the judge who is accountable. In legal drafting, choose the position that eliminates ambiguity.*

2. FORMING AND PLACING ADVERBS IN JUDICIAL CONTEXTS

FORMATION: most adverbs are formed by adding -ly to the adjective. Watch for spelling changes: *full → fully · impartial → impartially · public → publicly · independent → independently · accessible → accessibly · rigorous → rigorously · due → duly · whole → wholly*

IRREGULAR adverbs: fast → fast (not fastly) · hard → hard (not hardly) · late → late / lately* · *NB: hardly and lately have different meanings.*

PLACEMENT rules in legal sentences:

Mid-position (before main verb, after auxiliary): The court has consistently held… / Judges must rigorously assess…

End-position (most common): The case was decided impartially. / Hearings are conducted publicly.

Front-position (for emphasis or discourse): Ultimately, the Supreme Court confirmed… / Exclusively, courts may exercise judicial power in Ukraine.

3. GRADABLE AND NON-GRADABLE ADJECTIVES IN JUDICIAL LANGUAGE

GRADABLE adjectives express qualities that exist on a scale and can be modified by intensifiers (very, quite, extremely, rather, fairly, somewhat). Non-gradable (absolute) adjectives cannot logically be intensified.

GRADABLE – can be intensified: *The proceedings were extremely lengthy. / The candidate was highly qualified. / The court's backlog was rather serious. / Access to justice remains fairly limited in rural areas.*

NON-GRADABLE (absolute) – do NOT say very final, completely binding, absolutely exclusive, very constitutional:
The decision is final. (not very final) / The judgment is binding. (not highly binding) / This is exclusive jurisdiction. (not very exclusive jurisdiction) / The CCU's ruling is unconstitutional. (not quite unconstitutional)
NB: USE wholly, entirely, absolutely, or completely with non-gradable adjectives where emphasis is needed: The decision is entirely final. / The prohibition is absolutely binding.

4. KEY ADJECTIVE AND ADVERB COLLOCATIONS IN JUDICIAL WRITING

These adjective–noun and adverb–verb collocations appear throughout judicial system texts. Learning them as chunks improves both accuracy and register:
ADJECTIVE + NOUN pairs: independent judiciary · impartial tribunal · adversarial proceedings · binding precedent · exclusive jurisdiction · territorial jurisdiction · expeditious hearing · reasonable time · final judgment · public hearing · constitutional complaint · appellate review · rigorous vetting · voluntary mediation · accessible justice
ADVERB + VERB pairs: decide independently · rule impartially · apply rigorously · act exclusively · proceed expeditiously · publish publicly · enforce effectively · resolve voluntarily · conduct fairly · assess thoroughly
COMMON ERROR: using an adjective where an adverb is needed after a verb of action. WRONG: The court decided independent. CORRECT: The court decided independently. WRONG: The judge acted impartial. CORRECT: The judge acted impartially. The verb of action (decide, act, rule, conduct) requires an adverb, not an adjective.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

Identify and Classify Adjectives and Adverbs in a Judicial Text

Read the passage below, which draws on the glossary. Underline every adjective and circle every adverb. For each one, state: a) the word, b) whether it is an adjective or adverb, c) the noun it modifies (for adjectives) or the verb / adjective it modifies (for adverbs), and d) its legal meaning in context.

TEXT: The Ukrainian judicial system is structured hierarchically, with local courts handling the greatest volume of cases at first instance. Judges must decide cases solely on the basis of law and fact, acting independently of any external pressure. Hearings are normally public, allowing citizens to observe judicial proceedings directly. The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction: its decisions are final, binding, and wholly unreviewable by any other court. Judicial candidates are rigorously assessed by the High Qualification Commission before they are formally recommended for appointment. Access to justice is not merely a formal right – it requires that proceedings be reasonably affordable, genuinely accessible, and resolved within a reasonable time. The voluntary nature of mediation distinguishes it fundamentally from adversarial litigation, in which the court decides authoritatively rather than the parties settling consensually.

Create a table: Column 1 – the adjective or adverb; Column 2 – part of speech (adjective / adverb); Column 3 – the word it modifies; Column 4 – its legal function or meaning in context.

Identify three adjective–adverb pairs from the passage (e.g. independent / independently). For each pair, write one new sentence using the adjective form and one using the adverb form, both in a judicial system context different from the passage.

NB: In legal writing, the choice between adjective and adverb is never accidental. An independent court (adjective) names a quality of the institution; the court decides independently (adverb) describes how it acts. Both are essential, but they perform different grammatical and legal functions. Recognizing this distinction is the starting point for using adjectives and adverbs with precision in judicial language.

Task 2

Reading

ANALYSE

ANALYSE ADJECTIVE AND ADVERB CHOICE IN FOUR JUDICIAL DESCRIPTIONS

Each group below contains four sentences about the same judicial concept, each using a different adjective or adverb. Analyse: a) whether the form (adjective or adverb) is grammatically correct, b) whether the word chosen accurately conveys the legal standard, and c) which version is most precise for a formal judicial context.

GROUP A – Judicial independence: Judges must decide cases independent. Judges must decide cases independently. Judges must make independent decisions. Judges must act in an independent manner when deciding cases.

GROUP B – Binding effect of CCU decisions: The Constitutional Court's rulings are very binding.

The Constitutional Court's rulings are entirely binding on all state bodies. The Constitutional Court's rulings bind wholly every institution. The Constitutional Court's rulings are binding and final, admitting no appeal.

GROUP C – Expeditious proceedings: Cases should be resolved expeditious. Cases should be resolved expeditiously within a reasonable time. Cases should be given an expeditious resolution. Cases should resolve in an expedient way. [Note: expedient = advantageous; expeditious = fast. These are different words.]

GROUP D – Public access to hearings: Court hearings are publicly conducted. Court hearings are conducted in a public way. Court hearings are public unless a legal basis for a closed hearing exists. Publicly, court hearings can be watched by anyone. For each group, rank from least to most legally precise. Explain your reasoning for the strongest choice, noting any grammatical errors in the weaker options.

NB: Groups A and C illustrate the most common adjective–adverb confusion in student legal writing: placing an adjective after a verb of action (decide independent, resolved expeditious) where an adverb is required. Group B shows that non-gradable adjectives like binding should not be modified with very – use entirely or wholly instead. Group C introduces the false friend expedient (convenient/advisable) vs. expeditious (swift) – a trap for students who have not encountered both words.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

Listen and Complete: Adjectives and Adverbs in Judicial Contexts

Listen to audio recording #6 and write the missing word – the adjective or adverb – and identify: a) whether it is an adjective or adverb, and b) the legal concept it describes.

1. Judicial power in Ukraine belongs _____ to courts: no ministry, official, or private person may exercise it.
2. The High Council of Justice must act _____ when handling disciplinary complaints against judges, giving each judge a full opportunity to respond.
3. A _____ selection process for judicial candidates helps ensure that only qualified, honest individuals join the bench.
4. The Unified State Court Register makes all court decisions _____ available to citizens, lawyers, and journalists.
5. Mediation is entirely _____ – no party can be compelled to participate in it or to accept a proposed settlement.
6. The High Anti-Corruption Court was designed _____ to handle serious corruption cases that ordinary district courts might not decide free from local influence.
7. Every person in Ukraine has a _____ right to challenge any government decision or official action before an independent court.
NB: Items 1, 4, and 6 test the adverb placement after a verb or auxiliary. Items 3, 5, and 7 test adjective position and form.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT EXPLANATION OF ACCESS TO JUSTICE

Listen to a 2-minute student explanation of the right to a fair trial and access to justice in the Ukrainian judicial system. Evaluate: a) whether adjectives and adverbs are used in grammatically correct positions and forms, b) whether the words chosen accurately reflect the legal standards in the Glossary, and c) whether the overall explanation is clear and legally precise.

Listen for and note: at least three correctly used adjective–noun or adverb–verb combinations that accurately describe judicial system concepts (e.g. impartial tribunal, publicly accessible register, reasonably affordable proceedings).
Identify at least two adjective–adverb errors: e.g. the court decided independent (adjective where adverb needed); a very final decision (intensifier with a non-gradable adjective).
Identify at least one content error about access to justice or the right to a fair trial – e.g. claiming that legal aid is available to all citizens without means-testing for secondary aid (incorrect), or stating that the small claims procedure requires a court hearing (it does not).
For each error, write a corrected version. Explain in one sentence why the correction matters both grammatically and in terms of legal accuracy.
NB: this task trains a skill that goes beyond spotting isolated errors. When a student says the judgment was decided expedient, the word expedient signals either a vocabulary gap (confusing it with expeditious) or a register error (choosing an informal shorthand). Either way, the result is a sentence that a Ukrainian court or examiner would find both legally unclear and grammatically inaccurate. Evaluating another student's language sharpens your own awareness of precision.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DEFINE JUDICIAL SYSTEM TERMS USING PRECISE ADJECTIVES AND ADVERBS

Choose three terms from the glossary. For each, give: 1) a definition in your own words using at least one adjective, 2) the Ukrainian equivalent, and 3) one sentence using an adverb to describe how the concept operates in practice. Speak for 2 minutes.

Example – Judicial independence: Judicial independence is the fundamental principle that judges must decide cases free from any outside pressure or instruction. Незалежність суддів. Ukrainian judges are constitutionally protected to act independently – even if a senior official tries to influence a verdict, the judge is legally required to disregard that pressure entirely.
Example – Adversarial proceedings: Adversarial proceedings are the procedural guarantee that both parties receive an equal opportunity to present their arguments before a neutral court. Принцип змагальності. In an adversarial hearing, the judge listens impartially to both sides and decides exclusively on the basis of what the parties have placed before the court.
Use at least three different adjectives across your definitions: aim to include both attributive adjectives (before a noun) and predicative adjectives (after a linking verb such as is, must be, remain). Use at least three different adverbs in your sentences, including at least one from each of these categories: an adverb of manner (e.g. independently, impartially, rigorously), an adverb of degree (e.g. wholly, entirely, specifically), and an adverb of frequency or time (e.g. normally, consistently, ultimately).

NB: When defining legal terms out loud, adjectives carry the descriptive weight (binding decision, impartial tribunal, accessible court), while adverbs carry the operational weight (the court decides independently, hearings are publicly conducted, cases are resolved expeditiously). A definition that uses only adjectives tells the listener what something is; adding an adverb shows how it works. Strong legal definitions do both.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: CLIENT CONSULTATION AT A LEGAL AID CENTRE

Student A is a lawyer at a Ukrainian legal aid centre; Student B is a low-income client who has received an unfair administrative decision refusing their social benefit. Student A must explain the judicial process clearly, using precise adjectives and adverbs throughout.

SCENARIO: The client's monthly disability benefit was reduced by 40 % following a government agency decision issued without prior notice. The client has no lawyer and limited funds. Student A must explain: what court to go to, what the process looks like, and what free legal assistance is available.

Student A explains the court: The right court for your case is the local administrative court – a specialized court that deals exclusively with disputes between citizens and public authorities. The court will independently assess whether the agency's decision was legally justified and procedurally fair.

Student A explains the process: Administrative proceedings are relatively straightforward for cases like yours. You file a written claim describing what happened, and the court reviews it carefully. Under the simplified procedure, the judge may decide entirely on written documents without requiring you to appear in person.

Student A explains free legal aid: Because your income falls below the threshold, you are fully entitled to secondary legal aid – meaning a qualified advocate will represent you free of charge. The process is genuinely accessible: you simply visit the nearest legal aid centre, explain your situation, and an advocate will be formally assigned to your case.

NB: The lawyer–client dialogue is one of the most demanding contexts for adjective and adverb use: the language must be simultaneously precise (legally accurate) and accessible (comprehensible to a non-lawyer). Adjectives like specialized, administrative, and simplified provide accurate legal labels; adverbs like exclusively, independently, and genuinely help the client understand the practical effect. Practice switching between technical and plain registers while keeping both adjective and adverb forms correct.

Task 7
Speaking – Monologue
APPLY

EXPLAIN UKRAINE'S THREE-TIER COURT STRUCTURE USING DESCRIPTIVE LANGUAGE

You are delivering a short lecture to peers on how Ukraine's court system is organized. Describe each level of the hierarchy – local courts, courts of appeal, and the Supreme Court – using precise adjectives to characterize each level and adverbs to describe how each functions. Speak for 3 minutes.

LOCAL COURTS: Local district courts are the most accessible entry point in the entire hierarchy – they are geographically distributed across every district of Ukraine and handle the greatest volume of cases. They hear civil, criminal, family, and minor administrative matters at first instance. Their judgments are binding but not final: a dissatisfied party may appeal directly to the court of appeal.

COURTS OF APPEAL: Appellate courts occupy the middle tier and operate regionally rather than locally. They review first-instance decisions carefully, examining both the facts and the law. An appellate court may uphold, vary, or wholly quash the lower court's decision – or remit the case for retrial if serious procedural errors are found. Their role is essentially corrective rather than originative.

THE SUPREME COURT: The Supreme Court sits at the apex of the system and is divided into four specialized Cassation Courts: civil, criminal, commercial, and administrative. It reviews final decisions exclusively on points of law – it does not re-examine the facts established below. Its judgments are uniformly binding on all lower courts, ensuring consistent application of the law across Ukraine.

SPECIALISED COURTS: Outside the main hierarchy, specialized commercial and administrative courts operate independently within their own jurisdictional streams. The High Anti-Corruption Court is a particularly significant addition: it handles exclusively the most serious corruption cases, using judges selected through an exceptionally rigorous international-assisted process.

NB: describing a hierarchical structure requires a different set of adjectives and adverbs from those used in individual case analysis. Geographically distributed, regionally organized, uniformly binding, exceptionally rigorous – these describe the structure rather than the outcome of any single case. Applying your adjective and adverb knowledge to structural description is an important step towards advanced legal writing, where the system itself must be characterized with precision.

Task 8
Speaking – Debate

ANALYSE

DEBATE: IS MANDATORY JUDICIAL VETTING FAIR TO JUDGES?

Hold a structured debate. Position A argues that periodic vetting is a necessary and entirely justified accountability measure: judges who cannot demonstrate integrity and competence should not remain on the bench. Position B argues that vetting, if improperly conducted, seriously undermines judicial independence by creating an instrument that could be used to remove inconvenient judges.

Position A must use adjectives and adverbs to build the case for vetting: Judicial vetting is an absolutely essential safeguard in any legal system that takes anti-corruption reform seriously…
Position B must use adjectives and adverbs to argue for caution: Vetting, however well-intentioned, creates a dangerously broad instrument that can easily be misused politically…
Both sides must use at least one gradable adjective with an intensifier (e.g. highly qualified, extremely broad, dangerously vague) and at least one non-gradable adjective used correctly without an intensifier (e.g. final, constitutional, binding).
After the debate, both sides agree on a balanced conclusion using precise descriptive language: Vetting is a legitimate and potentially effective accountability mechanism – but only if...
NB: the vetting debate requires adjectives and adverbs to carry genuine argumentative weight. Rigorously designed vs. improperly conducted, genuinely independent vs. dangerously broad – each word choice expresses a legal and political position, not just a description. Notice how adverbs in particular intensify or qualify the adjective: properly conducted concedes that vetting can be valid; improperly conducted identifies the risk. The adverb determines the argument.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY USING PRECISE ADJECTIVES AND ADVERBS

Choose one term from the glossary. Write a complete entry: the term in English, its Ukrainian equivalent, a two-sentence definition in your own words, and two example sentences – one using at least one adjective and one using at least one adverb.

Example entry – Cassation review: Cassation review (касаційний перегляд) is the highest level of judicial scrutiny available within Ukraine's court hierarchy. Unlike appellate review, cassation is a legally restricted process: the Supreme Court examines only whether lower courts correctly applied substantive law and followed proper procedural rules, without reconsidering the facts.

Adjective example sentence: A cassation appeal requires a specific, identifiable error of law – a general dissatisfaction with the outcome is not a sufficient ground for cassation review. [specific, identifiable, sufficient – attributive adjectives; general – attributive adjective]

Adverb example sentence: The Cassation Criminal Court reviews the legal reasoning exclusively, accepting the factual findings of lower courts as definitively established unless they resulted from a fundamental procedural breach. [exclusively, definitively – adverbs of manner and degree]

After the entry, annotate: a) each adjective – is it attributive, predicative, or postpositive? b) each adverb – what verb, adjective, or clause does it modify, and where in the sentence is it placed?

NB: Writing a glossary entry forces you to choose your adjectives and adverbs deliberately – every word must add meaning, not decoration. Ask yourself: does this adjective tell the reader something legally essential about the noun? Does this adverb tell the reader something legally significant about how the action is carried out? A well-chosen adjective (e.g. binding in binding precedent) is part of the legal definition; a well-chosen adverb (e.g. exclusively in reviews the law exclusively) is part of the procedural explanation.

Task 10
Writing
APPLY

EXPAND A BARE LEGAL DESCRIPTION USING ADJECTIVES AND ADVERBS

The paragraph below contains accurate legal information but no adjectives or adverbs. It sounds flat, vague, and unlawyerly. Rewrite it twice: Version A adds at least eight adjectives to make the description more precise and professional; Version B adds at least six adverbs to show how each action is carried out.

ORIGINAL: Ukraine has courts that hear cases. Judges decide disputes. Cases can be appealed. The Supreme Court reviews decisions. Citizens can access the court system. Legal aid is available for people who cannot pay. Court fees exist but some people do not have to pay them. The Constitutional Court rules on laws. Its decisions cannot be appealed.
VERSION A (adjectives added): Ukraine has a structured, three-tier court system comprising specialized courts for civil, criminal, commercial, and administrative matters…
VERSION B (adverbs added): Ukraine's courts hear cases independently and impartially across the entire territory…

After both rewrites, identify: a) which three adjectives most significantly changed the legal meaning of the text, and b) which three adverbs most significantly clarified how the judicial actions are performed.

NB: the rewriting exercise makes visible something that advanced legal writers know intuitively: adjectives give legal descriptions their specificity (three-tier, specialized, constitutional, final), while adverbs give legal processes their character (independently, rigorously, exclusively, definitively). A legal text without either is factually present but professionally absent – it tells the reader what happens but not what kind of thing it is or how it is done.

Task 11

Writing

EVALUATE

IDENTIFY AND CORRECT ADJECTIVE AND ADVERB ERRORS IN A JUDICIAL LAW ESSAY

The paragraph below contains eight errors involving adjectives and adverbs. Find each error, explain what is wrong, and rewrite the corrected paragraph in full.

PARAGRAPH: The High Anti-Corruption Court is a specialise court that was established specifically to handle seriously corruption cases in Ukraine. Its judges were selected through an exception rigorous process with international involvement, ensuring that only high-qualified candidates joined the bench. The Court operates independently of ordinary district courts and hears cases exclusive involving NABU investigations and SAPO prosecutions. Proceedings before the HACC are conducted fair and transparent, with full public access to hearings and decisions. Judges decide cases impartial, applying the law consistent and without allowing personal interests to interfere.

The HACC's judgments are published publicly in the Unified State Court Register and are legal binding on the parties. Because the court's jurisdiction is exclusive, no other first-instance court may legitimately hear these cases simultaneous.

Error 1: a specialize court → a specialized court – adjective requires the past-participial form, not the bare verb stem.

NB: The eight errors represent the most systematic adjective–adverb confusion patterns in student legal writing: 1) using an adverb to modify a noun; 2) using an adjective after a verb of action; 3) using a noun form where an adverb is needed; 4) using the adjective high where highly is required before a participle; 5–8 using adjectives where adverbs are needed after passive verbs. Each error changes not just grammar but precision: seriously corruption does not describe what type of corruption case – serious corruption does.

Task 12

Writing

CREATE

WRITE A SHORT ANALYTICAL REPORT ON ACCESS TO JUSTICE IN UKRAINE

Write a 280-word analytical report assessing the current state of access to justice in Ukraine's judicial system. Your report must use a range of adjectives and adverbs deliberately and precisely throughout. Draw on at least three terms from the glossary.

STRUCTURE: Introduction (2–3 sentences) – define access to justice and identify the key components; Main body (3 paragraphs) – one paragraph on procedural affordability (fees, legal aid), one on procedural efficiency (reasonable time, simplified and small claims procedures), one on alternative mechanisms (ADR, mediation,

arbitration); Conclusion (2 sentences) – overall assessment using precise evaluative adjectives.
INTRODUCTION example: Access to justice in Ukraine is a constitutionally guaranteed right that goes significantly beyond the formal availability of courts…
MAIN BODY guidance: Paragraph 1 should use attributive adjectives to describe the fee and aid system: free secondary legal aid, means-tested eligibility, partial exemptions, vulnerable categories. Paragraph 2 should use adverbs to describe how efficiency mechanisms operate: cases are resolved expeditiously under simplified proceedings, the court decides solely on documentary evidence, small claims are handled proportionally and cheaply. Paragraph 3 should use both: voluntary mediation is considerably faster than adversarial litigation; arbitration produces a legally binding award that is directly enforceable under the New York Convention.
CONCLUSION example: Ukraine's access to justice framework is structurally sound but…
NB: the analytical report is the genre where adjective and adverb mastery matters most. Every evaluative judgment you make in a report – whether a system is adequate or insufficient, whether it operates effectively or inconsistently – is carried by an adjective or adverb. A report that uses only verbs and nouns can describe; only adjectives and adverbs can evaluate. The conclusion model shows the pattern: adjective (structurally sound), adverb (unevenly), adjective (formally available), adverb (insufficiently). This is the grammar of legal assessment.

6.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses an adverb after a verb of action in a judicial context?
a) Judges must decide cases independent of political pressure;
b) Judges must decide cases independently of political pressure;
c) Judges must make independent deciding of cases;
d) Judges must be independent deciding cases.

2. Which adjective correctly fills the gap: The Constitutional Court's decisions are _____ and cannot be challenged before any other court.
a) finally;
b) final;
c) finale;
d) finality.

3. Which sentence contains an adjective–adverb error?
a) The HQCJ assessed all candidates rigorously before recommending them for appointment;
b) Hearings at the HACC are conducted publicly and transparently;
c) The court decided the case fair and gave both parties an equal opportunity to speak;
d) Judicial immunity protects judges from politically motivated harassment.

4. The principle of adversarial proceedings means that:
a) the judge investigates the facts independently and impartially on behalf of both parties;
b) both parties present their arguments and evidence equally before a neutral court, which decides solely on what they adduce;
c) all proceedings are conducted publicly and the judge rules authoritatively without party input;
d) the parties adversely compete for the judge's attention in a formally structured hearing.

5. Which adverb correctly fills the gap: Judicial power in Ukraine belongs _____ to courts – no other state body may exercise it.

a) exclusive;
b) exclusively;
c) exclusiveness;
d) in exclusion.

6. Which sentence correctly uses a non-gradable adjective WITHOUT an inappropriate intensifier?

a) The CCU's ruling is very final and extremely binding;
b) The CCU's ruling is completely binding and final, admitting no further appeal;
c) The CCU's ruling is highly final and cannot be challenged;
d) The CCU's ruling is rather binding in most circumstances.

7. What is the correct adverb form of the adjective public in the sentence: Court decisions are _____ accessible through the Unified State Court Register.

a) public;
b) publically;
c) publicly;
d) publicwise.

8. The High Qualification Commission of Judges (HQCJ) conducts judicial selection in order to:

a) publicly dismiss judges whose decisions are politically inconvenient;
b) rigorously assess candidates' legal knowledge, practical skills, and personal integrity before recommending them for appointment;
c) independently decide cassation appeals on points of law;
d) exclusively manage the State Judicial Administration's budget and infrastructure.

9. Which sentence correctly uses an intensifier with a gradable adjective?

a) The vetting process was very final for the judges who failed it;

b) The candidate's qualifications were highly impressive, but her integrity score was extremely low;

c) The jurisdiction of the CCU is very exclusive and highly constitutional;

d) The judgment is completely reasonable and entirely final in all respects.

10. In Ukraine, the right to a fair trial under Article 6 ECHR and Article 129 of the Constitution requires that proceedings be conducted:

a) rapidly, cheaply, and without any right of appeal;

b) fairly and publicly before an independent and impartial tribunal within a reasonable time;

c) impartially by a judge who is personally familiar with the parties' circumstances;

d) entirely in written form without oral hearings to ensure efficiency.

11. Which word correctly fills the gap: A _____ selection process for judicial candidates involves testing legal knowledge, practical skills, and personal integrity across multiple stages.

a) rigorously;

b) rigorous;

c) rigour;

d) rigorousness.

12. What is the legal significance of the Unified State Court Register?

a) It allows the High Council of Justice to modify published decisions when errors are found;

b) It makes all court decisions publicly accessible, enabling citizens, journalists, and researchers to search and read judgments from every court level;

c) It provides an exclusively private database of decisions available only to licensed advocates;

d) It stores unpublished draft judgments for internal judicial use only.

13. Which sentence correctly uses expeditiously in a judicial context?

a) The judge expeditiously refused the appeal without reading the submissions;

b) Ukrainian courts are required to resolve cases expeditiously, ensuring that the reasonable time guarantee under Article 6 ECHR is met;

c) The parties agreed expeditiously that mediation would be unsuitable for their dispute;

d) The cassation court decided expeditiously to ignore the procedural rules.

14. Which of the following is a correct adjective–noun collocation from the Judicial System Glossary?

a) Voluntary binding;

b) Final mediation;

c) Exclusive jurisdiction;

d) Public cassation.

15. The 2016 judicial reform in Ukraine most significantly:
a) abolished the Supreme Court and replaced it with three separate highest courts;
b) introduced competitive selection with international involvement, restructured the court system around a unified Supreme Court with four Cassation Courts, and launched vetting of serving judges;
c) transferred judicial appointment power exclusively to the President of Ukraine;
d) made all court hearings exclusively electronic, eliminating the need for physical courtrooms.

16. Which sentence contains a correct adverb–verb collocation in a judicial context?
a) The court wholly considered every piece of evidence;
b) The judge impartially assessed the competing claims of both parties;
c) The advocate public filed the cassation appeal;
d) The arbitration award was legal enforced by the national court.

17. Alternative dispute resolution (ADR) is described in the Glossary as faster, cheaper, and more private than litigation. Which adverb form of private is correct in the sentence: Commercial disputes settled through mediation are resolved _____ than those litigated in open court.
a) private;
b) privater;
c) more privately;
d) most private.

18. The small claims procedure in Ukraine is designed to be:
a) exclusively available to large commercial entities with disputes below a defined threshold;
b) cheap, fast, and accessible without a lawyer for claims below a defined financial threshold, with the judge deciding on written submissions only;
c) a mandatory pre-litigation step before any civil claim can be filed in a district court;
d) a permanent procedure for all civil disputes regardless of their value or complexity.

19. Which sentence correctly uses the adjective constitutional in a judicial system context?

a) The CCU's ruling was constitutionally decided by all eighteen judges;

b) The constitutional complaint allows individuals to challenge a law applied in their case directly before the CCU;

c) The judicial oath is a constitutional ceremony without legal force;

d) Constitutional courts decide cases constitutionally in all member states of the Council of Europe.

20. Which sentence provides the most precise and grammatically correct description of judicial independence in Ukraine?

a) Judges are independent and decide cases in an independent way independently;

b) Judges act independently, deciding cases solely on the basis of law and established fact, free from any external instruction or pressure;

c) Independent judges do independent things independently in independent courts;

d) Judges should be fairly independent in their adjudicative role but may accept guidance from senior colleagues.

ANSWER KEY

Q1: b	**Q2: b**	**Q3: c**	**Q4: b**	**Q5: b**	**Q6: b**	**Q7: c**	**Q8: b**	**Q9: b**	**Q10: b**
Q11: b	**Q12: b**	**Q13: b**	**Q14: c**	**Q15: b**	**Q16: b**	**Q17: c**	**Q18: b**	**Q19: b**	**Q20: b**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

6.7. GLOSSARY

TERM	DEFINITION
Administrative court *Адміністративний суд*	A specialized court that resolves disputes between individuals or organizations and public authorities – reviewing the lawfulness of administrative acts, government decisions, election disputes, and challenges to regulatory action.
Appellate review *Апеляційний перегляд*	The process by which a court of appeal reviews a lower court's decision in response to an appeal filed by a dissatisfied party. The appellate court checks both the facts and the law, and may uphold, vary, or quash the decision. An appeal must be filed within a strict deadline.
Cassation court *Касаційний суд*	A court that reviews the correct application of law by lower courts, without re-examining the facts of the case.
Confidentiality *Конфіденційність*	The ethical obligation of legal professionals to protect client information.
Conflict of Interest *Конфлікт інтересів*	A situation where a lawyer's personal or professional interests could compromise their impartiality or loyalty to a client.
Constitutional Court of Ukraine *Конституційний Суд України*	A separate constitutional body that interprets the Constitution and decides whether laws are constitutional.
Court of Appeal *Апеляційний суд*	A second-instance court that reviews decisions of local courts when a party files an appeal, examining both facts and the application of law.

TERM	DEFINITION
Disciplinary action *Дисциплінарне стягнення*	Sanctions imposed on lawyers for violating ethical or professional rules, including suspension or disbarment.
High Council of Justice *Вища рада правосуддя*	The constitutional body responsible for the appointment, discipline, and dismissal of judges in Ukraine.
High Qualification Commission of Judges *Вища кваліфікаційна комісія суддів*	The body that evaluates and selects candidates for judicial positions through a competitive and transparent procedure.
Judge *Суддя*	A legal professional who presides over court proceedings, interprets laws, and issues binding decisions.
Judicial career path *Кар'єрний шлях судді*	The professional trajectory that leads from legal practice to judicial positions.
Judicial independence *Незалежність суддів*	The principle that judges make decisions independently, without external pressure from any party, institution, or government body.
Judicial system *Судова система*	The organized structure of courts and judicial institutions through which a state exercises its judicial power to administer justice and resolve legal disputes.
Lawyer / Advocate *Юрист / Адвокат*	A professional who represents clients in court, provides legal advice, and prepares legal documents.

TERM	DEFINITION
Legal aid *Безоплатна правова допомога (БПД)*	Free legal assistance – advice and/or full court representation – provided by the state to persons who cannot afford a lawyer. Primary legal aid (information, brief advice) is available to everyone; secondary aid (full representation) is means-tested.
Local court *Місцевий суд*	A first-instance court that examines most civil, criminal, administrative, and commercial cases at the district level.
Professional integrity *Професійна доброчесність*	Adherence to ethical principles and honest conduct throughout a legal career.
Prosecutor *Прокурор*	A public legal officer responsible for representing the state in criminal cases and ensuring justice is enforced.
Rule of law *Верховенство права*	The principle that courts must apply and respect the law and the Constitution at all times, and that no person or institution is above the law.
Supreme Court *Верховний Суд*	The highest court in the system of courts of general jurisdiction, ensuring uniform application of laws by all courts.

UNIT 7
CIVIL LAW IN UKRAINE

7.1. THE CONCEPT OF CIVIL LAW
7.2. CIVIL LAW RELATIONS
7.3. SUBJECTS AND OBJECTS OF CIVIL LAW
7.4. PROPERTY AND PERSONAL NON-PROPERTY RIGHTS
7.5. TASKS
7.6. QUIZ
7.7. GLOSSARY

7.1. THE CONCEPT OF CIVIL LAW

Civil law (цивільне право) is a body of legal norms that constitute the core content of private law and regulate personal non-property and property relations based on the legal equality, free expression of will, and property independence of their participants, for the purpose of satisfying their own material and non-material needs and interests.



A well-organized system that is based on a logical and dynamic taxonomy developed from Roman law and reflected in the structure of codes. It favors predictability and order.



A comprehensive system of norms and principles usually arranged in codes and easily accessible to lawyers and citizens.



An adaptable system, with civil codes containing general clauses and avoiding excessive details that enable adaptation to social changes.



A primarily legislative system that allows the judiciary to adapt rules in response to emerging needs through interpretation.



The basis of civil legislation of Ukraine is the Constitution of Ukraine.



The main act of civil legislation of Ukraine is the Civil Code of Ukraine (adopted by the Verkhovna Rada on 16 January 2003)

Civil law is a comprehensive framework of legal regulations that governs the relationships arising among autonomous and legally equal subjects aimed at satisfying needs and protecting interests of individuals and the entities established by them.

THE CONCEPT OF CIVIL LAW



a branch of law – a system of legal norms that regulates personal non-property and property relations based on the free expression of will among legally equal and financially independent subjects of law.



a branch of legislation – a system of regulatory acts that govern civil relations. Civil legislation is also commonly referred to as positive law or statutory law (written law).



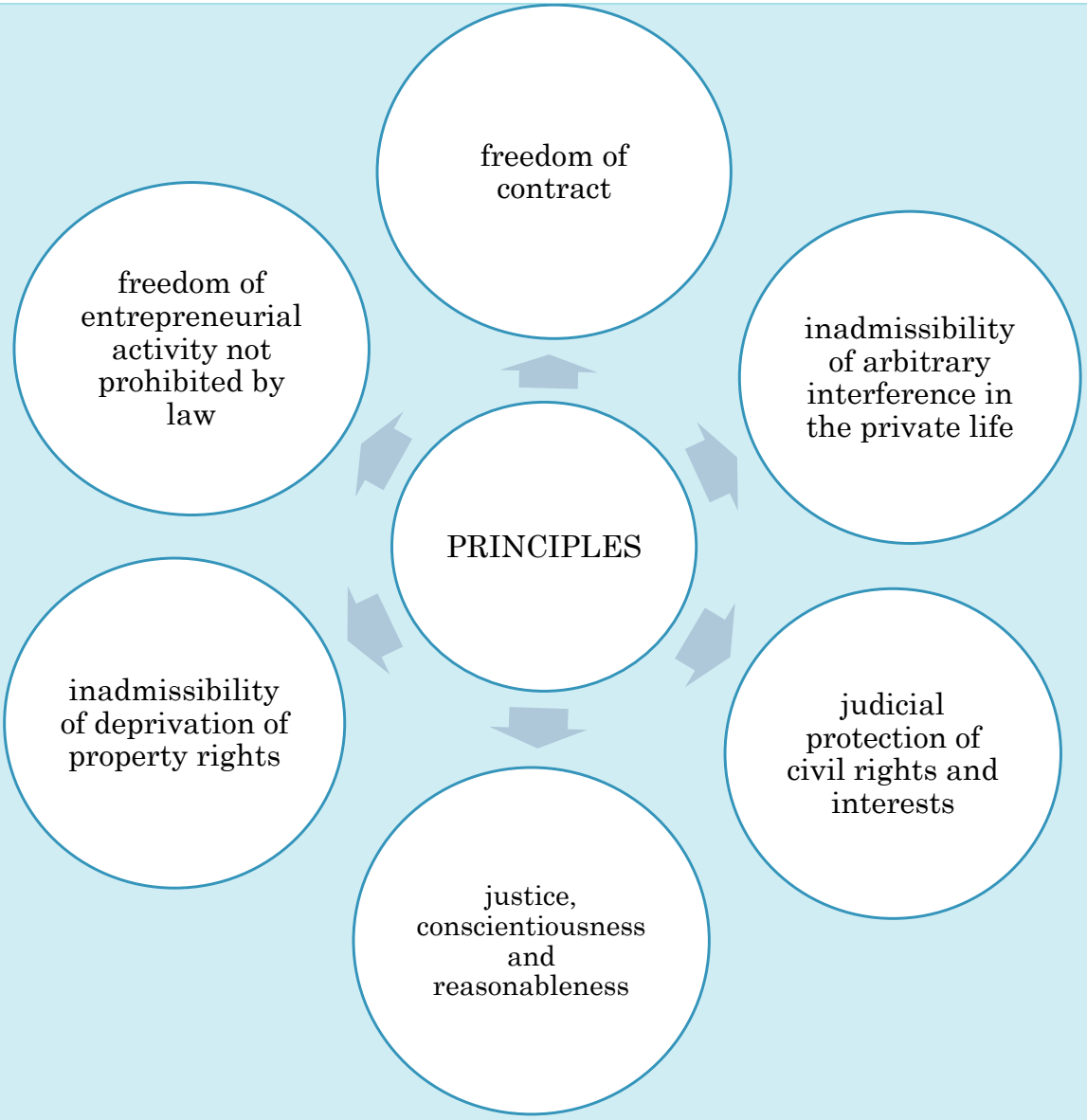
a science (Civil Law Doctrine / Civilistics) – doctrines, theories, and scholarly concepts regarding relations regulated by civil law, including their elements, systematics, interaction with other branches of law, etc.



an academic discipline – is the study of legal norms and the practice of their application, which collectively constitute civil law as a branch of law; shares the same scope as the science of civil law, though it encompasses a more concise body of knowledge.

PRINCIPLES OF CIVIL LAW

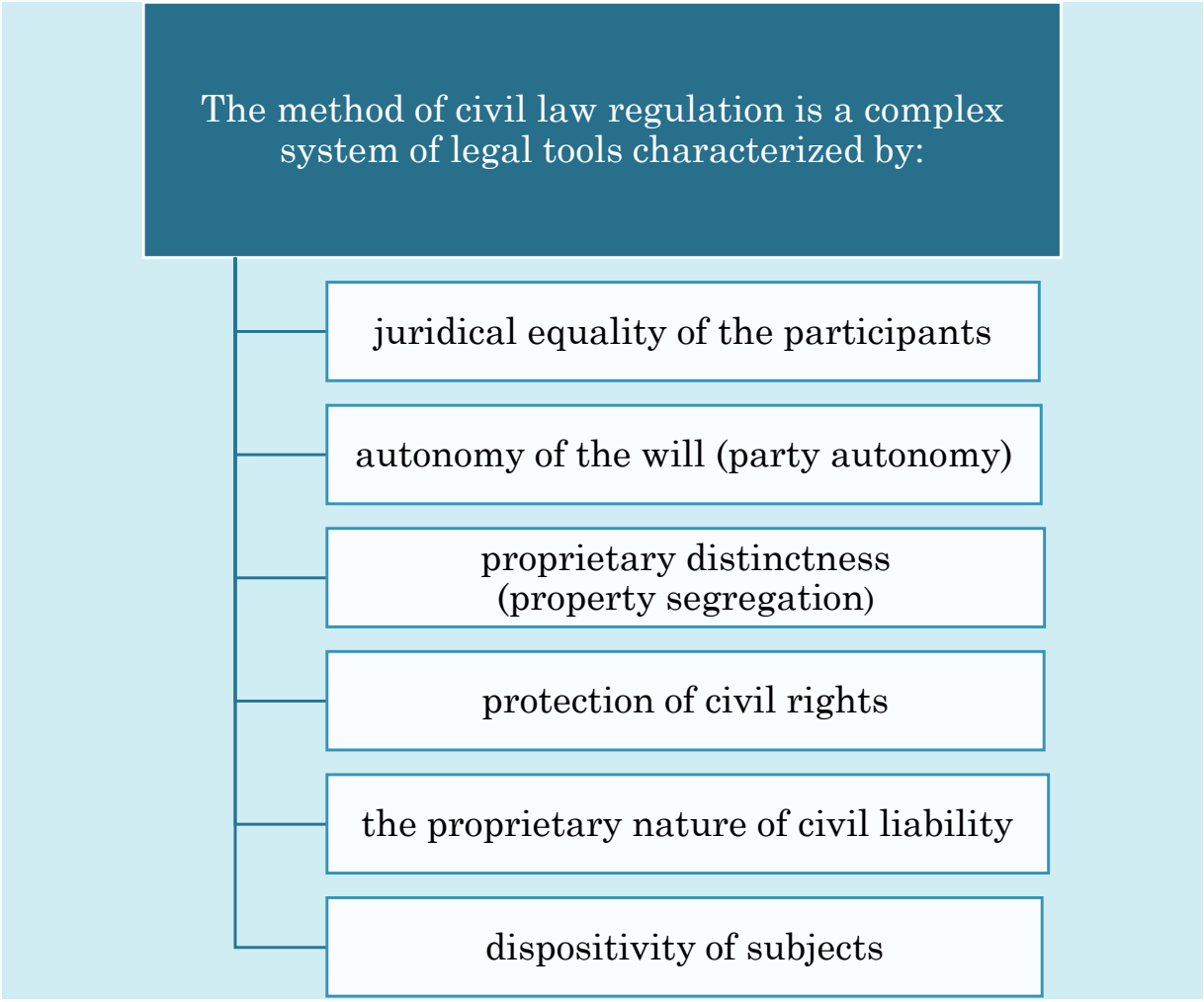
The principles of civil law officially outlined in Article 3 of the Civil Code of Ukraine are the foundation for regulating civil legal relations.



NB

Juridical equality *юридична рівність*	**Dispositiveness** *диспозитивність*	**Autonomy of will** *автономія волі*
• no party holds authority over another; • all participants are legally equal	• parties freely shape their legal relations; • within mandatory legal limits	• will formed freely, without compulsion; • foundation of freedom of a contract

THE METHOD OF CIVIL LAW REGULATION is a comprehensive system of techniques, instruments, and means whereby civil law exerts influence on personal non-property and property relations, ensuring their systematization, regulation, and legal protection



NB: Main features of the civil law method are: autonomy of will in entering relations; legal equality of the parties; proprietary distinctness of the participants; dispositivity in choosing the course of action; proprietary liability for breach of obligations; restorative protection of infringed rights. The civil law method acts as a facilitator of private initiative and economic growth.

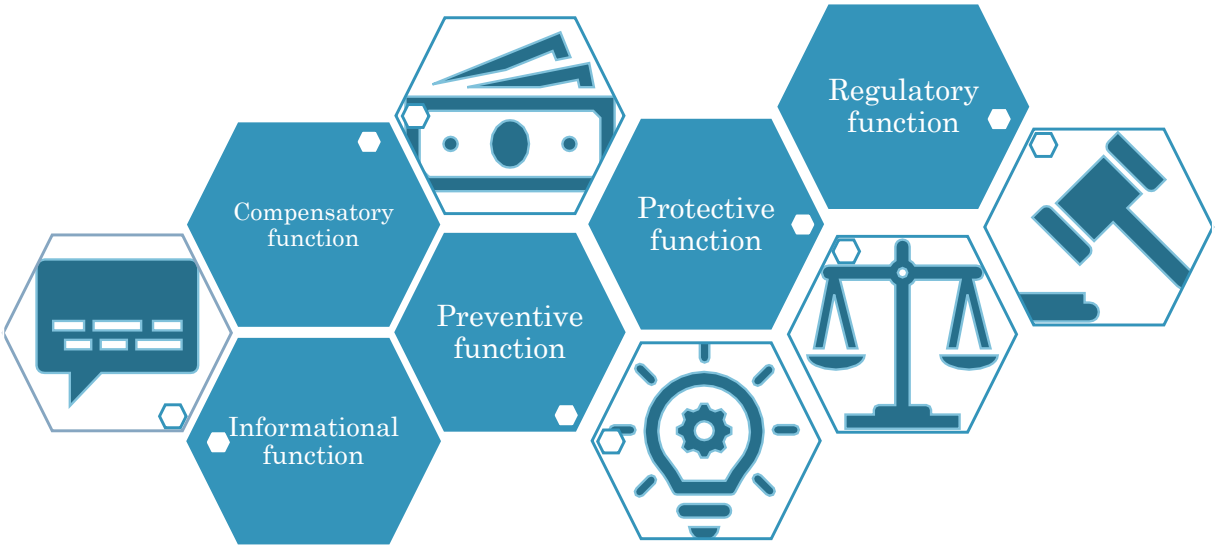
TYPES OF LEGAL NORMS

IMPERATIVE NORM *Імперативна норма*	DISPOSITIVE NORM *Диспозитивна норма*
Cannot be changed by the parties' agreement. Protects public interest or vulnerable parties. Example: Prohibition on waiving compensation for intentionally caused damage.	Applies by default – parties may modify or exclude it by agreement. Reflects the principle of dispositiveness. Example: Risk passes at delivery – parties may agree otherwise.

NB: Dispositiveness (диспозитивність) distinguishes the civil law method from the imperative method of public law.

FUNCTIONS OF CIVIL LAW
are the main directions through which civil law exerts its influence on civil relations and on the conduct of the parties involved.

FUNCTIONS OF CIVIL LAW

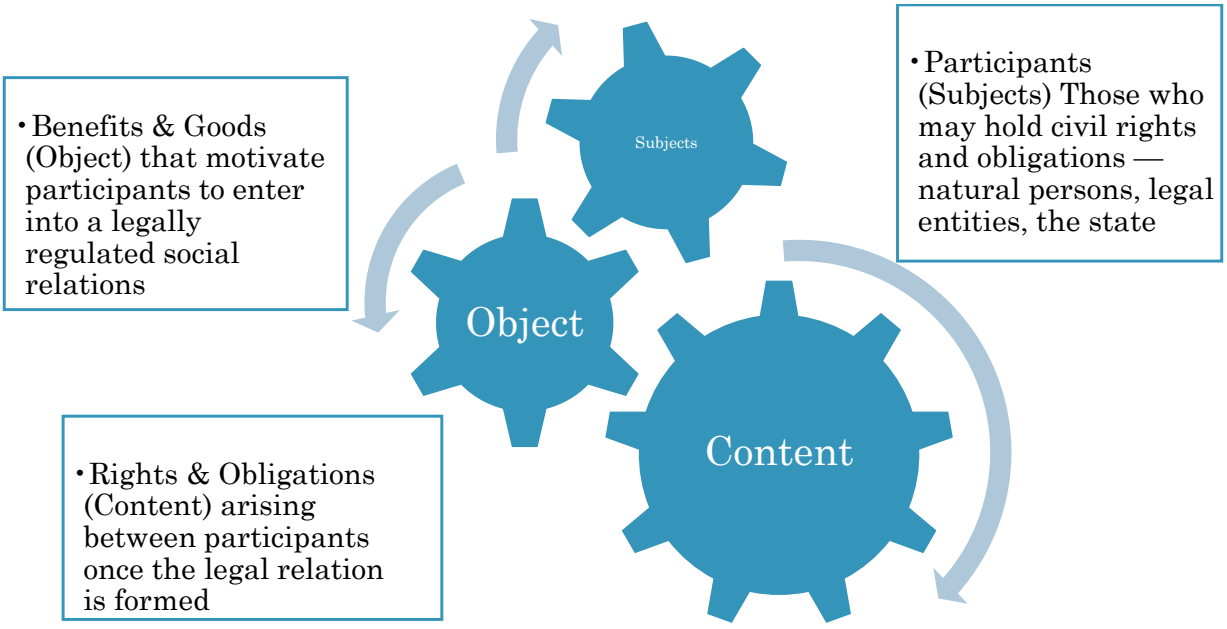


NB: While the **informational function** teaches you what it means to be a bearer of rights, the **regulatory function** tells you what you can do, and the **protective function** warns of the consequences of a breach, the **compensatory function** fixes the damage, the **preventive function** works before any harm is done.
Unlike criminal law, which aims to punish the offender (punitive approach), civil law makes the "victim whole again" (reparative approach). Civil sanctions are almost always property-based: money is transferred to the aggrieved party to neutralize the damage caused.

7.2. CIVIL LAW RELATIONS

Civil legal relationships (civil law relations) are social relations regulated by civil law norms in which participants are juridically equal bearers of subjective civil rights and legal obligations. They form the dynamic operational layer of civil law in action.

CIVIL LAW RELATIONS



Activating element

Juridical fact

A specific life circumstance recognized by law that triggers the emergence of civil rights and obligations, enabling participants to exercise their rights and fulfil their obligations

Voluntary performance

The obligated party fulfils its duty voluntarily – the most common scenario, creating general legal order in social relations

Non-performance → State coercion

Failure to perform entitles the party to demand performance; state coercive measures (liability, remedies) may be applied to the obligated party

Result

Civil law regulation – establishing legal order across all spheres of human life

JURIDICAL FACTS & CIVIL TRANSACTIONS

JURIDICAL FACT | Юридичний факт

A circumstance that creates, modifies, or terminates a civil legal relationship

EVENTS **(юридичні події)**	**ACTIONS** **(дії)**
Independent of parties will *Birth · Death · Flood · Fire · Lapse of time* Law attaches civil consequences.	*Volitional acts* *LAWFUL – transactions, administrative acts* *UNLAWFUL –torts, unjust enrichment*

LEGAL TRANSACTION (правочин)
Volitional act creating rights and duties.
Bilateral (contract) or unilateral (will).

VALIDITY OF A LEGAL TRANSACTION:
lawful content + legal capacity of parties + genuine & free will +
+ correct form

VOID TRANSACTION *Нікчемний правочин*	≠	**VALID TRANSACTION** *Дійсний правочин*

SOURCES OF CIVIL LAW – HIERARCHY

CONSTITUTION OF UKRAINE
Конституція України

▼

CIVIL CODE OF UKRAINE (CCU, 2003)
Цивільний кодекс України

▼

OTHER LAWS & LEGISLATIVE ACTS
Інші законодавчі акти

▼

RATIFIED INTERNATIONAL TREATIES
Ратифіковані міжнародні договори

▼

CIVIL CUSTOM (ART. 7 CCU)
Звичай у цивільному праві

Gaps filled by: ANALOGY OF LAW (аналогія закону) → if still no rule: ANALOGY OF RIGHT (аналогія права)

CLASSIFICATION OF CIVIL LAW RELATIONS

Dividing civil law relations into distinct categories serves an important practical purpose, as it allows defining characteristics of each particular type of relation. Consequently, such categorization supports the accurate legal assessment of those relations and assists in determining which legal provisions should govern them.

Distribution of rights and obligations between the parties:

- **simple relations**: one party holds only a right, while the other bears only an obligation (e.g., a loan agreement);
- **complex relations**: each party has both rights and obligations simultaneously.

The object of civil rights:

- **property relations** arise over material goods – they fix property (property law) or govern its transfer (law of obligations);
- **non-property relations** arise over intangible goods such as honour, dignity, business reputation, and authorship rights.

Manner of satisfying the interests of the entitled party:

- **real relations** mediate the static aspect of proprietary relations, are exercised through the actions of the entitled party itself;
- **obligatory relations** regulate the dynamic aspect of proprietary relations concerning the transfer of things, the performance of work, or the provision of services.

The relationship between the entitled and obligated parties:

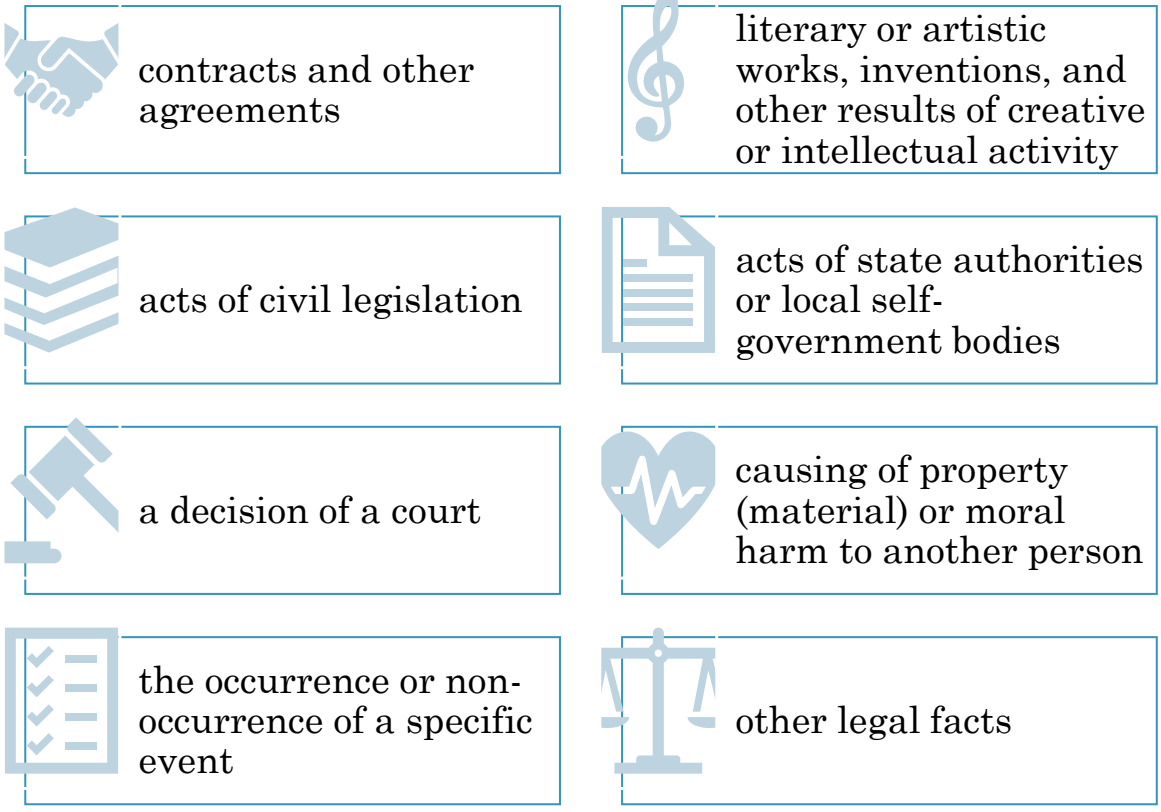
- **absolute relations**: the entitled party's right must be respected by everyone (e.g., the right of ownership);
- **relative relations**: the entitled party faces one specific obligated person. In case of non-performance, coercive measures may only be applied against that particular person.

Functional purpose:

- **regulatory relations** govern the normal course of the exercise of subjective rights and interests of their participants under undisturbed conditions:
- **protective relations** give legal form to measures of civil law coercion as a response to the violation of civil rights and interests.

GROUNDS FOR CIVIL RIGHTS AND OBLIGATIONS ARISING

Civil rights and obligations are created by the actions of people. These actions may be directly covered by civil law, or they may not be specifically mentioned in the law. However, even in the second case, such actions can still lead to civil rights and obligations if they are similar to situations that the law already recognizes.

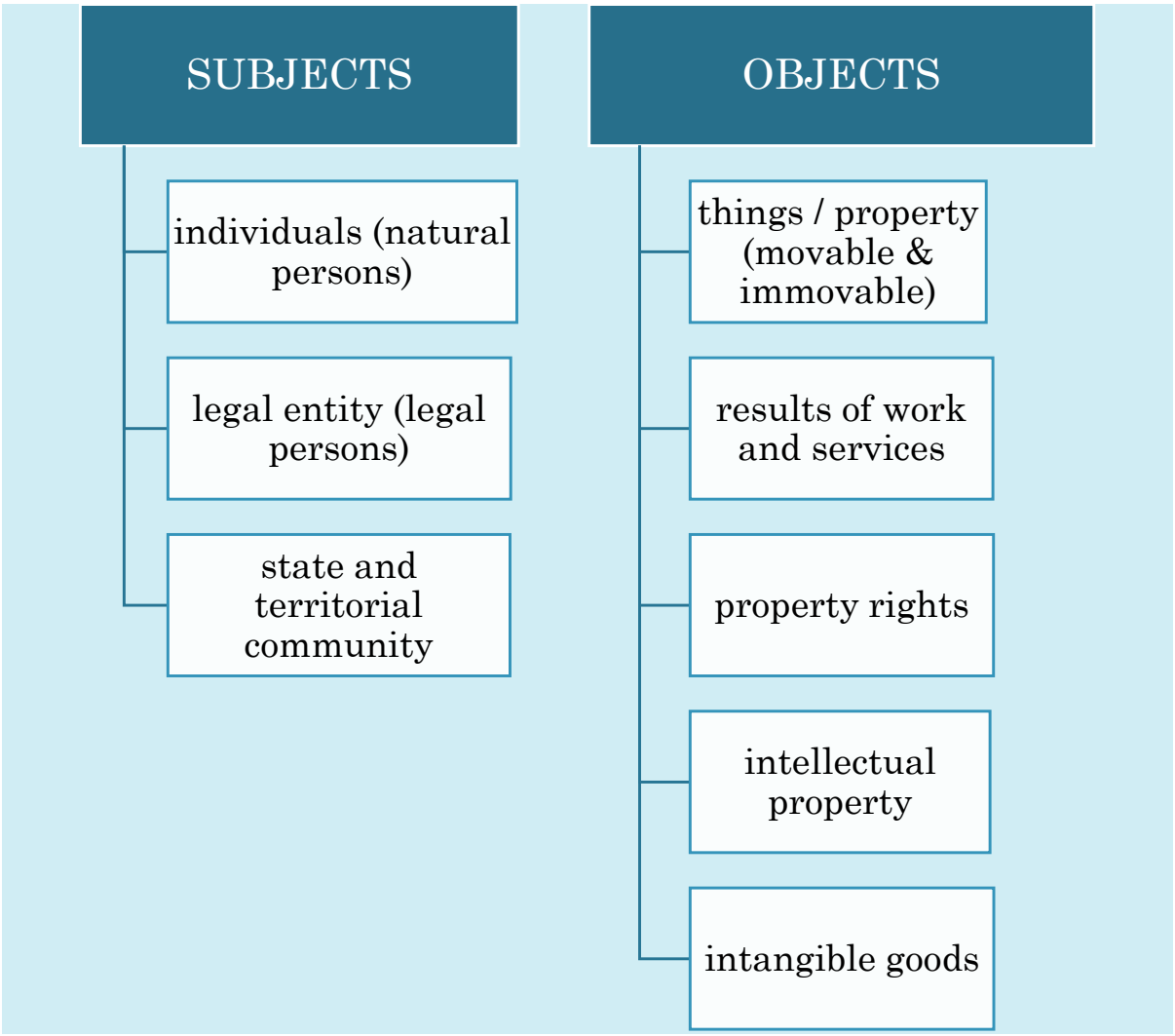


NB: Understanding civil law relations helps us see how civil law works in practice. Civil law rules regulate relationships among persons in society. When these rules are applied to a specific situation, a civil legal relation arises. This is the basic mechanism through which civil law influences people's behavior and establishes order in various areas of life. It is important to note that civil law does not use one single universal form to regulate all social relationships. Instead, the law provides different types of civil relations, each designed for a specific area of life.

7.3. SUBJECTS AND OBJECTS OF CIVIL LAW

According to the Civil Code of Ukraine, subjects of civil law are participants in civil legal relationships who possess civil legal capacity and civil capacity. Objects are material and immaterial goods in relation to which those relationships arise – from things and money to intellectual property.

SUBJECTS AND OBJECTS OF CIVIL RIGHTS



NB: ***Requirements to be a subject of civil law:*** *civil legal capacity (правоздатність) – capacity to hold rights & duties + civil capacity (дієздатність) – capacity to act independently*

INDIVIDUAL | Фізична особа
Every human being as a subject of civil law

LEGAL CAPACITY	INCOMPLETE CAPACITY	PARTIAL CAPACITY	FULL CAPACITY
Правоздатність *Birth → Death*	Часткова дієздатність *Age 6–14*	Неповна дієздатність *Age 14–18*	Повна дієздатність *Age 18* *Marriage* *Emancipation*

Court-imposed restrictions:
Restricted capacity (обмежена дієздатність) – alcohol / drug abuse
Legal incapacity (недієздатність) – severe mental disorder

INDIVIDUAL	LEGAL ENTITY	UKRAINIAN STATE	TERRITORIAL COMMUNITY
Фізична особа	*Юридична особа*	*Держава Україна*	*Тер. громада*

ENTREPRENEURIAL LEGAL ENTITY	NON-ENTREPRENEURIAL LEGAL ENTITY
Підприємницька юридична особа Primary purpose: systematic profit-making. Forms: JSC, LLC, partnerships.	*Непідприємницька юридична особа* Primary purpose: social, charitable, cultural, educational goals. Forms: public organizations, foundations.

OBJECTS OF CIVIL RIGHTS | Об'єкти цивільних прав

Material or immaterial goods in relation to which civil legal relationships arise

THINGS (речі)	SECURITIES (цінні папери)	INTELLECTUAL PROPERTY (об'єкти інтелект. власності)
material items	*certify property rights*	*results of creative activity*
• movable / immovable • fungible / non-fungible • consumable / indivisible	• shares • bonds • bills of exchange	• literary, artistic, and scientific works • inventions, utility models • trademarks, trade secrets

MONEY	RESULTS OF WORK / SERVICES	PERSONAL BENEFITS (особисті блага)
medium of exchange	*performed acts*	*non-material goods*
• currency • non-cash funds	• legal / medical services • transport, consulting	• life, privacy, and health • name, honor and dignity

7.4. PROPERTY AND PERSONAL NON-PROPERTY RIGHTS

Ukrainian civil law recognizes two fundamental categories of subjective civil rights: property rights (майнові права) possessing economic value and capable of transfer, and personal non-property rights (особисті немайнові права) inseparably linked to the person and incapable of alienation.

RIGHT OF OWNERSHIP | Право власності
Most comprehensive real right.
Absolute · Perpetual · Exclusive

RIGHT OF POSSESSION *право володіння*	RIGHT OF USE *право користування*	RIGHT OF DISPOSITION *право розпорядження*
• actual physical control over a thing • may be lawful or unlawful (factual) *example: borrower has possession, not ownership*	• extract useful properties, fruits, • and income generated by a thing *example: tenant uses premises but cannot sub-let without consent*	• determine legal fate of a thing • sell · gift · mortgage · destroy *example: owner executes notarized sale deed → transfers ownership*

Other property rights:
right to receive rent | right to compensation of losses | intellectual property rights (reproduction, distribution)

PERSONAL NON-PROPERTY RIGHTS | Особисті немайнові права
Inseparably linked to the person. · No economic content. · Cannot be alienated.

Rights ensuring PHYSICAL EXISTENCE	Rights ensuring SOCIAL BEING
Right to LIFE (право на життя) → primary, unconditional, absolute Right to HEALTH (право на здоров'я) → informed consent to treatment Right to INVIOLABILITY of dwelling (право на недоторканність житла) Right to PRIVACY (право на таємницю особистого життя)	Right to a NAME (право на ім'я) → bear & use name in civil relations Right to HONOUR & DIGNITY (право на честь і гідність) → remedy: retraction Right to BUSINESS REPUTATION (право на ділову репутацію) MORAL RIGHTS of the author (немайнові права автора)

COMPARISON PROPERTY RIGHTS VS PERSONAL NON-PROPERTY RIGHTS

PROPERTY RIGHTS	PERSONAL NON-PROPERTY RIGHTS
✓ economic (monetary) value ✓ transferable – sold, gifted, inherited ✓ arise from property / obligations *examples:* *right of ownership* *right to receive rent* *compensation of losses* *intellectual property rights* remedies: compensation of losses, penalty	✓ no direct economic content ✓ non-transferable – cannot be sold or inherited ✓ inseparably linked to the person *examples:* *right to life, health* *right to a name* *right to honor & dignity* *moral rights of the author* remedies: retraction, moral damages

OBLIGATION Debtor must perform for Creditor: deliver · work · pay · abstain | CIVIL LIABILITY = compensation of losses + penalty

7.5. TASKS

Grammar focus in the context of Ukrainian Civil Law terminology: **conditional structures – covering zero, first, second, third, and mixed conditionals,** together **with formal legal patterns such as on condition that, provided that, unless, should + subject, and were + subject + infinitive**

GRAMMAR REVIEW

Conditional Form	Structure	Core Meaning / When to Use	Civil Law Example
Zero conditional	*If + Present Simple, + Present Simple*	Automatic legal consequences; general truths of civil law; stating fixed rules that always apply	If the limitation period expires, the court dismisses the claim on the debtor's application.
First conditional	*If + Present Simple, + will / shall + base verb*	Real, probable future situations; specific legal advice about likely outcomes; consequences of a present choice	If you lodge the claim before month-end, it will still fall within the three-year statutory window.
Second conditional	*If + Past Simple / were, + would + base verb*	Hypothetical or contrary-to-fact situations; analysing alternative legal scenarios; formal legal opinion	If Ukrainian law permitted oral transfers of immovable property, registration requirements would be redundant.

Third conditional	*If + Past Perfect, + would have + past participle*	Impossible past hypotheticals; retrospective legal analysis; identifying what should have been done differently	If the notary had verified the donor's capacity, the deed would have been unchallengeable.
Mixed conditional	*If + Past Perfect, + would + base verb*	Past condition with a present result; tracing the consequences of a past omission for the current legal position	If the parties had chosen arbitration, the dispute would already be resolved
Unless	*Unless + Present Simple (+ will / shall in main clause)*	If not: negative condition; stadart in contracts, statutes, and court orders; avoids double negatives	Unless the vendor notifies the buyer of a known defect within the prescribed period, she remains liable for consequential loss.
Provided that / on condition that	*Provided that + Present Simple / Present Perfect (+ shall / will)*	Formal condition precedent; indicates a prerequisite that must be satisfied; standard in contracts and legislation	The transfer of title shall take effect, provided that the purchase price is paid in full and registration is completed.

As long as / so long as	*As long as + Present Simple (+ Present Simple / will)*	Duration condition; the main clause remains true for the entire duration that the condition is satisfied	As long as the lessee complies with the agreed rental terms, the lessor may not terminate the lease unilaterally.
Should + subject (inversion)	*Should + subject + base verb, + will / shall + base verb*	Formal equivalent of first conditional; used in contracts and procedural codes; more formal than if + present simple	Should any dispute arise under this agreement, the parties shall refer it to the competent court of Kyiv.
Were + subject + infinitive (inversion)	*Were + subject + infinitive, + would + base verb*	Formal equivalent of second conditional; high-register legal writing; used in opinions, judgments, and pleadings	Were the court to apply the good faith principle strictly, the outcome would differ significantly.

1. ZERO VS. FIRST CONDITIONAL: LEGAL PRINCIPLES VS. SPECIFIC LEGAL ADVICE

Both forms link a condition to its outcome, but they carry fundamentally different professional signals. Choosing between them is one of the most consequential grammatical decisions in professional legal communication.

ZERO CONDITIONAL – use when:

a) You state a legal rule that always applies: *If a contract lacks an essential condition, it is void.* b) You describe automatic legal consequences: *If the limitation period expires, the court dismisses the claim.* c) You explain how a provision operates as a matter of

legal fact: *If a gift deed is not notarially certified, the transfer does not take effect.*

FIRST CONDITIONAL – use when:

a) You advise a specific client about a real, probable situation: *If you file by Friday, the court will accept your claim.* b) You describe a future outcome contingent on a current choice: *If the defendant fails to appear, the court will hear the case in absentia.* c) You make a commitment or professional promise: *If the documents bear out the claim, we will file without delay.*

COMMON ERROR: using will in the if-clause. WRONG: If the buyer will refuse delivery, the seller will claim damages. CORRECT: If the buyer refuses delivery, the seller will be entitled to claim damages. The if-clause always takes present simple in zero and first conditionals – never will.

NB: When an uncountable noun is made specific, it may become countable: a jurisdiction, a liability for damages – but only in a defined context.

2. SECOND AND THIRD CONDITIONALS: HYPOTHETICAL ANALYSIS AND RETROSPECTIVE REVIEW

These two forms are indispensable in legal reasoning: the second conditional explores hypothetical alternatives; the third conditional reconstructs the past.

SECOND CONDITIONAL (hypothetical present / future):

If the contract were governed by foreign law, a different limitation regime would apply. Use with: if I were, if the court were to, if the party had no assets. Note: were is the formally correct subjunctive in legal writing, not was.

THIRD CONDITIONAL (impossible past hypothetical):

If the notary had verified the donor's capacity, the deed would have been unchallengeable. / If the parties had included a penalty clause, the aggrieved party would have recovered damages automatically. Use with: at the time of, before the transaction, had the parties acted differently.

COMMON ERROR: using would in the if-clause. WRONG: If the parties would agree… CORRECT: If the parties agreed… [second] / If the parties had agreed… [third]. Also: third conditional requires would have + past participle. WRONG: she would avoided CORRECT: she would have avoided.

3. FORMAL LEGAL CONDITIONALS: UNLESS, PROVIDED THAT, ON CONDITION THAT, AS LONG AS

These structures are standard in Ukrainian civil law contracts, legislation, and judicial decisions. Each carries a distinct meaning and register:

UNLESS – means if not; introduces a negative condition without requiring not in the main clause: *Unless the vendor gives notice of a defect, she remains liable.*

NB: do not combine unless with a negative verb. WRONG: Unless the vendor doesn't give notice. CORRECT: Unless the vendor gives notice. The negation is already embedded in unless.

PROVIDED THAT – introduces a condition precedent; the main clause takes effect only if the condition is met. Very common in Ukrainian civil law contracts: *The transfer of title shall take effect, provided that all registration requirements are satisfied.* Equivalent: on condition that.

AS LONG AS / SO LONG AS – sets a duration condition; the rule in the main clause applies for as long as the condition continues: *As long as both parties comply with the contract, neither may demand its modification without the other's consent. These clauses take present simple – never will or would.*

4. INVERSION IN LEGAL CONDITIONALS: SHOULD AND WERE CONSTRUCTIONS

Formal legal documents – contracts, court orders, judgments, scholarly opinions – regularly use inversion to introduce conditions without the word if. These structures mark high register and are common in Ukrainian legal translation and drafting:

SHOULD + SUBJECT + BASE VERB (first conditional equivalent):

Should any dispute arise under this agreement, the parties shall refer it to the competent court. (= If any dispute arises…) / Should the vendor fail to deliver by the agreed date, the buyer shall be entitled to cancel the order. Note: should in inversion structures is always followed by the bare infinitive – never would.

WERE + SUBJECT + INFINITIVE (second conditional equivalent):

Were the court to apply equitable principles, the outcome would differ significantly. (= If the court applied…) / Were the legislature to shorten the limitation period, existing claims would need to be reviewed. Note: were…to requires the bare infinitive immediately after to. WRONG: Were the court to found… CORRECT: Were the court to find…

Both inversion structures are common in formal correspondence, court judgments, and scholarly legal commentary. Recognizing and producing them correctly is a hallmark of professional legal communication.

Reading *Tasks 1–2*	**Listening** *Tasks 3–4*	**Speaking** *Tasks 5–8*	**Writing** *Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY CONDITIONAL STRUCTURES IN THE CIVIL LAW TEXT

Read the text below and underline every conditional structure you find. For each one, state: a) the exact form as it appears in the text; b) which conditional type it represents; and c) why that specific form was chosen rather than an alternative.

TEXT: The Civil Code of Ukraine creates a coherent framework governing relations among juridically equal participants in civil life. Where a contract satisfies all the conditions the Code treats as essential – a lawful object, freely given consent of both parties, and, where the statute so requires, notarial certification – it takes effect from the moment of its formation. Should any of those essential conditions be missing, a court may declare the instrument null and void.

Unless the parties have, in a written agreement, stipulated a different limitation period, the three-year general period laid down in Article 257 governs all civil claims arising from a breach. Where a creditor fails to begin proceedings within that window, the court will grant the debtor's application to dismiss the claim. Were the legislature to shorten the general limitation period to two years, holders of long-dated claims would need to accelerate their enforcement strategies considerably. Under Article 611, where a party falls short of its obligations, the counterparty may demand performance, recover damages, or – provided that the breach is material and properly documented – rescind the contract unilaterally. A transferee who had acted in reliance on a flawed gift deed would have been left without legal title had the registration authority detected the defect before completing the entry. As long as both contracting parties carry out their obligations, neither has standing to demand that the agreement be varied or terminated.

Create a three-column table: Column 1 – the conditional form as it appears in the text; Column 2 – the conditional type (zero, first, second, third, mixed, unless, should-inversion, were-inversion, provided that, as long as); Column 3 – the reason this specific form was chosen (what legal meaning or nuance does it carry in this context?).

Write three original sentences about a civil-law scenario of your choice – each using a different conditional type from the grammar table. Label each form you use.

NB: Conditional form choice in legal writing is never arbitrary. A zero conditional (if a contract lacks consideration, it is void) declares a rule. A first conditional (if you file by Friday, the court

will accept it) delivers specific professional advice. A second conditional (if the court were to apply equitable principles, the outcome would differ) invites hypothetical analysis. A third conditional (had the notary verified capacity, the deed would have been valid) holds past actors accountable for omissions. Mixing these structures sends misleading signals about the certainty and legal character of the situation being discussed.

Task 2
Reading
ANALYSE

Analyse Conditional Form Choices Across Civil Law Contexts

Each group below presents the same civil-law situation expressed through four different conditional forms. Analyse: a) which form is grammatically possible; b) which is most appropriate given the context and legal meaning; and c) what meaning is lost or distorted when a different form is used

GROUP A: A property lawyer advising on whether a verbal agreement to transfer land is legally effective: 1. If an oral agreement to sell land lacks the notarial form Article 657 requires, it is void. 2. If this specific agreement lacks the required notarial certification, the court will declare it void. 3. If this agreement lacked notarial form, the court would declare it void. 4. If this agreement had lacked the required form, the court would have declared it void.

Discuss: which form states the general legal rule? Which advises this specific client? Does your answer change if the matter is already before the court?

GROUP B: A mortgage was executed but never registered with the relevant authority: 1. If the mortgagor registered the charge, the lender could enforce it now. 2. If the mortgagor had registered the charge, the lender could enforce

it now. 3. If the mortgagor had registered the charge, the lender could have enforced it at that time. 4. If the mortgagor registers the charge today, the lender will be able to enforce it in future.

Discuss: What factual position does each form describe? Which is the mixed conditional, and what distinguishes it from the pure third conditional in 3?

NB: Group B illustrates the distinction that matters most in property practice. The mixed conditional in 2 signals that the mortgage was NOT registered in the past and that this failure continues to affect the lender's position RIGHT NOW. The pure third conditional in 3 asks what the legal position would have been at that earlier moment. The first conditional in 4 treats registration as a future possibility. A lawyer who conflates these structures in a client's letter risks misrepresenting both the chronology of events and the options still open to the client.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: CIVIL LAW TERMS IN CONTEXT

Listen to audio recording #7 and write the missing conditional structure and explain: a) which conditional type it represents, and b) why that form is more appropriate than the alternatives. Compare answers with a partner.

1. If a natural person _____ legal capacity through a court declaration, she _____ to conclude civil transactions independently.
2. Unless notice of a defect _____ to the seller within the prescribed timeframe, the buyer _____ the right to return the goods.

3. Should any dispute _____ under this lease, the parties _____ the matter to the district court.
4. If the debtor _____ the pledge at the time of the original transaction, the creditor _____ able to enforce priority over subsequent claimants today.
5. Provided that the transferee _____ the full purchase price, title to the immovable property _____ to her upon completion of registration.
6. If the tortfeasor _____ with due care, the claimant _____ the loss that now forms the basis of this civil claim.
NB: The explanation requirement transforms the task from a gap-fill exercise into a demonstration of conceptual grasp.

Task 4
Listening
EVALUATE

LISTEN, ASSESS AND CORRECT: LEGAL EXPLANATION

Listen to a 2-minute role-play in which a law student explains civil law concepts to a classmate using conditional structures. Evaluate a) whether conditional forms are used correctly and appropriately; b) whether the chosen forms match the intended legal meaning; and c) whether the legal content is accurate. Then provide written corrections.

- *Note at least three things the student said correctly (legal content or grammar), e.g., If the buyer files the claim this week,*
the three-year period will still apply [correct specific advice]
- *Note at least two errors (legal content or conditional structures mistakes), e.g., Unless the vendor doesn't register the property, the transfer won't be valid [double negative: unless + doesn't reverses the intended meaning, should be Unless the vendor registers].*

• Write one improved sentence for each error, correcting it precisely.
• Discuss your evaluation with a partner and compare your corrections.
NB: evaluate is the highest cognitive demand in listening tasks because it requires the student to operate simultaneously on two levels: grammatical form and legal substance. A conditional form error in a legal opinion changes its legal meaning – if the limitation period will expire signals grammatical carelessness; if the limitation period expires signals legal precision. An incorrect legal premise embedded in a conditional – if an oral contract is void, the buyer has no remedy – is doubly dangerous: it combines incorrect law with a zero conditional that signals certainty, giving the wrong answer with maximum authority.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

EXPLAIN KEY CIVIL LAW PRINCIPLES USING ZERO CONDITIONALS

You are explaining two fundamental principles of Ukrainian civil law to peers. Walk through each principle in plain language, using zero conditional structures throughout to convey that these are fixed legal rules – not predictions or possibilities. Speak for 2 minutes.

• State the principle clearly, then define it using zero conditional structures.
• E.g., civil liability: If a person causes harm to another's property or non-property rights through an unlawful act, that person bears civil liability and is obliged to compensate the loss in full. If the tortfeasor proves that the harm arose without her fault, the law may exempt her from liability – but if the harm results from a source of increased danger, liability attaches regardless of fault.
NB: The zero conditional is the lawyer's primary instrument for stating legal rules – it conveys automatic, invariable consequence.

Task 6
Speaking – Dialogue
UNDERSTAND

EXPLAIN CIVIL LIABILITY TO A NON-LAWYER

Role-play an advisor – citizen conversation. Student A is a legal advisor; student B is a citizen who suffered damage to their property due to a neighbor's negligence. The advisor explains what civil liability is, how it arises, and what the citizen can do.

- *Advisor: explain civil liability in plain English – avoid jargon or define it immediately.*
- *Citizen: ask at least three "What if…?" questions.*
- *Use correct conditional forms.*
- *Switch roles after 3 minutes.*

NB: Every conditional signals a different level of certainty: "will" is a professional commitment; "would" is an honest hypothetical recommendation; "unless" frames the negative condition that would make the action difficult. A citizen who leaves a consultation understanding both the strength of their claim and its realistic risks has been well advised.

Task 7
Speaking – Monologue
APPLY

PRESENT A CIVIL LAW PROPERTY DISPUTE USING ALL CONDITIONAL TYPES

You are a student presenting a brief case summary to a group. Describe a civil dispute involving property rights and civil liability. Identify the parties, the legal issue, and the likely remedy using all four main conditional types and at least two formal conditional structures.

- *Introduce the parties: The plaintiff is… / The defendant is…*
- *Use at least four glossary terms in context.*
- *Use correctly all four main conditional types and at least two formal conditional structures:*

FACTS AND LEGAL PRINCIPLES (zero conditional): e.g., Under Ukrainian civil law,..
CURRENT SITUATION (first conditional + provided that)
HYPOTHETICAL ANALYSIS (second conditional): e.g., If Ukrainian law required…
RETROSPECTIVE ANALYSIS (third + mixed conditional)
CONCLUSION (mixed conditional + unless)

- *Speak for 2–3 minutes without reading from notes.*

NB: to deploy all conditional types in a structured, purposeful sequence – not as isolated grammar items but as the tools of legal reasoning. Zero establishes the applicable law. First analyses the probable outcome in this case. Second opens comparative and reform perspectives. Third holds past actors accountable. Mixed traces the line from a past failure to the present legal position. A student who delivers a coherent three-minute presentation moving through all these forms has demonstrated applied linguistic competence that directly mirrors professional legal advocacy.

Task 8
Speaking – Dialogue
ANALYSE

DEBATE: PRIVATE AUTONOMY VS. STATE PROTECTION IN CIVIL LAW

Hold a structured mini-debate. Position A: individuals should be free to manage their own civil rights and obligations without state interference. Position B: the state must actively protect weaker parties in civil relationships. Each student argues their position for 90 seconds, then responds.

- *Use one zero conditional, one second conditional, one unless or provided that structure, and one formal inversion.*
- *Reference: the right of ownership, civil obligation, freedom of civil relations.*

• *Pay attention to examining not only what the conditional says but what it argues.*
• *Use discourse markers: However…, On the other hand…, It could be argued…*
NB: Go beyond stating facts – compare, contrast, and challenge the opposing view. Post-debate reflection. Answer individually after the debate: Which argument from either side did you find most convincing? Why?

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY FOR A CIVIL LAW TERM

Choose one civil law term not yet covered in classes. Using three conditional structures write a complete glossary entry: the term in English, Ukrainian equivalent, a two-sentence definition, and one contextual example sentence.

• *Example entry – Limitation period (позовна давність):*
The limitation period is the time period within which a party whose civil right has been infringed must commence court proceedings; once it expires, the court is entitled – on the defendant's application – to strike out the claim without examining its merits.
• *Example conditional form 1 – zero conditional (legal principle): If the claimant commences proceedings after the limitation period has elapsed, the court strikes out the claim on the debtor's application.*
Conditional form sentence 2 – first conditional (specific legal advice): If you file your claim at the court registry by the end of this month, you will be acting within the general three-year period and the defendant will not be able to invoke the limitation defence against you.

Conditional form sentence 3 – third conditional (retrospective analysis): Had the claimant sought legal advice within six months of the breach and commenced proceedings before the period ran out, she would have preserved her full right to judicial protection and avoided the procedural bar.

• After the entry, annotate each sentence: name the conditional structure used and explain in one sentence why that specific form was chosen for that sentence.

• Compare your entry with a peer – are the conditional structure consistent?

NB: writing a glossary entry with deliberate conditional choices transforms vocabulary work into a professional skill. In practice, lawyers explaining legal concepts to clients continuously choose between these three modes – the zero conditional declares "this is the invariable rule"; the first conditional says "in your situation, if you act now, this will happen"; the third conditional analyses "had events unfolded differently, here is what would have followed". Understanding a concept means knowing when and why each conditional structure is the appropriate vehicle for communicating it.

Task 10
Writing
APPLY

WRITE A LEGAL ADVICE LETTER USING VARIED CONDITIONAL FORMS

Required structures: 1) zero conditional for the relevant legal principle; 2) first conditional for the recommended course of action; 3) second conditional for an alternative hypothetical scenario; 4) third conditional for retrospective analysis of what the neighbour should have done; 5) unless for a formal negative condition; 6) provided that for a condition precedent on the formal remedy.

SCENARIO: Anna owns a flat. Her upstairs neighbor Boris caused a flood by leaving a tap

running. Anna's furniture was destroyed. Anna claims compensation. She has asked for advice on her legal options. Write a 200-word advice letter outlining the legal position and recommended steps. Use at least six different conditional structures and label each in brackets after its sentence.

MODEL OPENING: Dear Ms. Anna, I am writing to advise you on the legal position arising from your neighbor's…

OPENING – applicable legal principle (zero conditional): e.g., Under civil liability rules, a person who causes damage… LEGAL ANALYSIS – specific facts (first conditional + provided that).

HYPOTHETICAL AND RETROSPECTIVE sections (second + third + were-inversion).

CONCLUSION (mixed conditional + unless).

NB: The zero conditional establishes authority. The first conditional demonstrates a plan. The second and third conditionals show analytical depth. The formal structures (unless, provided that, were-inversion) signal that the letter was written by a trained professional: they are the register markers of legal correspondence, and their presence or absence is noticed by both clients and courts.

Task 11
Writing
EVALUATE

FIND AND CORRECT CONDITIONAL FORM ERRORS IN A LEGAL MEMORANDUM

The memorandum below contains eight conditional form errors. Identify each error, explain why it is grammatically incorrect, and rewrite the corrected memorandum in full.

THE MEMORANDUM
To: Senior Partner
From: Trainee Lawyer
Re: Kovalenko v. Marchenko Building Supplies LLC

If the parties will sign the addendum before Friday, the delivery deadline will be extended by thirty days. Unless Kovalenko doesn't submit the penalty claim within the limitation period, she will lose her right to recover the penalty. If the contract would be governed by the law of another jurisdiction, the general provisions of Articles 509–625 of the Civil Code would not apply. Were the penalty clause to have been included in the original agreement, the aggrieved party would avoided proving the quantum of its loss. Should the parties would agree to mediation, the proceedings could be suspended pending a settlement. Provided that the full payment would be received by the vendor, the goods shall be despatched within three business days. Were the court to found for the claimant on the limitation point, costs would follow the event in the usual way. As long as both parties will comply with the interim order, the status quo will be preserved during the appeal period.

• *Error 1: If the parties will sign → If the parties sign — the Present Simple is required in the if-clause of a first conditional. [First conditional: will in if-clause]*

• *Rewrite the corrected memorandum in full, marking the eight corrections in bold to show every change made.*

NB: not only spot the errors but explain why each one changes the legal meaning of the sentence is a skill that maps directly onto the professional task of reviewing contracts, judgments, and correspondence for precision. The eight errors here are the eight common conditional mistakes in student legal writing: will in the if-clause (Errors 1 and 8), double negative with unless (Error 2), would in the if-clause (Error 3), missing have in the third conditional (Error 4), redundant modal after should-inversion (Error 5), would in a provided that clause (Error 6), and the wrong verb form after were…to (Error 7).

Task 12
Writing
CREATE

DESIGN A CIVIL LAW FACT SHEET FOR NEW STUDENTS

Create a one-page fact sheet in English introducing the basics of civil law to college students who have no legal background. Include: what civil law covers, who it applies to, key concepts (at least five), and why it matters.

- *Use short sentences and accessible vocabulary.*
- *Use at least 1) zero conditional for the relevant legal principle; 2) first conditional for the recommendations; 3) second conditional for alternatives; 4) third conditional for retrospective analysis; 5) unless for a formal negative condition*
- *End with a **Did you know**? fact about Ukrainian civil law.*

NB: Plain-language legal writing is a professional skill. Every sentence should answer: "What does this mean for an ordinary person?" The task requires synthesis: of legal knowledge, conditional grammar, professional register, and analytical structure. Each conditional form in a legal opinion carries a professional signal. The zero conditional anchors the opinion in binding law. The first conditional translates law into advice. The second and third conditionals demonstrate analytical range. The mixed conditional traces the precise line from past omission to present consequence.

7.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses the zero conditional to express a civil-law rule?
a) If a contract will lack an essential condition, the court will probably declare it void;
b) If a contract lacks an essential condition, it is either void or not concluded – depending on which requirement is absent;
c) If a contract lacked essential conditions, it would not be concluded;
d) If a contract had lacked essential conditions, it would have been void.

2. Complete the sentence: Unless the buyer _____ the defect to the seller within the prescribed period, she _____ the right to return the goods and claim damages.
a) doesn't report … won't lose;
b) reports … will lose;
c) will report … loses;
d) reported … would lose.

3. In civil law, "damages" refers to:
a) physical harm to property;
b) a monetary award made by a court to compensate loss;
c) the process of filing a civil claim;
d) the defendant's legal defence.

4. Which sentence correctly uses the third conditional to analyse a past failure of duty?
a) If the notary verifies capacity at the time of signing, the deed is valid;
b) If the notary would have verified capacity, the deed could be valid now;
c) Had the notary verified the donor's capacity at the time of signing, the current challenge would have had far weaker grounds;
d) If the notary verifies capacity, the challenge will fail.

5. Which sentence contains a conditional form error?

a) As long as the debtor complies with the instalment schedule, no enforcement proceedings will be initiated;

b) If the parties will sign the addendum, the deadline will be extended;

c) Were the court to apply equitable principles, the outcome would differ;

d) Should any dispute arise, the parties shall refer it to arbitration.

6. Which statement about civil liability is correct?

a) Civil liability arises only from criminal acts;

b) Civil liability is the obligation to compensate another person for harm caused;

c) Civil liability cannot result in payment of damages;

d) Civil liability applies only to state bodies.

7. The right of ownership in Ukrainian civil law includes which three elements?

a) possession, use, and disposal;

b) use, enjoyment, and transfer;

c) registration, taxation, and inheritance;

d) litigation, mediation, and arbitration.

8. Which sentence correctly uses "were…to" inversion?

a) Were the court to founded for the claimant, costs would follow the event;

b) Were the court to find for the claimant, costs would follow the event;

c) Were the court finding for the claimant, costs will follow;

d) Were the court to find for the claimant, costs will have followed.

9. Which sentence correctly uses the mixed conditional?
a) If the mortgagor had registered the charge, the creditor would have been able to enforce priority;
b) If the mortgagor had registered the charge, the creditor would be able to enforce priority today;
c) If the mortgagor registered the charge, the creditor would be able to enforce priority today;
d) If the mortgagor registers the charge, the creditor will be able to enforce priority.

10. In the sentence "The court found a breach of obligation", what does "breach" mean?
a) signing a new agreement;
b) a failure to perform a legal obligation;
c) successful completion of a duty;
d) an amendment to an agreement.

11. Under the Civil Code of Ukraine, what is the general limitation period for civil claims?
a) One year from the date of the contract;
b) Two years from the date of the breach;
c) Three years from the date on which the aggrieved party knew or should have known of the violation;
d) Five years from the date on which the limitation period is invoked.

12. What does "legal entity" mean in civil law?
a) any natural person of legal age;
b) a judge or state official;
c) an organization recognized by law as having rights and obligations;
d) a document certified by a notary.

13. Under the Civil Code of Ukraine, when does liability for harm caused by a source of increased danger (e.g. a vehicle in operation) attach?

a) Only if the claimant can establish the tortfeasor's fault through clear evidence;

b) Regardless of fault – strict liability applies to sources of increased danger;

c) Only if the harm exceeds a prescribed statutory financial threshold;

d) Only after a criminal conviction for the underlying act has been entered.

14. What is the legal distinction between a "null" (absolutely void) transaction and a "voidable" transaction in Ukrainian civil law?

a) A null transaction is valid until challenged by a court; a voidable transaction is invalid from inception;

b) A null transaction is invalid from the moment of its conclusion without requiring a court order; a voidable transaction is valid until declared void by a court at the application of an authorized person;

c) There is no legal distinction between null and voidable transactions under the Civil Code of Ukraine;

d) A null transaction may be ratified by subsequent conduct; a voidable transaction may not be ratified under any circumstances.

15. In legal English, "subject of civil law" refers to:

a) a topic studied at law school;

b) the subject line of a legal letter;

c) a person or entity that can hold civil rights and bear civil obligations;

d) a clause in a civil code.

16. A trainee writes: "If the client would instruct me to proceed, I will file the claim by Friday." What is wrong with this sentence?

a) The sentence is grammatically correct; no revision is needed;

b) Would instruct in the if-clause is incorrect; the first conditional requires the present simple: If the client instructs me to proceed, I will file…;

c) Will file should be would file to match the conditional register of the sentence;

d) By Friday should be until Friday in the context of a filing deadline.

17. A client asks: "What happens if I miss the limitation period?" Which response is most accurate and grammatically precise?

a) If you missed the limitation period, you wouldn't be able to sue under any circumstances;

b) If you had missed the limitation period, you would have lost your claim entirely;

c) If you miss the limitation period, the court will strike out your claim on the defendant's application – though your underlying right is not extinguished by the expiry;

d) If you will miss the limitation period, you lose your claim.

18. A commercial contract clause states: "Provided that the vendor _____ delivery by the agreed date, the buyer _____ entitled to claim a penalty equal to 0.1% of the contract price per day of delay." Which options correctly complete the gaps?

a) will not complete … shall be;

b) does not complete … shall be;

c) would not complete … would be;

d) had not completed … would have been.

19. A student argues: "If the parties had included a penalty clause in the contract, the aggrieved party would have been able to claim the penalty without proving the exact quantum of its loss." This is:

a) A correctly formed third conditional that correctly states the effect of a penalty clause under Ukrainian civil law;

b) A correctly formed third conditional that is legally incorrect – a penalty clause does not remove the need to prove loss under the Civil Code;

c) An incorrectly formed conditional; the second conditional should have been used instead;

d) A correctly formed mixed conditional describing a past action with a present consequence.

20. Which sentence provides the most complete, grammatically correct, and legally precise summary of a civil-law dispute?

a) If the vendor had disclosed the defect, we would never go to court and all problems are solved;

b) If the vendor discloses defects to the buyer, the buyer is not entitled to make any claim whatsoever;

c) Had the vendor disclosed the known defect at the time of conclusion, the buyer would not have sustained the loss that now grounds this claim – and, provided that the buyer can demonstrate the vendor's prior knowledge of the defect, the court will award damages for the full quantum of the proven loss;

d) If the vendor would have disclosed the defect, the buyer will not have any claims against anyone.

ANSWER KEY

Q1: b	**Q2: b**	**Q3: b**	**Q4: c**	**Q5: b**	**Q6: b**	**Q7: a**	**Q8: b**	**Q9: b**	**Q10: b**
Q11: c	**Q12: c**	**Q13: b**	**Q14: b**	**Q15: c**	**Q16: b**	**Q17: c**	**Q18: b**	**Q19: a**	**Q20: c**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

7.7. GLOSSARY

TERM	DEFINITION
Absolute legal relationship *Абсолютні правовідносини*	A civil legal relationship in which the right-holder is individually identified while the corresponding duty of non-interference rests on an indefinite and unlimited circle of persons. Rights in rem, including ownership, are the classic example of absolute legal relationships.
Analogy of law *Аналогія закону*	A method of resolving a civil dispute by applying the norm that governs the most comparable regulated situation to a factual set that falls within a legal gap, applicable where neither a directly relevant provision nor a prior contractual arrangement exists.
Analogy of right *Аналогія права*	A subsidiary gap-filling method by which a court resolves a civil dispute by reference to the overarching principles and spirit of civil legislation where no applicable specific norm or analogous provision can be identified.
Autonomy of will *Автономія волі*	The principle that every participant in civil legal relations forms and expresses their intention independently and without external compulsion. It constitutes the rationale for freedom of contract and distinguishes the private law method from the imperative approach of public law.
Civil Code of Ukraine *Цивільний кодекс України*	The primary legislative instrument that codifies Ukrainian civil law, adopted on 16 January 2003, in force since 1 January 2004. Organized in six books, it covers general principles, personal rights, ownership and other real rights, intellectual property, the law of obligations, and succession.

TERM	DEFINITION
Civil law *Цивільне право*	The branch of private law that regulates property relations of an economic character and personal non-property relations arising among juridically equal and autonomous participants. In Ukraine, it is codified in the Civil Code of Ukraine of 2003.
Civil legal capacity *Цивільна правоздатність*	The capacity to hold civil rights and bear civil obligations. In natural persons it arises at birth and is extinguished by death; it is inherent, universal, and may not be waived or restricted by any agreement or unilateral act.
Civil legal relationship *Цивільні правовідносини*	A social relation regulated by civil law norms in which the participating parties stand on an equal legal footing and hold correlative subjective rights and obligations. It comprises three elements: subjects, object, and content.
Civil liability *Цивільно-правова відповідальність*	The obligation imposed by civil law on a person who has committed a civil wrong to bear adverse property consequences – principally the duty to compensate losses and, where stipulated, to pay a contractual penalty – as the primary form of civil law sanction.
Compensation of losses *Відшкодування збитків*	The principal civil law remedy by which a wrongdoer is required to restore the injured party s patrimony in full, covering both the actual reduction in existing assets caused by the wrong and the gains the injured party would have realized had the wrong not occurred.
Dispositiveness *Диспозитивність*	The defining feature of the civil law regulatory method that permits participants to determine the content of their legal relations by agreement within the limits set by mandatory norms, contrasting with the imperative approach under which public law operates.

TERM	DEFINITION
Elements of a civil legal relationship *Елементи цивільних правовідносин*	The three indispensable structural components of every civil legal relationship: the subjects – the identified parties bearing rights and obligations; the object – the material or non-material benefit around which the relationship is organized; and the content – the totality of those rights and obligations.
Freedom of contract *Свобода договору*	A foundational principle of civil law entitling every person to decide whether to enter into a contract, to choose their counterparty freely, and to determine the terms of their agreement, within the boundaries prescribed by mandatory legal norms.
Full civil capacity *Повна цивільна дієздатність*	The capacity to acquire civil rights and assume civil obligations independently through one s own volitional conduct, arising as a general rule at the age of eighteen or earlier upon marriage or judicial grant of emancipation.
Immovable property *Нерухоме майно*	Things that are physically affixed to the land and cannot be relocated without disproportionate damage to their essential purpose, including land plots, buildings, and capital constructions. Transactions concerning immovable property require mandatory state registration to produce effects against third parties.
Intellectual property right *Право інтелектуальної власності*	The complex of rights vesting in the creator of an intellectual or creative work, comprising personal non-property rights – such as authorship and integrity – and transferable property rights – such as reproduction, distribution, and communication to the public.
Juridical equality *Юридична рівність*	The principle that all participants in civil legal relationships possess equal legal standing regardless of their actual economic or social status, so that no party may exercise authority over another merely by virtue of their legal position.

TERM	DEFINITION
Juridical fact *Юридичний факт*	A concrete life circumstance to which civil law attaches the legal consequence of creating, modifying, or terminating a civil legal relationship. Juridical facts are classified as events – arising independently of the parties will – and actions – being products of volitional conduct.
Legal incapacity *Недієздатність*	A court-declared status of complete inability to participate in civil legal relations, applicable to a natural person who, by reason of a severe and chronic mental disorder, is wholly unable to understand their actions or to control their behavior.
Legal obligation *Цивільно-правовий обов'язок*	The legally prescribed measure of conduct that the obliged party in a civil legal relationship is bound to perform in favor of the right-holder. Full and proper discharge of the obligation simultaneously extinguishes both the duty and the correlative subjective right.
Legal entity *Юридична особа*	An organization formed and registered in accordance with the requirements of law that possesses legally separate property, bears independent civil liability, and has standing to sue and be sued in its own name as a full participant in civil legal relationships.
Legal transaction *Правочин*	A voluntary act through which one or more persons deliberately create, modify, or extinguish civil rights and obligations. It is the principal category of lawful juridical act and the foundational instrument of voluntary civil exchange.

TERM	DEFINITION
Movable property *Рухоме майно*	Things that can be physically relocated through space without any damage to their essential character or purpose, and whose ownership may be transferred without state registration unless a specific statute expressly provides otherwise.
Individual *Фізична особа*	Every human being in their capacity as a subject of civil law. A natural person acquires civil legal capacity at birth and exercises civil capacity at a level commensurate with their age and mental health, up to and including full civil capacity at majority.
Object of civil rights *Об'єкт цивільних прав*	A material or non-material good that possesses useful properties satisfying human needs and around which civil legal relationships are organized. Objects of civil rights include things, money, securities, works of intellectual creativity, personal non-material benefits, and services.
Obligation *Зобов'язання*	A civil legal relationship in which one party, the debtor, is legally bound to perform a specified act – or to refrain from a specified act – for the benefit of another party, the creditor, who holds the correlative right to demand that performance.
Personal non-property rights *Особисті немайнові права*	Subjective civil rights inseparably linked to the person of their holder, devoid of direct economic content, and incapable of transfer or alienation to another person. They include the rights to life, health protection, a name, honor and dignity, and inviolability of private life.

TERM	DEFINITION
Principle of good faith *Принцип добросовісності*	A foundational civil law norm requiring every participant to exercise their rights and fulfil their obligations honestly, transparently, and in a manner consistent with the legitimate expectations of other parties. It operates as a general standard of conduct across all stages of a civil legal relationship.
Private law *Приватне право*	The sphere of law that regulates horizontal relations between persons acting in pursuit of their own private interests, in which the parties engage on a basis of juridical equality and dispositiveness, as distinguished from public law, which governs the exercise of governmental authority.
Property rights *Майнові права*	A category of subjective civil rights that carry economic value and arise in relation to materially significant goods. These rights may be transferred between persons either through a legal transaction or by virtue of law. This category encompasses ownership rights, real rights over the property of another person, as well as obligations of an economic nature.
Property law *Право власності*	The most comprehensive real right, granting the owner the legally recognized authority to hold, utilize, and manage property according to their own will, subject to the limitations established by law. This right is absolute in its nature, belongs exclusively to the owner, and is not limited by any specific period of time.
Void transaction *Нікчемний правочин*	A transaction that is invalid from the moment of its purported conclusion by operation of law, without any need for a court declaration, because its content violates a mandatory statutory norm or contravenes the foundations of public order or moral principles.

UNIT 8
CONTRACT LAW OF UKRAINE

8.1. THE CONCEPT OF A CONTRACT
8.2. TYPES OF CONTRACTS
8.3. ESSENTIAL ELEMENTS OF A CONTRACT
8.4. RIGHTS AND OBLIGATIONS OF THE PARTIES
8.5. TASKS
8.6. QUIZ
8.7. GLOSSARY

8.1. THE CONCEPT OF A CONTRACT

Contract law is the body of rules that governs how agreements are made, interpreted, and enforced. In Ukraine, it sits within civil law and is primarily regulated by Books One and Five of the Civil Code (2003), which cover general provisions and the law of obligations.

THE MAIN PRINCIPLES OF UKRAINIAN CONTRACT LAW

1	**Freedom of contract** *Свобода договору*	Parties are free to decide whether to contract, who to contract with, and what to include in their agreement. You cannot be forced into a contract against your will – and you can generally agree on any terms, as long as they do not violate mandatory rules or harm the public interest.
2	**Good faith** *Добросовісність*	Every party must behave honestly and fairly – not just when the contract is being performed, but also during negotiations and after the agreement ends.
3	**Pacta sunt servanda** *Договори повинні виконуватися*	Once a valid contract is formed, both parties are bound by it. This Latin maxim – "agreements must be kept" – sits at the heart of contract law everywhere, and Ukraine is no exception.
4	**Equality of the parties** *Рівність сторін*	When entering a contract, neither party stands above the other. This equality is what separates civil and contract law from public law, where the state acts with. It ensures that contractual rights and duties are shaped by agreement, not by power.

5	**Autonomy of will** *Автономія волі*	Each party forms and expresses their intention without external pressure or dictation. Autonomy of will is what gives contracts their moral force – an agreement is worth honoring because it reflects a genuine free choice.
6	**Dispositiveness** *Диспозитивність*	Contract law mostly operates through default rules – rules that apply unless the parties agree otherwise. Parties can modify, exclude, or supplement these defaults to tailor the contract to their specific needs. Only mandatory norms (imperative rules) cannot be contracted out. This flexibility makes contract law a practical tool for transactions.
7	**Proper performance** *Належне виконання*	An obligation must be performed fully and precisely: the right subject matter, at the right place, in the right manner, the right quantity and quality, and on time. Late or partial performance does not satisfy the obligation and leaves the debtor exposed to legal consequences.
8	**Judicial protection** *Судовий захист*	Every party whose contractual rights are violated has the right to take the dispute to court. Courts can order specific performance, award compensation, declare a contract invalid, or grant other remedies depending on the circumstances.
9	**Non–interference in private affairs** *Неприпустимість свавільного втручання*	The state and third parties may not arbitrarily interfere in contractual relationships between private parties. This principle protects the private sphere of civil transactions from unwarranted external intrusion.

10	**Reasonableness and fairness** *Розумність та справедливість*	Courts and parties alike are expected to act reasonably and achieve outcomes that are just in the circumstances. These concepts function as background standards when interpreting ambiguous clauses, filling gaps, and assessing whether a remedy claimed by a party is proportionate to the harm suffered.

	NB	Contract law answers three practical questions: First: was a valid agreement actually formed? Second: what are the parties' obligations toward each other? Third: what can a party do when the other side does not keep their end of the bargain? The answers to these questions determine whether business dealings are predictable, enforceable, and fair.

	NB	Ukrainian contract law belongs to the civil law tradition. This gives it a systematic, logical structure. The Civil Code sits at the top of the hierarchy. Below it come special laws, collective agreements in commercial contexts, and finally the individual contract itself. Where the contract is silent, the Code fills the gap with default rules – which the parties are usually free to modify.

A CONTRACT (договір) is a civil transaction arising from the coordinated expression of will of two or more parties, directed at creating, modifying, or extinguishing mutual civil rights and obligations – the primary instrument of civil commerce in Ukraine.

CONTRACT | Договір

Civil transaction · Concordant expression of will · Creates / modifies / extinguishes civil rights & obligations

▼ comes into existence through ▼

OFFER *Оферта*	→	ACCEPTANCE *Акцепт*	→	CONTRACT FORMED *Момент укладання*

▼ governed by the foundational principle ▼

FREEDOM OF CONTRACT | Свобода договору

Freely decide whether to contract · Choose counterparty · Determine content · Respect mandatory norms

STAGE	HOW A CONTRACT IS FORMED – STEP BY STEP	
Step 1	**Negotiations** *Переговори*	The parties discuss the potential deal. At this stage there is no binding obligation, but both sides must act in good faith – deliberately stringing someone along with no intention to contract can lead to liability for pre-contractual fault.
Step 2	**Offer** *Оферта*	One party makes a definite, sufficiently clear proposal that includes all the essential terms of the intended contract. The offer must express the offeror's genuine intention to be bound upon acceptance. It may be revoked before acceptance, unless it specifies a binding period.
Step 3	**Acceptance** *Акцепт*	The other party agrees completely and unconditionally to the offer. The acceptance must mirror the offer exactly – any deviation, however small, turns the response into a counter-offer and restarts the process. Silence is not, as a general rule, acceptance.

Step 4	**Contract formation** *Укладення договору*	The contract is formed the moment the offeror receives the valid acceptance. For real contracts (e.g. a loan), formation also requires the physical transfer of the subject matter. For contracts that need notarization or state registration, formation occurs at that step.
Step 5	**Form compliance** *Дотримання форми*	Some contracts must follow a prescribed form to be enforceable. A sale of land must be notarized. Long-term leases must be state-registered. Failure to observe mandatory form can render the contract void or limit the parties' evidential options in a dispute.

8.2. TYPES OF CONTRACTS

Ukrainian civil law recognizes an extensive taxonomy of contractual types, distinguished by subject matter, internal structure, manner of formation, and the allocation of burdens between the parties. Each type carries its own default statutory rules governing performance, remedies, and termination.

CONSENSUAL *Консенсуальний договір*	**REAL** *Реальний договір*	**NOTARIZED** *Нотаріальна форма*
• Formed on agreement alone • Offer received + Acceptance given • No transfer of property needed • Example: lease, services	• Formed only on physical transfer • Agreement alone insufficient • Contract exists from handover • Example: loan of money	• Notary verifies identity & capacity • Mandatory: real estate, mortgage, life annuity, specified by statute • + State registration for 3rd–party effect

▼ forms of contract in ascending formality ▼

ORAL *Усна форма*	→	**SIMPLE WRITTEN** *Проста письмова*	→	**NOTARIZED WRITTEN** *Нотаріальна*	→	**STATE REGISTRATION** *Державна реєстрація*

NB: FAILURE to observe a mandatory form renders the contract VOID or limits parties to documentary evidence only – no witness testimony permitted

CONTRACT CATEGORIES

BY ECONOMIC STRUCTURE	BY PARTY STRUCTURE
ONEROUS (відплатний) *Each party gives & receives value* Both parties exchange value: goods ↔ money, services ↔ fee. Example: contract of sale. **GRATUITOUS (безоплатний):** *One–directional benefit only*. Example: donation – donor receives nothing.	**BILATERAL (двосторонній)** *Both parties bear obligations* Each party is simultaneously creditor and debtor of the other. Example: construction contract. **UNILATERAL (одностороннє зобов'язання):** *Only one party bears a performance duty.* Example: promissory note.

PUBLIC CONTRACT (публічний)	CONTRACT OF ADHESION (приєднання)
Entrepreneur in public activity must contract with every applicant on uniform published terms. Example: utility, retail, transport.	Terms pre-printed by one party; other party accepts whole or not at all. No individual negotiation. Example: mobile phone T&Cs.

PRELIMINARY CONTRACT: binds parties to conclude a principal contract within a set period · Court may order compulsory execution if one party refuses

CONTRACT FOR BENEFIT OF THIRD PARTY: performance goes to a named third party who acquires an independent right to demand it · Example: life insurance beneficiary

CONTRACTS INVOLVING TRANSFER OF PROPERTY RIGHTS

TRANSFER OF OWNERSHIP | Перехід права власності

Contracts under which a party acquires title – not merely use – of the subject matter

SALE (купівля–продаж)	GIFT (дарування)	BARTER (міна)
• Seller → transfers ownership • Buyer → pays agreed price • Onerous · Bilateral · Consensual • Most common commercial contract	• Donor → transfers property • No counter–performance required • Gratuitous · Unilateral • Often requires notarization	• Each party transfers ownership of a different asset to the other • No money primary medium • Top-up cash where values differ

SUPPLY CONTRACT (поставка)	LIFE ANNUITY (довічна рента)
Supplier (entrepreneur) → delivers goods for buyer's business purposes. Quantity, assortment, quality & schedule are core terms. Typically, periodic delivery.	Recipient transfers property to payer; payer makes regular periodic payments for the recipient's natural lifetime. Terminates automatically at recipient's death.

CONTRACTS FOR USE, SERVICES & WORK

LEASE (оренда)	CONTRACT OF WORK (підряд)	SERVICES (надання послуг)
• Lessor → temporary use of asset • Lessee → pays rent • No ownership transfer • Asset returned at end of term • Onerous · Bilateral · Consensual	• Contractor → performs specified work and delivers tangible result • Client → accepts & pays price • Result (not process) matters • Example: construction, renovation	• Provider → performs service • Client → pays agreed fee • No tangible material result produced • Process/effort is the subject matter • Example: legal advice, consulting

WORK vs SERVICES	LOAN vs CREDIT
CONTRACT OF WORK – result–oriented: Contractor produces a tangible outcome (a building, a document, a product). Client pays for the result. SERVICES CONTRACT – effort–oriented: Provider performs an activity Client pays for the performance itself, regardless of outcome.	LOAN: REAL contract – formed on handover Any lender (not just a bank) May be interest–free CREDIT CONSENSUAL – formed on agreement Bank/licensed institution only Always interest–bearing · Secured

AGENCY, COMMISSION & COMPLEX CONTRACTS

AGENCY (доручення)	COMMISSION (комісія)
Agent acts IN THE NAME of principal. All legal effects vest directly in principal. Agent is a transparent intermediary. Example: solicitor concludes lease in owner's name → owner is the party.	Agent acts IN OWN NAME but on Principal's account. Agent is party to 3rd–party contract. Principal gets benefit; agent remits proceeds. Example: art gallery sells in own name, remits proceeds (less commission) to owner.

INSURANCE (страхування)	GUARANTEE (порука)	FRANCHISE (концесія)
• Insurer pays on insured event • In exchange for premium • Indemnity to insured or beneficiary • Example: vehicle insurance	• Guarantor answers for debtor's default • Personal obligation to creditor • Triggered by debtor's non–payment • Example: parent guarantees mortgage	• Right–holder grants complex of rights • Trademark, know–how, reputation • User pays upfront fee + royalties • Example: restaurant chain franchise

JOINT ACTIVITY (спільна діяльність)	FRAMEWORK CONTRACT (рамковий договір)
Parties pool contributions (money, property, expertise, effort) to pursue a shared goal without creating a legal entity. Profits/losses shared by contribution ratio.	Sets principles & conditions for future individual orders / transactions. No immediate enforceable duty to perform. Example: annual distribution framework.

MIXED CONTRACT: combines elements of two or more codified types – rules of each component type apply to its element | **ATYPICAL CONTRACT**: valid under freedom of contract if content lawful

8.3. ESSENTIAL ELEMENTS OF A CONTRACT

A contract comes into existence only upon the parties reaching full agreement on every material term, namely the object of the contract, the terms identified as mandatory by the relevant legislation for that particular type of agreement, and any further terms that either of the contracting parties considers to be of essential importance.

CONTENT OF A CONTRACT | Зміст договору
Totality of terms defining each party's rights and obligations

ESSENTIAL TERMS (CONDITIONS) *Істотні умови*	ORDINARY TERMS *Звичайні умови*	ACCIDENTAL TERMS *Випадкові умови*
• Must be agreed – contract cannot be formed without them: • 1. Subject matter (always) • 2. Terms declared essential by statute • 3. Terms either party designates essential → Absence = no binding contract	• Apply by operation of law as statutory default rules. • Need not be stated in the agreement. • Parties may vary or exclude them. → Silence = statutory rule applies • Example: seller bears packaging costs	• Neither required by law nor typical of the contract type. • Included only by parties' choice to supplement or adjust defaults. → Silence = term does not apply • Example: free delivery for 12 months

SUBJECT MATTER (предмет договору) is always essential – must identify with sufficient precision what each party must do, deliver, or refrain from doing

CONTRACT VALIDITY | Умови дійсності договору

All four conditions must be satisfied simultaneously – failure of any one renders the contract void or voidable

1. LAWFUL CONTENT *Законний зміст*	2. LEGAL CAPACITY *Дієздатність*	3. FREE EXPRESSION OF WILL *Вільне волевиявлення*	4. CORRECT FORM *Дотримання форми*
Terms must not violate mandatory norms or public order. illegal purpose = void	Each party must have capacity at time of signing. Natural persons: age + mental competence. Legal persons: act within registered objects.	Consent must be free – no fraud, duress, mistake, or undue influence. Defect of will: → contract voidable at affected party's request	Oral, simple written, or notarized written, as required by law. Wrong form: → void, or limited evidential options only

INVALIDITY (недійсність):
void (нікчемний) = invalid by operation of law from the outset;
voidable (оспорюваний) = valid until annulled by court at party's application

FORM, REGISTRATION & PRE–CONTRACTUAL GOOD FAITH

FORM REQUIREMENTS

ORAL – permitted for most low–value everyday transactions.
SIMPLE WRITTEN – required above prescribed monetary threshold; surety, insurance, credit agreements.
NOTARIZED – real estate sales, mortgages, life annuity, other specified by statute.
STATE REGISTRATION – prerequisite for 3rd–party effect: long leases of property, mortgage over immovables

STANDARD TERMS & ELECTRONIC CONTRACTS

STANDARD TERMS:
Pre-formulated for repeated use; courts may set aside manifestly unfair consumer clauses.
ELECTRONIC CONTRACT:
Valid if parties can be identified & content fixed and retrievable.
E-signature equivalent to handwritten where statute permits.
INTERPRETATION: Literal → whole–contract context → commercial purpose of transaction.

GOOD FAITH IN NEGOTIATION | Добросовісність на стадії переговорів

Duty to disclose material information ·
No deliberate misrepresentation ·
No bad–faith abandonment of advanced negotiations

PRE–CONTRACTUAL LIABILITY: a party that induces reasonable reliance and then breaks off negotiations without cause may owe compensation for wasted preparatory expenditure

8.4. RIGHTS AND OBLIGATIONS OF THE PARTIES

The mutual rights and obligations arising from a contract define the legal relationship from formation through to termination. This section maps performance, breach, remedies, and the mechanisms by which obligations are modified, transferred, and extinguished.

PERFORMANCE – STANDARDS, TIME & PLACE

PROPER PERFORMANCE | Належне виконання

Must conform as to: subject matter · quantity · quality · manner · place · time – all six simultaneously

PROPER PERFORMANCE *Належне виконання*	PARTIAL PERFORMANCE *Часткове виконання*	DEFECTIVE PERFORMANCE *Неналежне виконання*
• Full conformity with all terms • Discharges debtor completely • Satisfies creditor's right • Contract terminated by performance	• Only a portion of obligation discharged • Does NOT extinguish remainder • Creditor may accept without waiving • right to balance + damages for shortfall	• Delivered on time but non-conforming • Wrong quality, quantity, or specification • Constitutes breach → remedies available • Repair / replace / price reduction

TIME OF PERFORMANCE (Строк виконання)	PLACE OF PERFORMANCE (Місце виконання)
Fixed date agreed → late payment = breach from that date; default interest accrues. No date agreed → reasonable period having regard to nature of obligation. CREDITOR'S DEFAULT Creditor fails to facilitate debtor's tender → risk of accidental loss shifts to creditor.	Specified in contract → debtor must tender there; other locations do not satisfy. Not specified → STATUTORY DEFAULTS: Monetary obligation → creditor's address obligation to transfer movable thing → debtor's address at time of creation Other obligations → debtor's address.

BREACH OF CONTRACT & REMEDIES

BREACH OF CONTRACT | Порушення договору

Non–performance · Defective performance · Late performance – each entitles innocent party to available remedies

COMPENSATION OF LOSSES *Відшкодування збитків*	CONTRACTUAL PENALTY *Неустойка*	SPECIFIC PERFORMANCE *Право вимагати виконання*
• Primary remedy for breach • ACTUAL LOSS – direct asset reduction • LOST PROFIT – gain foregone • Causation + quantum must be proved • Available alongside penalty (usually)	• FINE (штраф) – fixed lump sum or % • of value; payable once on breach • PENIA (пеня) – daily % on overdue sum; accrues continuously until paid • Pre-agreed; no proof of loss needed	• Creditor may demand court order compelling debtor to perform in specie (delivery / payment / act) • Supplement / alternative to damages • Not available where personal in nature

RIGHT OF RETENTION (Притримання)	FORCE MAJEURE (Форс-мажор)
Real security without contract	*Irresistible force – beyond parties' control*
Creditor lawfully holding debtor's property may retain it until monetary obligation paid. No contractual provision needed. Example: repair shop retains vehicle until invoice for labor and parts is settled.	Events not foreseeable at contracting: armed conflict, natural disaster, pandemic. Generally, excuses non–performance during the period of operation. Must be notified promptly; does not cancel obligation – merely suspends liability.

MODIFYING & EXTINGUISHING CONTRACTUAL OBLIGATIONS

SET–OFF (Зарахування)	NOVATION (Новація)	RESCISSION (Розірвання)
Mutual cancellation of debts	*New obligation replaces old*	*Termination for material breach*
• Two parties each owe the other homogeneous obligations • Unilateral declaration cancels both to the extent they coincide • Remainder payable by party with the larger outstanding balance	• Old obligation extinguished • New obligation of different subject matter / character assumed • Requires parties' agreement • Example: money debt → goods delivery	• Innocent party may terminate for material breach by the other • By court order or unilateral notice (where permitted by contract/law) • Releases both parties going forward; • damages for past breach survive

ASSIGNMENT OF CLAIM (Цесія)	TRANSFER OF DEBT (Переведення боргу)
Assignor → Assignee steps into creditor's shoes	*New debtor substitutes original*
Creditor (assignor) transfers claim to third party (assignee) without debtor's consent – notice to debtor is sufficient. Assignee becomes new creditor. Example: supplier assigns invoice to factoring company; buyer pays factor.	Original debtor replaced by new debtor. CREDITOR'S CONSENT IS REQUIRED Original debtor fully released on valid transfer. Example: company sale – buyer assumes seller's trade payables with each creditor's written consent.

TERMINATION routes: proper performance · mutual agreement rescission for breach · frustration by supervening impossibility · expiry of term · operation of law

8.5. TASKS

Grammar focus in the context of Ukrainian Contract Law: **modal verbs (can, may, must, be to, have to, shall, should).**

GRAMMAR REVIEW

Modal Verb	Core Meaning	Contract Law Example
can	*ability; legal capacity*	A natural person can conclude a contract from the age of full civil capacity.
may	*permission; option; right*	The party may withdraw from negotiations before a binding offer is accepted.
must	*absolute obligation (duty imposed)*	The purchaser must pay the contract value before ownership is transferred.
have to	*external obligation (imposed by law)*	A real estate sale contract has to be notarized and entered in the State Register.
be to	*scheduled / formally imposed duty*	The parties are to execute the formal bill of sale within sixty days of this preliminary agreement.
shall	*binding contractual obligation*	The vendor shall convey the goods free of any encumbrances or third–party claims.
should	*recommendation; best practice*	Contracting parties should include a force majeure clause in long–term supply agreements.

KEY CONTRASTS: OBLIGATION STRENGTH

MUST VS. SHOULD

must: binding obligation – non–compliance = breach of contract.
should: advisory – non–compliance is NOT automatically a breach.
EXAMPLE: The contractor must complete by 3 March. → breach if late. The contractor should complete by 3 March. → ambiguous; possibly not a breach.

SHALL VS. WILL (IN CONTRACT DRAFTING)

shall: binding contractual duty of a named party – The vendor shall transfer ownership.
will: factual prediction or future statement – Payment will be made by bank transfer.
*NB: Use **shall** for obligations; **will** for facts. Mixing them causes legal ambiguity.*

MUST NOT VS. DO NOT HAVE TO

must not: PROHIBITION – the act is forbidden.
do not have to: NO OBLIGATION – the act is optional, not forbidden.
EXAMPLE: The agent must not accept bribes. (forbidden). The agent does not have to provide receipts for minor expenses. (optional, not forbidden).

MAY VS. CAN (IN FORMAL DRAFTING)

may: formal legal permission – preferred in contract clauses.
can: ability or informal permission – used in legal commentary and spoken explanation.
*NB: Always use **may** in written contract clauses; reserve **can** for informal explanation.*

STANDARD CONTRACT CLAUSE PATTERNS

OBLIGATION CLAUSES (SHALL / MUST / BE TO):

The Seller shall deliver the Consignment within 7 days after receiving the purchase order.
The Borrower must pay interest on the dates set out in Schedule 1.
The construction is to be completed by the Completion Date defined in Clause 5.

PERMISSION CLAUSES (MAY / CAN):

Each party may rescind this agreement...
The consultant may engage subcontractors with the prior formal approval of the firm.

PROHIBITION CLAUSES (MUST NOT / SHALL NOT / CANNOT):
The employee must not disclose confidential information after employment.
The licensee shall not assign rights under the agreement without the licensor's consent.
RECOMMENDATION / SOFT OBLIGATION (SHOULD):
The parties should attempt to seek a negotiated resolution before commencing arbitration.
NB: Replace "should" with "shall" if you intend a binding obligation to negotiate first.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY AND CLASSIFY MODAL VERBS IN A CONTRACT EXTRACT

Read the contract extract below. Underline every modal verb. For each one, state: a) its grammatical form, b) the meaning it expresses (obligation / permission / ability / recommendation / scheduled duty), and c) which party it binds.

TEXT: The vendor shall transfer legal ownership of the goods on the day the payment is completed. The customer must carry out an inspection of the items no later than three business days after they are delivered. Both parties may direct any unresolved dispute to arbitration. A legal representative can act on behalf of either party, as long as a notarized proxy has been granted. The parties are to sign the completion certificate within five working days of handover. Parties should retain all written communications for the duration of the contract.

• *List every modal verb with its function, e.g. shall → binding obligation on vendor.*

• State which modals create the strongest obligations and which the weakest.
• Identify any modal that could be replaced by "be to" without changing legal meaning – and explain why.
NB: In contract drafting, "shall" imposes a binding duty; "may" creates a right or option; "must" signals an absolute requirement. These distinctions have direct legal consequences.

Task 2
Reading
ANALYSE

COMPARE OBLIGATION STRENGTH ACROSS FOUR CONTRACT CLAUSES

Read the four clauses below. Analyze the modal verbs used. Explain how each modal changes the legal effect of the clause – and identify which clause, if breached, gives the innocent party the clearest right to compensation.

CLAUSE A: The supplier should deliver the goods by 1 March.
CLAUSE B: The supplier shall deliver the goods by 1 March.
CLAUSE C: The supplier must deliver the goods by 1 March.
CLAUSE D: The supplier is to deliver the goods by 1 March.

• Rank the four clauses from weakest to strongest obligation – and justify your ranking.
• Which clause(s) create a binding term? Which is advisory only?
*• Rewrite Clause A using **must, have to,** and **shall** – explain each change.*
• In which clause could the buyer most easily sue for breach? Why?
***NB:** Note that Clauses B, C, and D all impose binding obligations – but their stylistic register differs. **Be to** (Clause D) is typical of formal scheduled performance; **shall** (Clause B) is the standard contract drafting choice; **must** (Clause C) often signals non–negotiable requirements.*

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: MODAL VERBS IN CONTRACT CONTEXTS

Listen to audio recording #8 and write the missing word – the modal you hear and classify it: obligation (o), permission (p), ability (a), recommendation (r), or scheduled duty (s).

1. A party _____ withdraw from an offer before the offeror receives acceptance.
2. The vendor _____ transfer ownership free of all encumbrances.
3. A notarial contract _____ be certified by a licensed notary.
4. Parties _____ freely determine the content of their agreement.
5. The completion certificate _____ be signed within five working days of handover.
6. The borrower _____ repay the principal and interest by the agreed date.
7. Either party _____ request a copy of any document held by the other.
8. The commission agent _____ account to the principal for all proceeds received.
9. Parties _____ include a dispute–resolution clause in long–term agreements.
10. A legal representative _____ present a valid notarized power of attorney.

• *Compare your answers with a partner. For each gap, discuss whether a different modal could fit – and whether the change would alter the legal meaning.*

NB: Note how sentences 2, 6, and 8 use different modal verbs to express obligation – discuss the contextual differences between must, shall, and have to.

Task 4
Listening
EVALUATE

LISTEN, ASSESS AND CORRECT: ADVISING A CLIENT ON CONTRACT OBLIGATIONS

Listen to a 2–minute role–play in which a law student advises a client about their obligations under a contract of sale. Evaluate the accuracy of the legal content and the modal verb choices. Write corrections for any errors.

- *Note at least three correct uses of modal verbs – both grammatically and legally accurate.*
- *Identify at least two errors: a modal verb used with the wrong legal meaning, or an incorrect statement of contract law.*
- *Write one improved sentence for each error, correcting it precisely.*
- *Discuss: could a client misunderstand their obligations or rights because of an incorrect modal?*

NB: E.g. a student deliberately says: "You can pay within seven days"; "you should sign the notarized deed"; "the seller may deliver five days." Students must identify and correct mistakes.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DEFINE EACH MODAL VERB AND GIVE A CONTRACT LAW EXAMPLE

For each of modal verbs in the grammar table (can, may, must, have to, be to, shall, should), state its core legal meaning aloud and give one original sentence drawn from contract law.

- *State the modal clearly: Shall is used to impose a binding contractual obligation on a named party...*
- *For each modal, use at least one glossary term in your example sentence (e.g. offer, acceptance, vendor, purchaser, breach, obligation, performance).*

• *Aim for 2–3 minutes. Record yourself or speak to a partner.*
• *For at least two modal verbs, mention the negative form and its legal effect – e.g. must not, shall not, may not.*
*NB: Pay attention to negatives – **must not** (prohibition) and **do not have to** (no obligation) are opposites. Similarly, **shall not** in contract drafting creates a firm prohibition, not simply an absence of duty.*

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE–PLAY: NEGOTIATING A SUPPLY CONTRACT USING MODAL VERBS

Role–play a contract negotiation between a supplier (Student A) and a buyer (Student B). The scenario: negotiating delivery dates, payment terms, and a penalty clause for late delivery. Each student must use at least five different modal verbs naturally during the exchange.

• *Supplier: propose terms using **shall** and **must** for your obligations.*
• *Buyer: negotiate flexibility using **may** and **can** for your rights.*
• *Both: use **should** for recommendations and **have to** for statutory requirements.*
• *Switch roles after 3 minutes.*
Sample opening: Under this agreement, the supplier shall deliver the first consignment by 15 April. However, the buyer may request a seven–day extension provided written notice is given...
*NB: In real negotiations, **shall** is preferred over **must** in contract text because it signals a binding obligation without sounding accusatory. **May** is preferred over **can** in formal contract language as it conveys a legal right rather than a physical ability.*

Task 7
Speaking – Monologue
APPLY

PRESENT A CONTRACT DISPUTE USING MODALS TO IDENTIFY BREACH

You are a student lawyer presenting a contract dispute to your study group. ***The scenario: a vendor failed to deliver goods on the agreed date; the buyer had already arranged a resale contract that fell through as a result.*** *Describe each party's obligations using modal verbs and explain who breached what.*

- *State what each party was obliged to do: Under the agreement, the vendor... / the buyer...*
- *State what each party may now claim: The buyer may bring a claim for ...*
- *Use at least five different modal verbs in context: shall, must, may, can, be to, have to.*
- *Speak for 2–3 minutes without reading from notes.*

NB: Use glossary terms: offer, acceptance, breach, damages (compensation of losses), obligation, proper performance, contractual penalty. Remember: ***shall*** *and* ***must*** *in the original contract become* ***was to*** *or* ***had to*** *when reporting past contractual obligations.*

Task 8
Speaking – Debate
ANALYSE

DEBATE: DOES THE CHOICE OF MODAL VERB IN A CONTRACT CLAUSE MATTER IN COURT?

Hold a structured mini–debate. Position A: the precise choice of modal verb in contract drafting has significant legal consequences – courts treat shall, must, may, and should differently. Position B: in practice, courts look at the mutual intent of the parties – the exact modal verb is rarely decisive.

- *Each student argues their position for 120 seconds, then responds to the other's argument.*

• *Use evidence from the grammar table and the glossary (e.g. freedom of contract, breach of contract, proper performance).*
• *Reference at least four modals – shall, must, may, should – in your arguments.*
• *Use discourse markers: However..., On the other hand..., It could be argued..., Evidence suggests...*
*NB: Compare how common law jurisdictions (UK, USA) increasingly avoid **shall** in drafting as ambiguous, preferring **must** for obligations and **will** for predictions – versus Ukrainian civil law where **shall** remains the standard drafting convention for binding obligations.*
Post-debate reflection. Answer individually after the debate: Which argument from either side did you find most convincing? Why?

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY WITH MODAL VERBS IN DEFINITION AND EXAMPLE

Choose one term from the glossary (e.g. offer, acceptance, counter–offer, freedom of contract, breach of contract, force majeure). Write a complete glossary entry: English term, Ukrainian equivalent, a two–sentence definition, and two example sentences – each using a different modal verb.

• *Definition: use at least one modal – e.g. the party making an offer may rescind it at any time before...*
• *Example 1: use **shall** or **must** to illustrate an obligation.*
• *Example 2: use **may** or **can** to illustrate a right or an option.*

• *After each modal, write in brackets its function: [obligation] / [permission] / [ability] / [recommendation].*
• *Check consistency: if your definition uses* ***shall****, your example should use it within the same legal meaning.*

NB: Do not use ***should*** *and* ***shall*** *interchangeably in a glossary entry.* ***Should*** *is advisory – it signals good practice.* ***Shall*** *is mandatory – it creates a legally enforceable duty. A glossary that confuses the two would be legally misleading.*

Task 10
Writing
APPLY

DRAFT A SHORT CONTRACT CLAUSE USING MODAL VERBS CORRECTLY

Draft a contract clause of 100–130 words for the following scenario: a law firm engages an IT company to develop a case–management software system. The clause must cover: the developer's obligations, the client's obligations, the right to terminate, and a confidentiality requirement.

SCENARIO: The IT company will build the software in accordance with the agreed specifications. The law firm will pay in three instalments. Each of the parties may terminate the agreement on 30 days written notice. All client data must be kept strictly confidential.

• *Use* ***shall*** *for at least two obligations of the developer.*
• *Use* ***may*** *for at least one right (e.g. termination).*
• *Use* ***must*** *for at least one absolute requirement (confidentiality; data protection).*
• *Use should for one recommendation (e.g. testing procedures; back–up protocols).*
• *Underline every modal verb in your finished clause.*

NB: Legal drafting tip – avoid mixing ***shall*** *and* ***will*** *without purpose. Use* ***shall*** *for obligations;* ***will*** *for statements of fact or future prediction. Mixing them confuses the legal effect of each clause.*

Task 11
Writing
EVALUATE

ASSESS AND CORRECT THREE POORLY DRAFTED CONTRACT CLAUSES

Read the three draft clauses below. For each one, evaluate: 1) is the modal verb legally appropriate? 2) does the modal correctly express obligation, permission, or recommendation? 3) what legal risk does an incorrect modal create? Write a 150–word evaluation and rewrite all three clauses.

CLAUSE 1: The buyer should discharge the complete sum within five days of delivery.
CLAUSE 2: The vendor may send the products in the quality agreed in the specification.
CLAUSE 3: Either party can end this contract instantly for any reason or no reason at all.

• *For each clause: is the modal too strong, too weak, or entirely wrong? Why?*
• *Which clause is most dangerous if used in a real commercial contract – and for which party?*
• *Rewrite all three using the most legally precise modal for each obligation, right, or prohibition.*

NB: Clause 1 error: should suggests a recommendation, not a binding payment obligation – shall or must is required. Clause 2 error: may implies the vendor has a choice as to quality – the correct modal is shall (obligation to deliver conforming goods). Clause 3 may be acceptable but without reason risks being struck out as contrary to good faith.

Task 12
Writing
CREATE

DESIGN A MODAL VERBS QUICK REFERENCE CARD FOR COLLEGE STUDENTS

Create a one–page reference card in English introducing modal verbs in contract law to college students. Include: the meaning of each modal in contract contexts, one contract clause example for each, a warning box with the three most common errors, and one Ukrainian legal–translation note.

• Use clear, accessible language – assume no prior grammar knowledge.
• For each of the seven modals, provide: meaning + one contract sentence using a glossary term.
• Include a common errors box with at least three mistakes students typically make – e.g.: using ***should*** *instead of* ***shall*** *in a binding obligation clause; treating may and can as identical in formal contract language.*
• Add one Ukrainian translation note: which Ukrainian legal phrases best correspond to shall, must, and may in the Civil Code of Ukraine.
• End with a ***Did you know****? fact: how Ukrainian contract law reflects the principle of contract's freedom – and which modal verb best expresses this principle.*
NB: Plain–language legal writing is a professional skill. Every sentence on your card should answer: What must / may / should a contracting party do here?

8.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which modal verb creates a BINDING contractual obligation in Ukrainian contract law?
a) Should;
b) Can;
c) Shall;
d) Might.

2. The vendor _____ deliver the goods free of any defects. – Which modal correctly completes this clause as a binding duty?
a) should;
b) shall;
c) can;
d) may.

3. Which sentence correctly uses may in a contract law context?
a) The buyer may must pay within five business days;
b) Either party may refer any dispute to arbitration;
c) The vendor may shall deliver conforming goods;
d) The contract may is formed at the moment of payment.

4. What is the key legal difference between must and should in contract drafting?
a) Must is past tense; should is present tense;
b) Must imposes a strict, binding obligation; should is advisory only;
c) Must is used only in criminal law; should is used in civil law;
d) Should is stronger than must in formal contract language.

5. A sale of immovable property _____ be notarized and registered in the State Register. Which modal reflects this external legal requirement?

a) should;
b) can;
c) has to;
d) may.

6. Which modal verb expresses a PERMISSION or OPTION granted to a party under a contract?

a) Must;
b) Shall;
c) Have to;
d) May.

7. The clause "The parties are to execute the deed of sale within sixty days" uses which modal structure:

a) have to;
b) be to;
c) shall;
d) should.

8. Which clause is INCORRECTLY drafted because the modal verb misrepresents the legal obligation?

a) The seller shall transfer ownership upon full payment;
b) The buyer should pay the contract price within five days;
c) Either party may terminate with 30 days written notice;
d) A legal representative must present a notarised power of attorney.

9. In Ukrainian contract law, which modal best translates the statutory phrase зобов'язаний виконати (obliged to perform):

a) can;
b) may;
c) should;
d) must / shall.

10. A party can conclude a contract if they possess full civil capacity. What does can express here?

a) A formal scheduled obligation;
b) A binding contractual duty;
c) A legal ability or capacity;
d) An advisory recommendation.

11. Contracting parties should include a force majeure clause in long–term supply agreements. What does should express?

a) A binding legal requirement;
b) An advisory recommendation or best practice;
c) A scheduled formal duty imposed by statute;
d) A past legal obligation that was not performed.

12. Which sentence correctly uses *have to* to reflect an EXTERNAL statutory requirement?

a) The contract have to be fair to both parties;
b) A notarized contract has to be certified by a licensed notary;
c) The parties have to may agree on all essential terms;
d) The vendor have to delivers the goods on Monday.

13. In formal contract drafting, shall is preferred over will when:

a) referring to uncertain future events;
b) expressing a binding promise or obligation of a named party;
c) making a general factual statement about the applicable law;
d) describing events that have already been performed.

14. The offeror must communicate the offer in writing. Can must be replaced by have to without changing the legal meaning?

a) No – must and have to are always legally different in contract English;
b) Yes – both express obligation; the meaning is essentially the same;
c) No – have to is informal and cannot appear in written contracts;
d) Yes – but only when must refers to a future obligation.

15. Which modal correctly completes this prohibition clause: Neither party _____ assign its rights under this agreement without prior written consent of the other party?

a) may not;
b) should not;
c) cannot really;
d) shall not.

16. Under the principle of freedom of contract, which modal best expresses a party's right to choose whether to conclude a contract:

a) shall – parties shall conclude contracts as directed by law;
b) must – parties must exercise their contractual freedom;
c) may – parties may freely decide whether to enter into an agreement;
d) have to – parties have to contract with anyone who makes an offer.

17. Which sentence contains a GRAMMAR ERROR in modal verb use?

a) The vendor shall deliver the goods by the agreed date;
b) Either party may terminate the contract upon written notice;
c) The buyer must to pay within five business days;
d) A legal entity can hold rights and enter into contracts.

18. A contract clause states: The commission agent should account to the principal within ten days. A lawyer reviewing this clause should recommend changing should to:

a) can – to give the agent flexibility;
b) must – to create a binding accounting obligation;
c) may – to give the agent a right to account if they wish;
d) will – to predict that the agent will account.

19. Which modal verb pair correctly distinguishes PERMISSION from OBLIGATION in a contract clause?

a) The buyer may inspect the goods / The seller must deliver conforming goods;
b) The buyer shall inspect / The seller should deliver;
c) The buyer can inspect / The seller can deliver;
d) The buyer should inspect / The seller may deliver.

20. A force majeure clause states: The affected party should notify the other party within five days. A lawyer should recommend changing should to must because:

a) should creates an absolute prohibition on late notification;

b) should is advisory only – failing to notify on time may result in losing the right to invoke force majeure;

c) must is weaker than should in contract language;

d) should and must are interchangeable in force majeure clauses.

ANSWER KEY

Q1: c	**Q2: b**	**Q3: b**	**Q4: b**	**Q5: c**	**Q6: d**	**Q7: b**	**Q8: b**	**Q9: d**	**Q10: c**
Q11: b	**Q12: b**	**Q13: b**	**Q14: b**	**Q15: d**	**Q16: c**	**Q17: c**	**Q18: b**	**Q19: a**	**Q20: b**

NB *Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision*

8.7. GLOSSARY

TERM	DEFINITION
Acceptance *Акцепт*	An unconditional and complete agreement by the addressee of an offer to enter into a contract on the exact terms proposed by the offeror. Any modification of the offer's terms by the purported acceptor transforms the response into a counter-offer rather than a valid acceptance.
Assignment of a claim *Відступлення права вимоги (цесія)*	The transfer by which a creditor (assignor) conveys their right to claim performance from a debtor to a third party (assignee), without requiring the debtor's consent but subject to notification. Following assignment, the assignee acquires the full status and entitlements of the original creditor.
Bilateral contract *Двосторонній договір*	A contract in which each party simultaneously takes on enforceable obligations toward the other, each party thus occupying the dual role of creditor and debtor with respect to their own and their counterpart's obligations.
Breach of contract *Порушення договору*	The failure of a contracting party to fulfil all or part of their obligations in the agreed manner, whether through complete non-performance, defective performance, or performance rendered outside the agreed time or place. Any such failure entitles the non-defaulting party to invoke applicable remedies.
Capacity to contract *Дієздатність для укладення договору*	The legal ability of a party to enter into a contract and be bound by its terms. Natural persons must hold at minimum partial civil capacity; legal persons must act within their statutory or registered purposes through properly authorized representatives.

TERM	DEFINITION
Compensation of losses *Відшкодування збитків*	The primary contractual remedy obliging the party in breach to restore the financial position of the aggrieved party by covering both actual losses suffered (diminution of existing assets) and profits lost as a direct consequence of the non-performance or defective performance.
Consensual contract *Консенсуальний договір*	A contract that comes into legal existence and becomes binding the moment the parties reach agreement on all essential terms, without any requirement for a physical transfer of property or any other act of performance as a condition of formation.
Contract *Договір*	A civil legal transaction through which two or more parties express their concordant will, directed at the deliberate establishment, alteration, or termination of mutual civil rights and obligations. It is the principal instrument of voluntary civil exchange under Ukrainian law.
Contract of agency *Договір доручення*	A contract under which the agent is authorized to perform specified legal acts on behalf of and in the name of the principal; the legal consequences of all such acts fall directly upon the principal as though they had acted personally.
Contract of guarantee *Договір поруки*	A contract in which the guarantor assumes a personal secondary obligation to the creditor to satisfy the principal debtor's obligation in full or in part should the debtor fail to perform when due, making the guarantor and debtor jointly and severally liable unless agreed otherwise.

TERM	DEFINITION
Contract of lease *Договір оренди*	A contract under which the lessor grants the lessee the right to possess and use a defined asset for a specified period in return for the payment of rent, with the lessee obliged to preserve the asset and return it in its original condition upon expiry of the lease term.
Contract of sale *Договір купівлі-продажу*	A contract by which the seller undertakes to transfer ownership of goods or a property right to the buyer, who correspondingly undertakes to accept the subject matter and pay the agreed purchase price.
Contract of work *Договір підряду*	A contract whereby the contractor undertakes to carry out and deliver a defined tangible result of work to the client, who undertakes to accept the completed result upon delivery and to pay the agreed contract price.
Contractual obligation *Договірне зобов'язання*	A civil legal relationship that arises from a contract and in which the debtor is legally bound to perform a specified positive act – or to refrain from a specified act – for the benefit of the creditor, who holds the correlative right to demand that performance.
Contractual penalty *Неустойка*	A sum expressly stipulated in a contract as payable by the party in default upon non-performance or defective performance of an obligation, functioning simultaneously as pre-agreed liquidated compensation and as a contractual incentive for timely and proper fulfilment.
Counter-offer *Зустрічна оферта*	A response to an offer that expresses conditional agreement while introducing altered or additional terms; by operation of law, it simultaneously rejects the original offer and makes a fresh proposal, which the original offeror may accept or decline.

TERM	DEFINITION
Essential terms (conditions) *Істотні умови договору*	The conditions without agreement on which a contract cannot be regarded as concluded: the subject matter; conditions prescribed as essential by the statute governing the particular contract type; and any further conditions that either party designates as essential during negotiations.
Force majeure *Форс-мажор*	External events or circumstances that are objectively beyond the parties' control, were not reasonably foreseeable at the time of contracting, and directly prevent a party from performing their obligations; their occurrence typically excuses non-performance for the duration of the impediment.
Form of contract *Форма договору*	The prescribed manner in which the parties' agreement must be expressed and documented to have legal effect – whether oral, simple written, or notarially certified written form – non-compliance with a mandatory form rendering the contract void or restricting the parties' evidential options.
Free expression of will *Вільне волевиявлення*	The requirement that each contracting party's consent be formed and communicated without duress, fraud, material error, or undue influence; a contract in which this condition is absent may be declared voidable at the request of the party whose consent was defective.
Freedom of contract *Свобода договору*	A foundational civil law principle guaranteeing that parties may freely decide whether to contract, select their counterparty, and determine the terms of their agreement, subject only to the limits established by mandatory norms of applicable law.

TERM	DEFINITION
Gratuitous contract *Безоплатний договір*	A contract under which one party confers a benefit on the other without receiving any counter-performance; the transfer of value is wholly one-directional, and the transferring party acquires no equivalent consideration in economic terms.
Invalidity of contract *Недійсність договору*	The legal condition in which a contract lacks the force to produce its intended civil law effects because it fails one or more conditions of validity – such as having unlawful content, being concluded by a legally incapable party, or being tainted by a defect of consent.
Moment of contract formation *Момент укладення договору*	The point in time at which a contract acquires legal existence and becomes binding on the parties: for consensual contracts, upon the offeror's receipt of a valid acceptance; for real contracts, upon the transfer of the subject matter; and for registered contracts, upon entry in the relevant public register.
Offer *Оферта*	A sufficiently definite proposal made by one party to one or more addressees, setting out all essential terms of the contemplated contract, communicated with the intention that acceptance alone will create a binding agreement without any further act by the offeror.
Onerous contract *Відплатний договір*	A contract under which each party provides or undertakes to provide something of value to the other – money, goods, services, or a property right – so that every benefit received is matched by a corresponding burden assumed.
Preliminary contract *Попередній договір*	An agreement by which the parties mutually commit themselves to concluding a specified principal contract on defined terms within a fixed period; if one party refuses to execute the principal contract, the other may seek a court order compelling its conclusion.

TERM	DEFINITION
Proper performance *Належне виконання*	The discharge of a contractual obligation in full conformity with all agreed parameters – as to subject matter, quantity, quality, mode, place, and time – simultaneously releasing the debtor from further liability and satisfying the creditor's correlative right.
Public contract *Публічний договір*	A contract concluded by an entrepreneur engaged in publicly accessible commercial activity who is legally required to contract with any person who applies on uniform terms applicable to all, with no right to refuse a willing customer or to offer preferential terms to selected individuals.
Rescission for breach *Розірвання договору в зв'язку з порушенням*	The termination of a contract at the initiative of the non-defaulting party owing to a material breach committed by the other party, effected either through judicial proceedings or, where the law or the contract so permits, by unilateral notice served on the party in default.
Subject matter *Предмет договору*	The goods, works, services, or other benefit in relation to which the parties undertake their respective contractual obligations; it must be identified with sufficient precision to determine what specific performance each party is required to render.
Termination of contract *Припинення договору*	The cessation of the contractual legal relationship and of all mutual rights and obligations arising from it, occurring through full performance by both parties, mutual agreement, rescission for breach, supervening impossibility, expiry of the agreed term, or other grounds provided by law.
Unilateral contract *Односторонній контракт*	A contractual arrangement in which only one party assumes a performance obligation while the other acquires only an entitlement, bearing no correlative obligation of performance.

UNIT 9
COMMERCIAL AND COMPANY LAW IN UKRAINE

9.1. THE CONCEPT OF COMMERCIAL LAW
9.2. BUSINESS ACTIVITY AND ENTREPRENEURSHIP
9.3. TYPES OF COMPANIES
9.4. RIGHTS AND OBLIGATIONS OF BUSINESS ENTITIES
9.5. TASKS
9.6. QUIZ
9.9. GLOSSARY

9.1. THE CONCEPT OF COMMERCIAL LAW

SOURCES OF COMMERCIAL AND COMPANY LAW & GUIDING PRINCIPLES

Constitution of Ukraine → **Commercial Code (2004 – 2025)** → **Civil Code** → **Special Laws & Regs**

NB: Hierarchy of sources: Constitution → Civil Code → Laws of Ukraine → Cabinet Resolutions → Ministerial orders → NBU & agency regulations

FREEDOM OF BUSINESS ACTIVITY *свобода підприємництва*	**COMPETITION & ANTI-MONOPOLY** *конкуренція / антимонополізм*	**STATE REGULATION & RULE OF LAW** *держ. регулювання / верховенство права*
• right to choose type, form, method • set prices, hire staff, earn profit • restricted only in the public interest	• anti-competitive agreements prohibited • abuse of dominant position unlawful • AMCU reviews mergers of dominants • Law On Economic Competition (2001)	• licensing, standardization, oversight • state support for SMEs & start-ups • responsibility for violations • legality principle binds all actors

Commercial law (господарське право) is the branch of Ukrainian law that regulates relations arising in organizing and conducting business activity, governing the rights and obligations of business entities and their interaction with the state.

Ukraine's Commercial Code (Господарський кодекс України) was adopted on 16 January 2003 and entered into force on 1 January 2004. It was designed to regulate commercial (business) relations between companies and other commercial entities. For 22 years it operated alongside the Civil Code, creating a dual system of private law. In January 2025, the Ukrainian Parliament passed a law abolishing the Commercial Code. It ceased to have effect on 28 August 2025.

COMMERCIAL LAW | Господарське право
Civil Code of Ukraine

▼ regulates two categories of relations ▼

COMMERCIAL RELATIONS *Господарські відносини*	**INTRA-ECONOMIC RELATIONS** *Внутрішньогосподарські відносини*
Between business entities inter se: – supply, services, joint activity – commercial contracts of all types Between business entities & the state: – licensing, certification, supervision – anti-monopoly oversight, state support	Within complex business organizations: – holding company ↔ subsidiary – parent enterprise ↔ branch Subject matter of commercial law covers all three categories.

▼ dual method of regulation ▼

DISPOSITIVENESS (Диспозитивність)	**IMPERATIVENESS (Імперативність)**
Governs relations between business entities. Parties negotiate price, terms, delivery, choice of counterparty freely. Example: freely agreed supply contract price.	Governs business entity ↔ state relations. Mandatory licensing, standardization, anti-monopoly obligations, reporting duties. Example: mandatory pharmaceutical license.

COMMERCIAL LEGAL RELATIONSHIP – STRUCTURE & LIABILITY

COMMERCIAL LEGAL RELATIONSHIP | Господарські правовідносини

Social relations regulated by commercial law · Participants: business entities + state management bodies

SUBJECTS *суб'єкти*	OBJECT *об'єкт*	CONTENT *зміст*
• business entities (all types) • state bodies exercising economic management functions • each bears defined rights & obligations	• goods, services, works • property rights & monetary claims • information & IP in trade • result of commercial activity	• commercial rights of the entity • corresponding commercial obligations • formed by contract, law, or act • enforceable before commercial courts

COMMERCIAL CONTRACT (господарський договір)	COMMERCIAL LIABILITY (господарська відповідальність)
Agreement between business entities directly relating to business activity. Creates / modifies / extinguishes commercial rights & obligations. Example: manufacturer ↔ distributor supply contract.	Applied for violations of commercial obligations. Primarily property in character. May apply WITHOUT proof of fault (strict liability elements). Forms: damages, penalties, AMCU fines, operational sanctions, or liquidation.

NB: COMMERCIAL LEGAL CAPACITY acquired on STATE REGISTRATION → right to conclude commercial contracts, hold property, bear liability in own name

9.2. BUSINESS ACTIVITY AND ENTREPRENEURSHIP

Entrepreneurship (підприємництво) is the systematic, independent, profit-oriented activity carried out at own risk by registered business entities. Ukrainian law guarantees freedom of entrepreneurship while imposing obligations of registration, taxation, and compliance.

DEFINING FEATURES OF ENTREPRENEURSHIP

ENTREPRENEURSHIP | Підприємництво
Systematic · Independent · Profit-oriented · Conducted at own risk · By registered entity

SYSTEMATIC CHARACTER *Систематичність*	PROFIT MOTIVE *Мета отримання прибутку*	OWN RISK *Власний ризик*	INDEPENDENCE *Самостійність*
Regular, repetitive operations Not isolated single transactions Triggers registration duty Example: weekly online sales	Primary aim = economic gain From goods, works, or services Distinguishes from non-commercial Occasional charity sale ≠ business	Entrepreneur absorbs losses No state guarantee of profit Risk managed by: insurance, hedging, contract clauses	Choose sector, form, method Set prices & hire staff freely No prior approval required (except where license needed)

NB: ILLEGAL ENTREPRENEURSHIP (Незаконне підприємництво): operating without registration or without a required license → administrative fines or criminal liability depending on scale & harm caused

COMMERCIAL vs NON-COMMERCIAL ACTIVITY	BUSINESS REPUTATION (ділова репутація)
COMMERCIAL (підприємницька): – Primary aim: profit for owners – Business entities of all types – Governed by CCmU + special law NON-COMMERCIAL (некомерційна): – Provides public goods / services – Cost recovery, not owner profit – State enterprises, utilities, NGOs	Positive public assessment of: – reliability & on-time delivery – product quality & fulfilment – professional & ethical conduct Commercial value: intangible asset. Protected by civil law. Lost reputation → lower prices, lost clients.

BUSINESS REGISTRATION & SME CLASSIFICATION

▼ path to lawful commercial activity ▼

Decision to Establish	→	Submit to State Registrar	→	Entry in Register	→	Tax & sector registration
Choose legal form		*Unified State Register*		*Legal personality & commercial capacity acquired*		*Tax ID, VAT, licenses if required*

NB: OBLIGATION TO REGISTER: every person intending to conduct business activity must register BEFORE commencing – penalty for non-compliance: liability for illegal entrepreneurship

MICRO-ENTERPRISE *Мікропідприємство*	SMALL ENTERPRISE *Мале підприємство*	MEDIUM ENTERPRISE *Середнє підприємство*
• Up to 9 employees • Annual revenue ≤ EUR 2 million • Simplified accounting & tax • Most streamlined regulatory regime	• Up to 49 employees • Revenue ≤ EUR 10 million • Simplified tax treatment • Eligible for state support grants	• Up to 249 employees • Revenue ≤ EUR 50 million • Standard regulatory regime • Access to credit guarantees

NB: STATE SUPPORT FOR ENTREPRENEURSHIP (державна підтримка): simplified registration · preferential taxation · micro-grants & subsidized loans · advisory services for SMEs

RESTRICTIONS ON ENTREPRENEURSHIP & RISK MANAGEMENT

FREEDOM OF ENTREPRENEURSHIP *Свобода підприємництва*	RESTRICTIONS ON ENTREPRENEURSHIP *Обмеження підприємництва*
General rule: any sector not prohibited. No prior state approval required. Choose form, method, counterparties, prices. SOLE TRADER (ФОП): Individual conducts business without a legal entity; bears UNLIMITED personal liability with entire personal estate.	Prohibited without license: – banking, insurance, pharmaceuticals – arms, alcohol, energy, telecommunication. Persons excluded from entrepreneurship: – civil servants, judges, prosecutors – preserves independence & avoids conflicts Anti-monopoly constraints on dominants.

ENTREPRENEURIAL RISK MANAGEMENT |
Управління ризиками підприємця
Identify · Assess · Mitigate – using legal, financial, and operational tools

INSURANCE *Страхування*	CONTRACTUAL TOOLS *Договірні інструменти*	OPERATIONAL TOOLS *Операційні інструменти*
• Inventory, property, liability • Professional indemnity • Cargo & transport insurance • Employer's liability (injury)	• Force majeure clauses • Price adjustment mechanisms • Warranty & indemnity provisions • Dispute resolution clauses	• Supplier base diversification • Financial hedging (currency) • Contingency reserves • Regulatory compliance monitoring

9.3. TYPES OF COMPANIES

Ukrainian commercial law offers a broad taxonomy of legal forms for collective business activity – from partnerships with unlimited personal liability to joint-stock companies with freely transferable shares. The choice of form determines governance structure, liability exposure, and the applicable regulatory regime.

COMPANIES CLASSIFIED BY LIABILITY OF MEMBERS

LEGAL ENTITY (Commercial) | Юридична особа (комерційна)

Separate property · Bears own liability · Acts in own name · Primary purpose: profit

▼ classified by member's liability exposure ▼

LIMITED LIABILITY *Обмежена відповідальність*	ADDITIONAL LIABILITY *Додаткова відповідальність*	UNLIMITED LIABILITY *Необмежена відповідальність*
• LLC (ТОВ) • Members risk only their contribution • No personal liability for company debts • JSC (АТ) • Shareholders risk only share value • Most widely used for large capital	• Additional Liability Company (ТДВ): • Like LLC but members also bear subsidiary personal liability • in a charter-agreed multiple of their nominal contribution • (e.g. 3× their interest value)	• Full Partnership (повне товариство): • All partners: joint, several & unlimited personal liability with entire personal estate • Limited Partnership (командитне): • General partners: unlimited • Limited partners: up to contribution

LLC vs JSC	FULL vs LIMITED PARTNERSHIP
LLC (TOB): – participatory interests (not shares) – easier to establish & manage – commonly used by SMEs JSC (AT): – capital divided into shares – PUBLIC: shares traded on exchange – PRIVATE: restricted share transfers	Full Partnership (повне товариство): – all partners manage jointly – all bear unlimited personal liability – suited to small professional firms Limited Partnership (командитне): – general partners manage + bear unlimited risk – limited partners (commanditists): contribute capital, share profit, bear no management role & limited risk

PUBLIC, STATE-LINKED & COOPERATIVE ENTITIES

STATE ENTERPRISE *Державне підприємство*	COMMUNAL ENTERPRISE *Комунальне підприємство*	COOPERATIVE *Кооператив (Law "On Cooperatives", 2004)*
• established by the state • funded on state-owned property • right of economic management • conducts commercial activity • in public interest under state control • example: ukrposhta	• established by local authority • based on communal (municipal) property • provides local public services • subject to community oversight • self-financing through tariffs • example: city heating utility	• voluntary association of persons • pool resources, labor, or both • one member, one vote • profit distributed by participation • example: an agricultural service co-op

PRIVATE ENTERPRISE (Приватне підприємство)	FOREIGN ENTERPRISE (Іноземне підприємство)
Founded on private property of individual(s). Founder exercises direct control. Entitled to all profits. Liability as set out in entity's charter. Example: sole-founder software company.	Property wholly/predominantly foreign-owned. Operates under Ukrainian national legal regime. Subject to Law "On Regime of Foreign Investment" (1996). Right to repatriate profits in foreign currency. Example: wholly-owned German manufacturing LLC.

CORPORATE GROUPS, BRANCHES & ASSOCIATIONS

CORPORATE GROUP | Група підприємств

One or more entities linked by ownership or control – each retains separate legal personality

HOLDING COMPANY *Холдингова компанія*	SUBSIDIARY *Дочірнє підприємство*	AFFILIATED ENTERPRISE *Асоційоване підприємство*
• controls subsidiaries via shareholding • or other participatory interest • forms coordinated corporate group • consolidated management & reporting	• controlled by parent via: • dominant shareholding, • or right to appoint governing body, • or by contract • separate legal personality & liability	• 20–50 % interest: significant influence • without decisive control • influences pricing / commercial policy • not managed or consolidated as subsidiary

CONSORTIUM *Консорціум*	**BRANCH** *Філія*	**REPRESENTATIVE OFFICE** *Представництво*
• temporary contractual association • for one large project or transaction • no new legal entity created • each member: separate legal person • liability limited to agreed share • dissolves on project completion	• structurally distinct subdivision • located outside registered address • carries out parent's functions • not a separate legal person • parent bears all obligations • example: bank city branch	• represents & protects interests only • does not conclude own contracts • does not generate own revenue • not a legal person • acts solely on behalf of principal • common for foreign companies in Ukraine

NB: BUSINESS ASSOCIATION (господарська асоціація): voluntary non-profit member body – coordinates activity, lobbies, provides advisory services – does NOT conduct direct profit-making business

9.4. RIGHTS AND OBLIGATIONS OF BUSINESS ENTITIES

Business entities enjoy a broad catalogue of statutory rights enabling autonomous commercial operations, and bear corresponding obligations to the state, counterparties, employees, and the public.

CORE RIGHTS OF BUSINESS ENTITIES

RIGHTS OF BUSINESS ENTITIES |
Права суб'єктів господарювання
Legally guaranteed freedoms & entitlements enabling autonomous commercial operations

RIGHT TO CONDUCT BUSINESS *право на госп. діяльність*	RIGHT TO PRIVATE PROPERTY *право приватної власності*	RIGHT TO CONCLUDE CONTRACTS *право на госп. договори*
• fundamental right after registration • any sector not prohibited by law • no prior authorization (unless licensed) • organize operations independently	• own, use & dispose of business assets • movable & immovable property • IP rights & corporate interests • free from arbitrary state interference	• enter commercial agreements freely • negotiate terms within mandatory limits • primary mechanism for resource acquisition & realization of goods / services

RIGHT TO DISTRIBUTE PROFIT *право розподілу прибутку*	RIGHT TO PROTECT RIGHTS *право на захист госп. прав*	RIGHT TO SELF-REGULATION *право на саморегулювання*
• allocate net profit after tax • statutory reserve requirements first • dividends to shareholders / members • reinvestment in development	• commercial courts (господарський суд) • administrative body challenge • alternative dispute resolution (ADR) • claim damages from state or counterparties	• establish sector SROs (voluntary) • set industry standards & ethics codes • operate internal dispute resolution • reduces reliance on state oversight

NB: RIGHT TO REORGANISE OR LIQUIDATE: founders / authorized bodies may transform, merge, demerge, or wind up voluntarily – creditors must be satisfied during the process

CORE OBLIGATIONS OF BUSINESS ENTITIES

OBLIGATIONS OF BUSINESS ENTITIES | Обов'язки суб'єктів господарювання

Legally required conduct toward the state, counterparties, employees & the public

REGISTER *Реєстрація*	PAY TAXES *Податкові зобов'язання*	KEEP ACCOUNTS *Бухгалтерський облік*	EMPLOY LAWFULLY *Трудові зобов'язання*
Enter Unified State Register BEFORE commencing activity Obtain Tax ID & VAT number Get licenses for restricted sectors	Corporate income tax Value-added tax (VAT) Payroll contributions File declarations on time	National accounting standards Complete, accurate & timely Preserve docs for prescribed period Submit mandatory financial reports	Written employment contracts Wages ≥ statutory minimum Pay twice monthly minimum Annual leave & safety equipment

ENVIRONMENTAL DUTIES *Екологічні зобов'язання*	ANTI-MONOPOLY COMPLIANCE *Антимонопольне законодавство*	CONSUMER PROTECTION *Захист прав споживачів*
• Obtain environmental permits • Observe emission limits • Pay environmental fees/levies • Maintain waste management plans • Compensate for environmental damage	• No price-fixing or market-sharing • No abuse of dominant position • No unfair competition acts • AMCU review for qualifying mergers • Duty on dominants to refrain from tying	• Accurate product information • Comply with safety standards • Honour warranty obligations • Accept returns of defective goods • No misleading commercial practices

COMMERCIAL LIABILITY, PRODUCT QUALITY & CORPORATE GOVERNANCE

LIABILITY FOR COMMERCIAL VIOLATIONS *Відповідальність за госп. правопорушення*	OBLIGATION TO ENSURE PRODUCT QUALITY *Якість продукції та захист споживачів*
Forms of commercial liability: • Compensation of losses (damages) • Contractual penalties • Operational sanctions (suspension, restriction) • Administrative fines (AMCU, tax authority) • Liquidation (in extreme cases) NOTE: strict liability possible – no proof of fault required in certain cases.	Products must conform to: – mandatory national standards (DSTU) – contractual specifications agreed with buyer – declared characteristics on labelling Liability for defective products: – losses to buyer → damages & penalties – personal injury to consumer → tort liability – recall costs & regulatory sanctions

CORPORATE GOVERNANCE OBLIGATIONS | Корпоративне управління

Duties of management bodies to act in the best interests of the company, shareholders & stakeholders

SUPERVISORY BOARD *Наглядова рада*	EXECUTIVE BODY *Виконавчий орган*	COMMERCIAL SECRECY *Комерційна таємниця*
• Hold quarterly meetings • Approve annual financial statements • Disclose material transactions • Monitor executive management • Required in public JSCs	• Day-to-day management of entity • Represent company in contracts • Implement supervisory board decisions • Maintain prescribed corporate records • Report to supervisory board & members	• Protect confidential business info • Organizational & technical measures • NDAs in employment & vendor contracts • Employees & counterparties bound • Breach → damages & injunction

NB: COMMERCIAL SECRECY (комерційна таємниця): entity must take reasonable steps to protect – DUTY on employees & counterparties who receive the information to maintain confidentiality

9.5. TASKS

Grammar focus in the context of Ukrainian Commercial and Company Law: **Past Simple Tense: affirmative, negative, interrogative; regular and irregular verbs; active and passive voice.**

GRAMMAR REVIEW

Form	Rule	Commercial Law Example
Affirmative (+)	*Subject + V2 (reg: +ed; irreg: 2nd form)*	Ukraine adopted the Commercial Code in 2003.
Negative (–)	*Subject + did not + infinitive*	The company did not register before trading.
Interrogative (?)	*Did + subject + infinitive?*	Did the court resolve the commercial dispute?
Passive (+)	*was/were + past participle*	The company was established by two founders.
Passive (–)	*was/were + not + past participle*	The license was not obtained before trading began.
Passive (?)	*Was/Were + subject + past participle?*	Was the enterprise privatized in 1994?

1. REGULAR VERBS: FORMATION (+ed)

Spelling rules for regular Past Simple (+ed):

Most verbs: add -ed → register → registered | adopt → adopted | resolve → resolved

Verbs ending in -e: add -d → licence → licenced | introduce → introduced

Verbs ending in consonant + y: change y → ied → carry → carried | comply → complied

Verbs ending in stressed CVC: double consonant → control → controlled | permit → permitted

NB: Common regular verbs in commercial law: adopt, amend, comply, conclude, dissolve, establish, license, regulate, register, reorganize, require, transfer, violate.

2. IRREGULAR VERBS: KEY FORMS FOR COMMERCIAL LAW

Frequently used irregular Past Simple verbs:

arise → arose | bear → bore | become → became
begin → began | break → broke | bring → brought
build → built | buy → bought | choose → chose
come → came | find → found | give → gave
go → went | grow → grew | have → had
hold → held | lead → led | leave → left
make → made | pay → paid | run → ran
sell → sold | set → set | take → took
undergo → underwent | withdraw → withdrew | write → wrote

NB: Some verbs look regular but are irregular in legal use: find → found (the court found) vs found → founded (they founded the company). Context determines meaning.

3. WHEN TO USE PAST SIMPLE IN LEGAL ENGLISH

Use Past Simple for:

• A completed action at a specific time in the past (with or without a time expression): Parliament enacted the Act in 2003. / The company went bankrupt.
• A sequence of completed past events: The entrepreneur registered the business, obtained a license, and began trading.
• Past states (with stative verbs: was, had, belonged, owned): The enterprise belonged to a state holding company.
• Historical and legislative narratives: The Commercial Code replaced Soviet-era economic regulations.

Do NOT use Present Perfect when:

• A specific past time is given: say "The law was adopted in 2003, not has been adopted in 2003".
• The event is clearly over and has no present relevance.

COMMON ERROR: Ukraine has adopted the Commercial Code in 2003. – WRONG. The date "in 2003" requires Past Simple: Ukraine adopted the Commercial Code in 2003.

4. ACTIVE VS. PASSIVE PAST SIMPLE IN COMMERCIAL LAW TEXTS

Use ACTIVE when the agent (doer) is important:

Parliament enacted the Anti-Monopoly Act. (Parliament = important agent)

The court resolved the dispute. (court = named actor)

Use PASSIVE when the agent is unknown, unimportant, or omitted deliberately:

The company was established in 1998. (who exactly established it is not the focus)

State enterprises were privatized on a large scale. (privatized by the state –understood)

The license was revoked after an inspection. (inspector not named)

Passive formation: was/were + past participle

establish → was established | privatize → was privatized | fine → was fined

introduce → were introduced | reorganize → was reorganized | dissolve → was dissolved

NB: Legal and historical texts favor the passive because the focus is on the event or outcome, not on the actor. Read any commercial law judgment and you will find frequent passive constructions.

Reading *Tasks 1–2*	**Listening** *Tasks 3–4*	**Speaking** *Tasks 5–8*	**Writing** *Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY PAST SIMPLE FORMS IN THE COMMERCIAL LAW TEXT

Read the passage below. Underline every verb in the Past Simple tense. Then classify each as: a) regular (+ed) or irregular, b) affirmative, negative, or interrogative, and c) active or passive voice.

TEXT: Ukraine adopted the Commercial Code in 2003. The legislator did not base it solely on civil law principles – commercial relations required a

separate regulatory framework. State registration of business entities became mandatory from 2004. The earliest joint-stock companies in independent Ukraine appeared at the beginning of the 1990s, during the period when state-owned enterprises were being widely transferred to private ownership. Courts resolved many commercial disputes that arose during the transition period. Did any of those early companies comply with modern corporate governance standards?

• *List each verb: e.g. adopted – regular – affirmative – active.*

• *Find at least two irregular Past Simple verbs and write their infinitive form.*

• *Identify all passive Past Simple constructions: e.g. were established.*

*NB: The Past Simple passive is formed with **was/were + past participle**. This structure is very common in legal and historical texts: The law was amended; the company was dissolved.*

Task 2

Reading

ANALYSE

ANALYSE PAST SIMPLE USAGE IN FOUR LEGAL CONTEXTS

Read the four extracts below. For each one, analyse why the Past Simple is used (historical fact / completed action / legislative event / past state) and identify whether a different past tense (Past Continuous or Present Perfect) could be used – and what the difference in meaning would be.

EXTRACT 1: Parliament enacted the Anti-Monopoly Committee Act in 1993.

EXTRACT 2: The company did not register its trademark before launching the product.

EXTRACT 3: The entrepreneur ran the business for three years without a license.

EXTRACT 4: The joint-stock company was reorganized into a limited liability company.

• *For each extract: state the time reference (specific past event / period / state).*

• *Try replacing Past Simple with Present Perfect – does the sentence remain grammatically correct? What changes in meaning?*

• *Identify which extract contains a Past Simple passive and rewrite it in the active voice.*

NB: Enacted (Past Simple) signals a specific completed legislative act with a known date. Has enacted (Present Perfect) would suggest relevance to the present – use Past Simple when the time is specified or the event is clearly over.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: PAST SIMPLE IN COMMERCIAL LAW CONTEXTS

Listen to audio recording #9 and write the correct form – regular or irregular, active or passive. Then classify each verb as affirmative (A), negative (N), or interrogative (I).

1. Ukraine _____ its Commercial Code in 2003.
2. The company _____ before it began trading.
3. _____ the entrepreneur _____ the required license?
4. The first LLC in this region _____ by two founders in 1998.
5. The holding company _____ a majority stake in the subsidiary last year.
6. The anti-monopoly authority _____ the proposed merger.
7. Corporate governance standards _____ following the 2016 reform.
8. The entrepreneur _____ the full financial risk of the business personally.

9. _____ the court _____ the commercial dispute at first instance?
10. The state enterprise _____ in the early 1990s.

• *Compare answers with a partner. Discuss the difference between sentences 4, 7, and 10.*

NB: Passive voice is chosen when the agent (the person who did the action) is unknown, unimportant, or deliberately omitted.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A COMMERCIAL LAW HISTORY PRESENTATION

Listen to a 2-minute student presentation on the history of commercial law in Ukraine. Evaluate: a) accuracy of Past Simple verb forms, b) correct use of regular and irregular verbs, and c) appropriate use of active vs. passive voice. Write corrections.

• *Note at least three correct Past Simple uses – grammatically and contextually accurate.*
• *Find at least two errors: a wrong verb form (e.g. goed instead of went), a missing auxiliary in negation/question, or incorrect choice of active vs. passive.*
• *Write one corrected sentence for each error.*
• *Discuss: when is it more appropriate to say the government privatized state enterprises (active) versus state enterprises were privatized (passive)?*

NB: E.g. The Commercial Code did enacted in 2003. The company was founded by two entrepreneurs who are came from Kyiv. Students must spot and correct all mistakes.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

RECALL AND DEFINE: COMMERCIAL LAW TERMS IN THE PAST

Choose five terms from the glossary. For each term, state: 1) its definition in the present tense, 2) one sentence using the term in the Past Simple (describing a past event or situation), and 3) the Ukrainian equivalent. Speak for 2 minutes.

- *Definition: use present tense – Commercial law is a branch of law that governs...*
- *Past Simple sentence: Ukraine established the Anti-Monopoly Committee in 1993 to regulate economic competition.*
- *Use at least two irregular verbs in your Past Simple sentences.*
- *Use at least one passive Past Simple: e.g. The first joint-stock companies were registered in the early 1990s.*

NB: Use Past Simple – not Present Perfect – when the time of the event is specified: Parliament adopted the Commercial Code in 2003 (not has adopted).

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: ADVISING ON A BUSINESS REGISTRATION HISTORY

Student A is a lawyer; Student B is a client asking about the history of their company's registration and past commercial obligations. The lawyer explains what the company did, what obligations it had, and how it resolved past disputes. Both students must use at least six Past Simple verbs.

- *Lawyer: use Past Simple to explain completed events – Your company registered in 2005. The founders contributed the initial capital. The company did not obtain a trading license until 2007.*

• *Client: ask questions in Past Simple interrogative form – Did the company comply with all regulations? When did it first conclude a commercial contract? Was the company ever fined?*
• *Use both regular verbs (registered, concluded, complied) and irregular verbs (was/were, had, became).*
• *Switch roles after 3 minutes.*
NB: Questions in Past Simple: Did + subject + infinitive? (active) or Was/Were + subject + past participle? (passive). Never use Past Simple auxiliary did with a passive: say "Was the company fined?" not "Did the company be fined?"

Task 7
Speaking – Monologue
APPLY

PRESENT THE HISTORY OF A UKRAINIAN COMPANY TYPE

Choose one company type from the glossary (e.g. limited liability company, joint-stock company, state enterprise). Present a 2–3-minute history of how that company type developed in Ukrainian commercial law, using Past Simple throughout.

• *Open: The limited liability company (LLC) became the most popular business form in Ukraine after...*
• *Describe at least three historical events using Past Simple: when the form was introduced, how legislation changed, what obligations applied.*
• *Use both active (the legislature introduced...) and passive (LLCs were regulated by...).*
• *Use at least four Past Simple irregular verbs: became, arose, led, grew, held, bore, underwent, chose.*
NB: Irregular Past Simple verbs common in business history: arise/arose, become/became, bear/bore, choose/chose, grow/grew, hold/held, lead/led, undergo/underwent, withdraw/withdrew, found/founded (regular – but note "found" can also mean "to discover", past: found).

Task 8
Speaking – Debate

ANALYSE

DEBATE: DID THE COMMERCIAL CODE ADOPTION BOOST UKRAINE'S COMMERCIAL DEVELOPMENT?

Hold a structured mini-debate. Position A: the Commercial Code provided useful structure for Ukraine's developing market economy. Position B: the Commercial Code created legal confusion and obstruct the country's commercial and European integration. Argue your position for 90 seconds, then respond.

- *Students must use Past Simple to describe historical events and decisions.*
- *Use evidence from the glossary: commercial law, business activity, state enterprise, privatization, anti-monopoly regulation, insolvency, economic competition.*
- *Use Past Simple interrogative to challenge the other side: Did the state regulate monopolies effectively? Were entrepreneurs given sufficient legal protection?*
- *Use discourse markers: However, the data showed that..., On the other hand, legislators adopted...*

NB: use Past Simple not only to state facts but to build a causal argument – Because the Civil Code and the Commercial Code both regulated commercial matters with overlapping and contradictory provisions this legal uncertainty made doing business in Ukraine harder.

Post-debate reflection. Answer individually after the debate: 1. Which argument from either side did you find most convincing? Why? 2. The Commercial Code was abolished in 2025 as part of EU integration. Does this mean the Position B team was right? Explain your view. 3. As a future lawyer, what would you have advised a foreign investor doing business in Ukraine under the Civil Code?

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY USING PAST SIMPLE IN THE EXAMPLE

Choose one term from the glossary. Write a full glossary entry: English term, Ukrainian equivalent, a two-sentence definition (present tense), and two example sentences – one in the Past Simple active and one in the Past Simple passive.

- *Definition: use present tense – Commercial liability is the obligation to...*
- *Example 1 (active Past Simple): The court imposed a financial sanction on the company that violated anti-monopoly legislation.*
- *Example 2 (passive Past Simple): The entrepreneur was held liable for failing to register the business activity.*
- *After each example, write in brackets: [Past Simple active] or [Past Simple passive].*

NB: Do not mix past tenses in a single example sentence without reason. Stick to Past Simple for completed events with a clear past time reference. Avoid Present Perfect if the context is historical or the time is specified.

Task 10
Writing
APPLY

WRITE A SHORT CASE SUMMARY USING PAST SIMPLE

Read the scenario below and write a 150-word legal case summary in English, using Past Simple throughout to describe the events. Include: the parties, the facts, the commercial law issue, and the outcome.

SCENARIO: In 2019, a private enterprise (Kyiv-based) supplied goods to a state enterprise. The goods did not meet the agreed quality standards.

The state enterprise refused to pay. The private enterprise brought a claim to the commercial court. The court found that the contract was valid and the goods met the minimum statutory standards. It ordered partial payment.

• *Begin: In 2019, a private enterprise entered into a supply contract with a state enterprise...*

• *Use at least six different Past Simple verbs (active and passive).*

• *Use these glossary terms with correct verb forms: commercial contract, business entity, commercial dispute, commercial liability, obligation to ensure product quality.*

• *Underline every Past Simple verb in your finished summary.*

NB: A legal case summary uses Past Simple for facts and past decisions. Use Present Simple only for stating general legal rules: Under the Commercial Code, a business entity must register... (general rule, still valid today).

Task 11
Writing
EVALUATE

CORRECT PAST SIMPLE ERRORS IN A COMPANY HISTORY

The paragraph below contains five errors in Past Simple usage. Find each error, explain why it is wrong, and rewrite the paragraph correctly.

PARAGRAPH:

In 1991, Ukraine declared independence and has begun to build a new legal system. The first Commercial Code did not enacted until 2004. Before that, courts used civil law rules to resolved commercial disputes. The Anti-Monopoly Committee was establish in 1993. It investigated cases and has imposed fines on companies that breaked competition rules.

• *List each error and its correction:*

Error 1: has begun → should be ***began*** *(specific past time = 1991, use Past Simple not Present Perfect).*

Error 2:

Error 3:

Error 4:

Error 5:

NB: when a specific past time (1991, 2003, last year) is given, always use Past Simple – never Present Perfect. Present Perfect (has done) cannot be used with definite past time expressions.

Task 12

Writing

CREATE

WRITE A BRIEF HISTORY OF COMMERCIAL LAW IN UKRAINE

Write a 200-word structured account in English of the development of commercial law in Ukraine from 1991 to the present, using Past Simple for all historical events. Structure your account into three short paragraphs: origins, development, and reform.

PARAGRAPH 1 (Origins, 1991–1995): describe what Ukraine inherited from the previous legal system and what initial steps it took.

PARAGRAPH 2 (Development, 1996–2003): describe the key legislation that was adopted, the types of companies that emerged, and the commercial disputes that arose.

PARAGRAPH 3 (Reform, 2004–present): describe the reforms that were introduced, how corporate governance standards changed, and what challenges remained.

• *Use at least ten Past Simple verbs across the three paragraphs – at least three passive constructions.*

• Use glossary terms: commercial law, business entity, joint-stock company, limited liability company, anti-monopoly regulation, insolvency, commercial dispute, state registration.
NB: Use a variety of Past Simple verbs to avoid repetition: adopted, enacted, established, introduced, reformed, abolished, required, governed, resolved, replaced, underwent, arose, became. The passive is particularly natural here: New legislation was adopted..., State enterprises were privatized...

9.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence uses the Past Simple CORRECTLY in a commercial law context?
a) Ukraine has adopted the Commercial Code in 2003;
b) Ukraine adopted the Commercial Code in 2003;
c) Ukraine was adopting the Commercial Code in 2003;
d) Ukraine did adopted the Commercial Code in 2003.

2. What is the Past Simple of the irregular verb "arise"?
a) arised;
b) arose;
c) arisen;
d) was arising.

3. Which sentence is in the Past Simple PASSIVE?
a) The court resolved the commercial dispute;
b) The company was established by two entrepreneurs;
c) The entrepreneur registered the business;
d) The legislature enacted new regulations.

4. Which negative sentence is grammatically CORRECT in Past Simple?
a) The company did not registered its trademark;
b) The company was not registered its trademark;
c) The company did not register its trademark;
d) The company not registered its trademark.

5. Which question form is CORRECT in Past Simple?
a) Did the state enterprise was privatized?
b) Was the commercial dispute resolved by the court?
c) Did the court was resolve the dispute?
d) Were the company registered in 2005?

6. In the sentence "The Anti-Monopoly Committee investigated the case and imposed a fine", both verbs are:
a) Past Simple irregular active;
b) Past Simple regular active;
c) Past Simple passive;
d) One regular and one irregular Past Simple active.

7. Which sentence correctly uses Past Simple to describe a COMPLETED legislative event?
a) Parliament has enacted the Commercial Code last year;
b) Parliament enacted the Commercial Code in 2003;
c) Parliament is enacting the Commercial Code in 2003;
d) Parliament did enact the Commercial Code yesterday.

8. What is the correct Past Simple of "hold" (as in the court held the company liable)?
a) holded;
b) holden;
c) held;
d) was holding.

9. Which Past Simple passive sentence is CORRECTLY formed?
a) The company did established in 1998;
b) The company was established in 1998;
c) The company has been established in 1998;
d) The company were established in 1998.

10. Under Ukrainian law, a limited liability company (LLC) is a company where:
a) each member bears unlimited personal liability for the company's debts;
b) members are liable only up to the amount of their contributions to the charter capital;
c) the state holds a majority stake and controls management decisions;
d) members may not transfer their shares without the consent of all other members.

11. Which sentence uses BOTH Past Simple active AND Past Simple passive correctly?

a) The founders established the company and it was registered in the State Register;

b) The founders did established the company and it registered by the state;

c) The founders were established the company and it was registered;

d) The founders established the company and it did register in the state.

12. When should Past Simple be used INSTEAD of Present Perfect in legal writing?

a) When the action is still relevant to the present situation;

b) When a specific past time (e.g. in 2003, last year) is mentioned;

c) When the speaker does not know when the action happened;

d) When the action happened very recently.

13. Which is the correct Past Simple of undergo?

a) undergoed;

b) underwent;

c) undergone;

d) was undergo.

14. In commercial law, insolvency means:

a) the inability of a business entity to meet its financial obligations as they fall due;

b) the voluntary winding-up of a profitable company;

c) a penalty imposed by the Anti-Monopoly Committee;

d) the transfer of state assets to private ownership.

15. Which sentence contains a Past Simple ERROR?

a) The state enterprise was privatized in 1994;

b) The commercial court resolved the dispute in favor of the claimant;

c) The company did not complied with anti-monopoly legislation;

d) Parliament adopted new insolvency regulations.

16. What does business reputation mean in the context of commercial law?

a) The financial assets of a business entity;

b) The accumulated public perception of a business entity's reliability, honesty, and competence;

c) The registered trademark of a company;

d) The annual profit declared by a company.

17. Which Past Simple interrogative is CORRECTLY formed?

a) Did the company registered on time?

b) Was the license obtained before trading began?

c) Did the court resolved the dispute?

d) Were the founders establishing the company in 1999?

18. Economic competition in commercial law refers to:

a) the right of the state to monopolize key economic sectors;

b) rivalry between independent business entities to attract customers, resources, or market share;

c) the obligation of companies to cooperate under state direction;

d) the process of setting uniform prices across an industry.

19. Which sentence CORRECTLY uses Past Simple passive to describe a regulatory event?

a) New corporate governance standards were introduced after the 2016 reform;

b) New corporate governance standards did introduced after the 2016 reform;

c) New corporate governance standards introduced after the 2016 reform;

d) New corporate governance standards has been introduced after the 2016 reform.

20. The own risk of entrepreneurship principle in Ukrainian commercial law means that:

a) the state guarantees compensation if the business fails;

b) the entrepreneur personally bears the financial consequences of business decisions and losses;

c) business risk is shared equally between all partners regardless of their contribution;

d) the entrepreneur can transfer all financial risk to employees through internal regulation.

ANSWER KEY

Q1: b	**Q2: b**	**Q3: b**	**Q4: c**	**Q5: b**	**Q6: b**	**Q7: b**	**Q8: c**	**Q9: b**	**Q10: b**
Q11: a	**Q12: b**	**Q13: b**	**Q14: a**	**Q15: c**	**Q16: b**	**Q17: b**	**Q18: b**	**Q19: a**	**Q20: b**

NB *Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision*

9.7. GLOSSARY

TERM	DEFINITION
Additional liability company *Товариство з додатковою відповідальністю*	A commercial company in which the participants, like those of a limited liability company, hold participatory interests, but additionally bear subsidiary liability for the company's obligations with their personal property in a multiple of their contribution's nominal value as fixed in the company's charter.
Anti-monopoly regulation *Антимонопольне регулювання*	A system of state measures – legislative, institutional, and enforcement – aimed at preserving free and fair competition in the market by detecting and prohibiting anti-competitive agreements, preventing abuses of market dominance, and controlling economically significant concentrations.
Branch *Відокремлений підрозділ (філія)*	A structurally separate subdivision of a legal entity, situated outside its registered principal address, that performs all or part of the legal entity's functions on its behalf. A branch does not possess separate legal personality, and all legal obligations arising from its activity are borne by the parent entity.
Business activity *Підприємницька діяльність*	Independent, systematic economic activity carried out by a registered natural person or legal entity on their own risk with the primary objective of generating profit through the performance of works, the production and sale of goods, or the provision of services.
Business entity *Суб'єкт господарювання*	A natural or legal person that independently conducts commercial or other economic activity, takes autonomous economic decisions, and bears full liability for the outcomes of that activity. The category encompasses companies, partnerships, cooperatives, and registered individual entrepreneurs.

TERM	DEFINITION
Business reputation *Ділова репутація*	The aggregate public assessment of a business entity's reliability, commercial integrity, quality of goods or services, and consistency in fulfilling obligations – an intangible commercial asset of significant economic value protected by both commercial and civil law.
Commercial Code of Ukraine *Господарський кодекс України*	The principal codifying legislative act of Ukrainian commercial law, adopted on 16 January 2003 and in force from 1 January 2004, abolished on 28 August 2025.
Commercial contract *Господарський договір*	An agreement concluded between business entities, or between a business entity and another party, that directly relates to the conduct of business activity and is directed at the creation, modification, or extinguishment of commercial rights and obligations.
Commercial dispute *Господарський спір*	A disagreement concerning commercial rights and obligations arising from business activity between business entities, or between a business entity and a state body, which is subject to resolution by the commercial courts of Ukraine in accordance with the Commercial Procedural Code.
Commercial law *Господарське право*	The branch of law governing relations arising in the process of organizing and conducting business activity between business entities and between those entities and state bodies exercising regulatory or supervisory functions in the economic sphere, combining both private and public law elements.
Commercial liability *Господарсько-правова відповідальність*	A form of legal liability applied to business entities that breach commercial law norms or contractual obligations, characterized by its predominantly property-based character – primarily compensation of losses and payment of penalties – and, in certain cases, the possibility of application without proof of fault.

TERM	DEFINITION
Commercial secrecy *Комерційна таємниця*	Information of a commercial, technological, productive, or organizational character that holds economic value precisely because it is not generally known, is actively protected by the business entity through reasonable confidentiality measures, and whose unauthorized disclosure or use could harm the entity's legitimate commercial interests.
Consortium *Консорціум*	A temporary contractual association of independent business entities formed for the purpose of jointly implementing a specific large-scale project or transaction, without establishing a new legal entity. Each member retains its separate legal personality and bears liability limited to its agreed share of the consortium's undertaking.
Cooperative *Кооператив*	A cooperative is a type of organization formed by individuals who freely choose to join together and combine their property, work, or both in order to carry out shared economic activities for the benefit of all members. Decision-making in such organizations is based on the democratic rule that each member has one vote. Any profits that are shared among members are divided according to the level of each member's contribution to the organization's activities.
Corporate governance obligations *Обов'язки у сфері корпоративного управління*	The management and supervisory bodies of a business organization have a number of important responsibilities. These include the duty to act in the best interests of the organization and the people connected to it, to keep all required records, to hold meetings as required by law, to make important information available to relevant parties, and to follow the rules and standards of corporate governance that apply to them.

TERM	DEFINITION
Economic competition *Економічна конкуренція*	The rivalry between business entities seeking to attract customers, access markets, and secure competitive advantages, which stimulates efficiency, innovation, and price reduction and is protected by competition legislation as a fundamental condition of a market economy.
Freedom of entrepreneurship *Свобода підприємництва*	The constitutionally and legislatively guaranteed right of every person to independently choose the type, organizational form, and method of conducting business activity, to determine prices and engage employees, subject only to limitations expressly established in the public interest by law.
Full partnership *Повне товариство*	A commercial partnership in which all participants – general partners – collectively conduct business activity under a common firm name and each bears joint, several, and unlimited personal liability for the partnership's obligations with all of their personal property.
Holding company *Холдингова компанія*	A company that acquires and holds controlling interests in one or more subsidiary companies, thereby exercising decisive influence over their strategic and financial decisions and forming a unified corporate group managed on a coordinated basis.
Individual entrepreneur *Фізична особа-підприємець*	An individual who has gone through the official registration process in the Unified State Register and has therefore received the right to conduct business activities on their own, under their own name, and at their own risk. Such a person does not create a separate legal entity and remains personally responsible for all obligations that arise from their business activities.

TERM	DEFINITION
Insolvency (bankruptcy) *Неспроможність (банкрутство)*	The judicially recognized inability of a business entity – the debtor – to restore solvency and satisfy the established monetary claims of creditors otherwise than through liquidation proceedings conducted pursuant to the Code of Ukraine on Bankruptcy Procedures.
Joint-stock company *Акціонерне товариство*	A commercial company whose authorized capital is divided into shares of equal nominal value, subscribed to and held by shareholders who bear no personal liability for the company's obligations beyond the value of their subscribed shares.
Liability for commercial violations *Відповідальність за господарські правопорушення*	The adverse property and organizational consequences imposed by law on a business entity that breaches commercial legislation or fails to fulfil contractual obligations, encompassing compensation of losses, contractual penalties, operational and administrative sanctions, and, in the most serious cases, involuntary liquidation.
Licensing in commercial law *Ліцензування в господарському праві*	A form of state regulation under which competent public authorities issue licenses permitting business entities to carry on specified categories of activity that are prohibited without prior authorization, in order to protect public health, safety, security, or other legally recognized public interests.
Limited liability company *Товариство з обмеженою відповідальністю*	A commercial company whose authorized capital is divided into participatory interests held by members who are not personally liable for the company's obligations and whose financial exposure is limited exclusively to the value of their contributed interests in the company's capital.

TERM	DEFINITION
Limited partnership *Командитне товариство*	A commercial partnership combining general partners, who jointly manage the business and bear unlimited personal liability for partnership obligations, and limited partners (commanditists), who contribute capital and share in profit but bear liability only to the amount of their contribution and are excluded from management.
Representative office *Представництво*	A subdivision of a legal entity – including a foreign legal entity – that represents and protects the interests of its principal in a given location but does not independently conduct commercial activity in its own name. It possesses no separate legal personality and acts exclusively on behalf of and for the account of its principal.
State enterprise *Державне підприємство*	A business entity established by the state through its authorized bodies, operating on the basis of state-owned property assigned under the right of economic management, and conducting commercial activity in the public interest under state ownership and subject to state oversight.
State regulation of the economy *Державне регулювання економіки*	The exercise by competent state bodies of regulatory, supervisory, and coordinating functions in the sphere of business activity – including licensing, standardization, anti-monopoly enforcement, and entrepreneurship promotion – aimed at ensuring a balance between market freedom and the protection of public interests.

TERM	DEFINITION
State registration of business entities *Державна реєстрація суб'єктів господарювання*	The mandatory administrative procedure by which a natural or legal person acquires the status of a business entity, effected by entry of prescribed particulars into the Unified State Register of Legal Persons, Individual Entrepreneurs and Public Associations, and conferring the right to conduct business activity from the date of registration.
Subsidiary *Дочірнє підприємство*	A legal entity over which another entity – the parent – exercises decisive control, whether by holding a dominant share of the authorized capital, holding the right to appoint the governing body, or by virtue of a control agreement, while the subsidiary retains separate legal personality and bears independent liability for its own obligations.
Tax obligations *Податкові зобов'язання*	The legally defined duties of business entities to accurately calculate, timely declare, and fully pay all applicable taxes and obligatory levies – including corporate income tax, value-added tax, and payroll contributions – within the amounts and deadlines established by the Tax Code of Ukraine and special fiscal legislation.

UNIT 10
EMPLOYMENT LAW IN UKRAINE

10.1. THE CONCEPT OF EMPLOYMENT LAW.
10.2. EMPLOYMENT CONTRACT.
10.3. RIGHTS AND OBLIGATIONS OF EMPLOYEES AND EMPLOYERS.
10.4. WORKING TIME AND REST TIME
10.5. TASKS
10.6. QUIZ
10.7. GLOSSARY

10.1. THE CONCEPT OF EMPLOYMENT LAW

Employment law (трудове право) regulates relations between an employee and an employer in connection with hired labor – covering working conditions, wages, labor protection, an employment contract, and dispute resolution. The primary source is the Labor Code of Ukraine (1971).

On 7 January 2026 the Cabinet of Ministers approved the draft of the new Labor Code of Ukraine (Bill No.14386), which intended to replace the Labor Code of 1971.

The Draft Labor Code was submitted to the Verkhovna Rada. It must pass two readings and be signed by the President. Significant changes are expected between readings. Entry into force: 6 months after termination of martial law.

EMPLOYMENT LAW | Трудове право

Labor Code of Ukraine · Constitution · Special laws · Collective agreements

▼ subject matter: two categories of relations ▼

INDIVIDUAL EMPLOYMENT RELATIONS *Індивідуальні трудові відносини*	COLLECTIVE LABOR RELATIONS *Колективні трудові відносини*
Single employee ↔ single employer. Arise from employment contract. Cover: wages, working time, leave, discipline, and termination. Employee performs work PERSONALLY and in SUBORDINATION to employer rules.	Employees (via trade union) ↔ employer. Collective bargaining → collective agreement. Resolution of collective disputes. SOCIAL PARTNERSHIP: three-party system – trade unions + employers + state – balancing social and economic interests.

▼ dual method of regulation ▼

DISPOSITIVENESS (within statutory floor)	IMPERATIVENESS (mandatory minimum standards)
Parties may agree terms MORE favorable than the statutory minimum. Salary above minimum wage ✓ Extra annual leave days ✓ Enhanced severance in collective agreement ✓	Parties CANNOT contract below the floor. Working week > 40 hrs ✗ Salary below minimum wage ✗ Dismissal on unlisted grounds ✗ Forced labor in any form ✗

SOURCES OF EMPLOYMENT LAW & GUIDING PRINCIPLES

Constitution → **Labor Code** → **Special Laws** → **Collective Agreement** → **Employment Contract**

NB: HIERARCHY RULE: each lower source must be no less favorable to the employee than the source above it – the most favorable provision applies where sources differ.

FREEDOM OF LABOR *Свобода праці*	NON-DISCRIMINATION *Недискримінація*	JUDICIAL PROTECTION *Судовий захист трудових прав*
• Right to choose occupation freely • Enter or leave employment voluntarily • Resign on 2 weeks' notice – no consent needed • Absolute prohibition of FORCED LABOR	• No unjustified distinctions based on: • disability, sex, age, • religion, race, political opinion, • social or national origin • Equal pay for work of equal value	• Right to challenge dismissal in court • Individual dispute: within 1 month • Wages dispute: within 3 months • Reinstatement + back-pay if dismissal unlawful • Non-pecuniary damage compensable

KEY INSTITUTIONS & LABOR LAW PERSONALITY

TRADE UNION (профспілка)

- Voluntary non-governmental organization
- Represents workers' interests
- Negotiates collective agreements
- Gives/withholds consent to certain dismissals
- Participates in labor dispute resolution

COLLECTIVE AGREEMENT (колективний договір)

- Employer ↔ trade union (enterprise level)
- Establishes: wages, bonuses, schedules,
- extra leave, safety commitments
- Must be no less favorable than LCU minimums
- Binding on all employees at the enterprise

STATE LABOR INSPECTION (державна інспекція з питань праці)

- Supervises compliance with labor law
- Conducts announced & unannounced inspections
- Issues binding orders for non-compliance
- Imposes administrative fines
- Enforces: wages, working time, contracts, safety

LABOR LAW PERSONALITY (правосуб'єктність)

EMPLOYEE acquires capacity at age:

- 16 (general rule)
- 15 with parental consent

EMPLOYER acquires capacity upon:

- State registration as legal person,

or as individual entrepreneur

EMPLOYMENT INTERMEDIATION (посередництво)

State Employment Service (SES):

- Registers unemployed persons
- Pays unemployment benefit
- Provides vocational retraining
- Refers job-seekers to vacancies

Licensed private employment agencies also permitted.

10.2. EMPLOYMENT CONTRACT

An employment contract (трудовий договір) is the foundational agreement between an employee and an employer: an employee performs work personally in a defined role, in compliance with internal labor rules; an employer pays wages and provide lawful working conditions.

TYPES OF EMPLOYMENT CONTRACT & FORMATION

OPEN-ENDED CONTRACT *Безстроковий трудовий договір*	**FIXED-TERM CONTRACT** *Строковий трудовий договір*	**KONTRACT (Special form)** *Контракт (спеціальної форми)*
• DEFAULT form under Ukrainian law • No specified end date • Presumed if no term agreed • Terminable only on grounds in LCU • Most protective for employee	• Permitted only where PERMANENT • relationship not possible by nature of the work or its conditions • Auto-terminates at agreed date • Example: visiting lecturer – 1 year	• Special written form • Permitted only where law expressly allows • Parties may set: duration, performance targets, enhanced severance • Example: head of state enterprise

▼ how the employment relationship comes into existence ▼

Contract Signed *Written form in specified cases*	→	**OR: Admission to Work** *Deemed contract from the first day*	→	**Personnel Order Issued** *Within 3 days of commencement*	→	**Employment Relationship** *Full LCU rights & obligations active*

NB: ADMISSION TO WORK (допуск до роботи): if an employer allows a person to begin work without a signed contract, an employment relationship exists from that moment – the absence of a written contract does not negate the relationship but exposes the employer to evidential risk.

EMPLOYMENT CONTRACT CONTENT | Зміст трудового договору

Position · Salary · Working hours · Start date · Probationary period · Rights & obligations of both parties

PROBATIONARY PERIOD (Випробувальний строк)

Max 3 months (most employees)
Max 1 month (workers / blue-collar)
Not permitted for: minors, pregnant women, persons moving under transfer.
FULL labor rights apply during probation.
If unsatisfactory: employer may terminate giving 3 days' WRITTEN notice with reasons.
If probation passes: contract continues automatically.

JOB DESCRIPTION (Посадова інструкція)

Normative document defining:
- Specific functions of the position
- Employee's duties and rights
- Accountability and authority

Incorporated by reference into contract.
Employee cannot be required to perform tasks not listed without fresh agreement.
Useful evidence in disciplinary proceedings.

PART-TIME WORK

By AGREEMENT of parties.
Fewer hours/days than normal week.
Pay proportional to time worked.

FULL employment rights retained:
- Annual leave accrues at full rate
- All LCU protections apply
- Seniority counted in full

TRANSFER TO ANOTHER POSITION

Change of: specialty, qualification, position, or place of work.
Requires WRITTEN CONSENT of employee (modification of essential contract terms).
EXCEPTION: temporary transfer without consent permitted for production necessity (max 1 month, same wage level).

GROUNDS FOR TERMINATION & DISMISSAL PROCEDURES

TERMINATION OF EMPLOYMENT | Розірвання трудового договору

Exhaustive statutory grounds only – dismissal on unlisted grounds is automatically UNLAWFUL

BY AGREEMENT *Угода сторін / Закінчення строку*	EMPLOYEE'S INITIATIVE *Звільнення за власним бажанням*	EMPLOYER'S INITIATIVE *Звільнення з ініціативи роботодавця*
• Mutual agreement of both parties • Expiry of fixed-term contract • Call-up for military service • Other specified grounds • No notice period obligation in most cases	• Employee gives 2 WEEKS' written notice • Employer may not refuse • IMMEDIATE termination if employer • violated law or collective agreement • Final day: dismissal order + all payments • + return of employment record book	• REDUNDANCY: 2 months' notice + offer • of alternatives + severance pay • MISCONDUCT: reprimand → then dismissal • ABSENTEEISM: immediate (1 ground only) • INTOXICATION: immediate • Trade union CONSENT required in most cases

SEVERANCE PAY *(вихідна допомога)*	**UNLAWFUL DISMISSAL & REINSTATEMENT** *(незаконне звільнення та поновлення на роботі)*
Minimum: 1 month's average earnings. Collective agreement may exceed this. Payable on: redundancy, liquidation, and certain employer-initiated dismissals. EMPLOYMENT RECORD BOOK must be completed (ground cited) and returned to employee on their LAST working day.	Dismissal without LCU ground, or without following procedure, or without required trade union consent → UNLAWFUL. Remedy → court order for: • Reinstatement to previous position • Average wages for entire enforced absence • Non-pecuniary damage compensation

10.3. RIGHTS AND OBLIGATIONS OF EMPLOYEES AND EMPLOYERS

Ukraine's employment framework aims to balance worker protections with employer operational needs. The legal system recognizes labor's vulnerable economic position and grants workers substantive rights while preserving management's ability to direct the workplace. This balance is established through multiple legal instruments: the Labor Code, sector-specific laws, negotiated collective agreements, and individual employment contracts.

CORE RIGHTS OF EMPLOYEES & EMPLOYERS

EMPLOYEE RIGHTS (права працівників)	EMPLOYER RIGHTS (права роботодавців)
• right to wages – at least minimum wage, paid at least twice per calendar month • right to safe & healthy working conditions • right to annual paid leave (minimum 24 calendar days) • right to professional development • right to join a trade union • right to participate in collective bargaining • right to judicial protection of labor rights	• organize the production process • assign work and issue binding instructions within scope of employment contract • apply disciplinary sanctions for violations • conclude, modify, and terminate contracts on lawful grounds • adopt internal labor rules binding on staff • require compliance with job description • claim material liability for damage caused

NB: MINIMUM WAGE (мінімальна заробітна плата): the legally established floor below which no employer may pay for a full working norm – the statutory minimum automatically displaces any lower contractual rate.

CORE OBLIGATIONS, LABOR DISCIPLINE & MATERIAL LIABILITY

EMPLOYEE OBLIGATIONS (обов'язки працівників)

- perform work personally and conscientiously
- comply with internal labor rules
- follow safety requirements at all times
- preserve employer property
- report circumstances threatening the health or safety of colleagues

EMPLOYER OBLIGATIONS (обов'язки роботодавців)

- pay wages fully and on time
- provide work specified in contract
- maintain safe working conditions
- comply with labor laws & collective agreements
- issue required documents on dismissal
- observe non-discrimination requirements
- report to State Labor Inspection

DISCIPLINARY LIABILITY

дисциплінарна відповідальність

- for violations of labor discipline.
- two sanctions only:
- 1. reprimand (догана)
- 2. dismissal
- one sanction per violation.
- must be applied within 1 month of discovery
- (and no more than 6 months after violation).

MATERIAL LIABILITY (LIMITED)

обмежена матеріальна відповідальність

- employee's liable for direct actual damage
- caused by unlawful, culpable conduct.
- default CAP: 1 month's average earnings
- even if actual damage is higher.
- example: cashier shortage – liability
- capped at 1 month salary.

FULL MATERIAL LIABILITY

повна матеріальна відповідальність

- CAP removed where:
- written full-liability agreement signed
- (cashiers, storekeepers, valuables handlers)
- damage caused intentionally
- damage caused while intoxicated
- criminal conduct established by court
- liable for full amount of damage.

NB: EMPLOYER'S WAGE-DELAY LIABILITY: employer who pays late must compensate employee for inflationary depreciation of delayed salary – plus potential administrative and criminal liability for managers

LABOR DISPUTE RESOLUTION & COLLECTIVE BARGAINING

INDIVIDUAL DISPUTE RESOLUTION

Step 1: LABOR DISPUTE COMMISSION (LDC)

- Apply within 10 days of the alleged violation.
- LDC issues a binding decision.

Step 2: DISTRICT COURT

- Appeal within 10 days of LDC decision.
- DISMISSAL challenges: directly to court within 1 MONTH of receiving dismissal order.

Remedies: reinstatement + back-pay + damages.

COLLECTIVE DISPUTE RESOLUTION

Stage 1: CONCILIATION COMMISSION

- Joint employer + employee representatives.
- Attempt to resolve the dispute.

Stage 2: LABOR ARBITRATION TRIBUNAL

- Independent arbitrators appointed.
- Binding award if accepted by both parties.

If unresolved → STRIKE permitted:

- Ballot required (majority threshold)
- 72 hours' advance notice to employer
- Lawful only after exhausting conciliation.

COLLECTIVE BARGAINING | Колективні переговори

Both parties have a DUTY to bargain in good faith · Exchange information · Sign agreement within 3 months of opening negotiations

NB: EQUAL PAY OBLIGATION: employer must apply equal remuneration for work by men and women – a pay audit revealing unjustified gender pay gaps requires immediate equalization.

10.4. WORKING TIME AND REST TIME

Working time (робочий час) is the period during which an employee must perform employment obligations. Rest time (час відпочинку) is the time free from work obligations. Both are regulated by the Labor Code to protect the wellbeing of workers.

WORKING TIME – NORMAL, REDUCED, AND SPECIAL REGIMES

WORKING TIME | Робочий час

Period during which employee performs obligations – including standby time at employer's disposition

NORMAL WORKING WEEK *Нормальна тривалість*	**REDUCED WORKING TIME** *Скорочена тривалість*	**PART-TIME HOURS** *Неповний робочий час*	**OVERTIME** *Надурочні роботи*
Maximum 40 hours/week Cannot be exceeded by any contract, agreement, or rule Five-day or six-day week set in internal labor rules	SHORTER week set by LAW for specified categories: 16-year-olds: ≤ 36 hrs Hazardous conditions: 36 hrs FULL WAGES paid despite reduced hours	By AGREEMENT of parties Wages proportional to time worked / output Unlike reduced time, does NOT carry full-wage entitlement	Beyond normal shift/day EMERGENCY / necessity only Max: 4 hrs / 2 consecutive days Max: 120 hrs per year Compensated at DOUBLE the hourly rate

SHIFT WORK *Робота в кілька змін*	NIGHT WORK *Нічна робота* *10 pm to 6 am*	ON-CALL DUTY *Чергування* *Present at workplace / on-call*
• Rotating groups on successive shifts • Used in continuous production, utilities, transport • Shift schedule approved in advance • Back-to-back shifts (no gap) prohibited	• Treated as more burdensome • Supplement: ≥ 20% above daytime rate • Employment of MINORS at night: PROHIBITED • Employment of PREGNANT WOMEN: PROHIBITED • Maximum night hours capped	• Employee present for urgent need • Working time only when employee • ACTIVELY engages in substantive work • Passive standby periods: NOT working time • Example: doctor on night duty – patient treatment counts; rest does not

REST TIME – DAILY, WEEKLY & IN-SHIFT BREAKS

REST TIME | Час відпочинку

Time FREE from employment obligations – employee may use as they choose – several mandatory minimum periods

BREAK DURING WORKING DAY *Перерва для відпочинку та харчування*	DAILY REST *Міжзмінний відпочинок*	WEEKLY REST *Щотижневий відпочинок*
• Duration: 30 minutes to 2 hours • Set in INTERNAL LABOR RULES • Does NOT count as working time • Employee may LEAVE workplace during break • Example: 1-hour lunch 1–2 pm → work starts 9 am, ends 6 pm	• Between end of one shift and start of the next shift • Must be ≥ DOUBLE the preceding • work period in duration • Example: after 10-hour shift ending 6 am, next shift cannot start before 2 am next day	• Minimum 42 continuous hours per week • Normally encompasses Sunday (+ Saturday in a 5-day week) • Employee free from all obligations • Work on both weekend days without • extraordinary justification: PROHIBITED

PUBLIC HOLIDAYS *Святкові та неробочі дні*	WORKING TIME ACCOUNTING *Облік робочого часу*
Work NOT performed as a general rule. Nationally designated days: New Year's Day, Christmas (25 Dec), Easter Monday, Independence Day, and other designated national holidays. If required to work on a public holiday: • DOUBLE PAY for that day, OR • COMPENSATORY DAY OFF (agreed with employer)	Employer's OBLIGATION to record accurately: • Hours worked by each employee • Overtime, night, public holiday hours • Absences and reasons Purpose: • Ensure compliance with max-hour limits • Calculate wages accurately • Provide evidence in labor disputes

LEAVE ENTITLEMENTS – ANNUAL, SPECIAL & FAMILY LEAVE

LEAVE SYSTEM | Система відпусток
Continuous periods free from work obligations on maintained income or state benefit

ANNUAL PAID LEAVE *Щорічна оплачувана відпустка*	ADDITIONAL LEAVE *Додаткова відпустка*	LEAVE WITHOUT PAY *Відпустка без збереження зарплати*
• Minimum: 24 calendar days/year • Eligibility: after 6 months' employment • Taken per APPROVED LEAVE SCHEDULE • LEAVE PAY: average daily earnings × days	• Added on top of basic 24 days for: • Hazardous/ difficult conditions: up to 35 days • Irregular working hours • Specified industrial sectors	• MANDATORY in specified cases: • Death of close relative: up to 7 days • Marriage: up to 3 days • DISCRETIONARY in other cases:

• Paid NO LATER THAN 3 days before start • Employer may NOT refuse scheduled leave	• Parents of children with disabilities • Example: miner = 24 + 35 = up to 59 days/year	• Personal reasons (employer's discretion) • Salary proportionally reduced for unpaid days

MATERNITY LEAVE *Відпустка у зв'язку з вагітністю та пологами*	**PARENTAL LEAVE** *Відпустка для догляду за дитиною*
70 days BEFORE expected birth, plus 56 days AFTER birth (70 days after for complicated birth / twins). State benefit: 100% of average earnings. Position must be HELD OPEN during leave. Cannot be dismissed during maternity leave.	To care for child up to AGE 3 (up to age 6 if medical necessity). Available to: mother, father, OR designated caregiver. Partial STATE BENEFIT during leave. Right to return to SAME or EQUIVALENT position on same terms guaranteed.

10.5. TASKS

Grammar focus in the context of Ukrainian Employment Law: **Present Perfect vs Past Simple: forms, signal words, and usage in legal English.**

GRAMMAR REVIEW

Tense / Form	Key Words	Employment Law Example
Present Perfect (+)	*since, for, ever, never, already, yet, recently, so far, over the past...*	The minimum wage has increased four times since 2020.
Present Perfect (–)	*not yet, never, not ... so far*	The employer has not yet paid the outstanding wages.
Present Perfect (?)	*Have/Has + subject + pp? (yet, ever)*	Has the court issued a judgment yet?
Past Simple (+)	*in [year], last, ago, on [date], yesterday, then, when*	Parliament adopted the Labor Code in 1971.
Past Simple (–)	*same definite past time signals*	The employer did not follow the redundancy procedure.
Past Simple (?)	*Did + subject + infinitive?*	Did the employee submit a written resignation?

1. FORM: HOW TO BUILD EACH TENSE

Present Perfect: have / has + past participle

Affirmative: The employee has worked here for eight years.
Negative: The employer has not paid the minimum wage this month.
Question: Has the court reinstated the employee yet?

Past Simple: V2 (regular: +ed | irregular: 2nd form)

Affirmative: Parliament enacted the Labor Code in 1971.
Negative: The employer did not issue a written warning.
Question: Did the court resolve the labor dispute?

NB: Key irregular verbs in employment law: arise/arose, bring/brought, choose/chose, dismiss (regular), find/found, give/gave, hold/held, pay/paid, reinstate (regular), resign (regular), submit (regular), take/took, win/won, write/wrote.

2. KEY WORDS: THE FASTEST WAY TO CHOOSE THE RIGHT TENSE

Use PRESENT PERFECT with:

since (a point in time): since 2001 / since independence / since the law changed
for (a period up to now): for eight years / for the past decade
already / yet / just: has already filed / has not yet responded / has just resigned
ever / never: Have you ever been dismissed? / The employer has never paid overtime.
recently / lately: The Inspection has recently conducted audits.
up to now / so far: The court has heard ten cases so far this year.
over / during the past...: over the past seven years / during the past year

Use PAST SIMPLE with:

in [year]: in 1971 / in 2022 / in March
last [period]: last Tuesday / last year / last month
[number] ago: three weeks ago / two years ago
on [date]: on 14 March / on the day of dismissal
when / then: When the employer dismissed her... / She then filed a claim.

NB: for + period = PRESENT PERFECT if the situation continues NOW.
for + period = PAST SIMPLE if the situation has ENDED.
Compare: She has worked here for five years (still working) vs She worked there for five years (no longer there).

3. THE CORE MEANING DIFFERENCE IN LEGAL ENGLISH

Present Perfect = a past action WITH PRESENT RELEVANCE

The employer has not paid wages. → The wages are STILL owed. The situation is unresolved.

The court has ruled in favor of the employee. → This ruling STILL STANDS and affects the present case.

The parliament has amended the Labor Code 100 times. → The current Code reflects all those changes.

Past Simple = a CLOSED event at a specific past time

The employer dismissed the employee on 5 January. → Specific date, completed event.

Parliament adopted the Labor Code in 1971. → Historical fact with a known date.

The employee resigned last Friday. → Specific, closed action in the past.

Both tenses together – the standard legal narrative pattern:

The Labor Code was adopted in 1971 [Past Simple – specific date]. It has been amended more than 100 times since then [Present Perfect – up to now].

NB: This combination appears in every professional legal text: use Past Simple for the origin, Present Perfect for the ongoing legal situation.

COMMON ERRORS IN LEGAL ENGLISH – AND HOW TO AVOID THEM

ERROR 1: Present Perfect + specific past time

WRONG: The court has issued its judgment in March 2023.

CORRECT: The court issued its judgment in March 2023. (specific date = Past Simple)

ERROR 2: Past Simple + since

WRONG: The employer violated the minimum wage rules since 2020.

CORRECT: The employer has violated the minimum wage rules since 2020. (since = Present Perfect)

ERROR 3: for + period – wrong tense for context

WRONG: She has worked there for five years (but she left in 2020).

CORRECT: She worked there for five years. (situation ended = Past Simple)

ERROR 4: Missing have/has in Present Perfect
WRONG: The employee already filed the complaint.
CORRECT: The employee has already filed the complaint. (already without specific time = Present Perfect)
NB: Before choosing the tense, ask: 1) Is there a specific past time? → Past Simple. 2) Is the action connected to the present? → Present Perfect. 3) Is the situation still ongoing? → Present Perfect.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY PRESENT PERFECT AND PAST SIMPLE IN THE EMPLOYMENT LAW TEXT

Read the passage below carefully. Underline every verb in Present Perfect tense and Past Simple tense. Then complete the table: verb form / tense / reason for choice (specific past time / life experience / recent event / ongoing relevance).

TEXT: Ukrainian employment law has evolved significantly since 1991. The Labor Code was adopted in 1971 and has remained in force – with numerous amendments – ever since. In 2022, Parliament introduced emergency employment measures in response to the war. Courts have resolved thousands of unlawful dismissal cases over the past decade. The minimum wage has increased several times in recent years. Last month, the State Labor Inspection fined three employers for failure to pay overtime. As of March 2026, a large-scale labor reform was underway in Ukraine. The Cabinet of Ministers has approved the draft of the new Labor Code of Ukraine (Bill No. 14386), which is intended to replace the outdated Labor Code of 1971.

• List each verb: e.g. has evolved – Present Perfect – ongoing relevance to present.
• Identify the time expressions: which signal Past Simple? Which allow Present Perfect?
• Find the one sentence where BOTH tenses appear – explain why each is used.
NB: Key rule: in 1991, in 2022, last month = definite past time → Past Simple. Since 1991, over the past decade, in recent years = period up to now → Present Perfect.

Task 2
Reading
ANALYSE

ANALYSE TENSE CHOICES IN FOUR EMPLOYMENT LAW EXTRACTS

Read the four extracts below. For each one, analyse: a) which tense is used and why, b) what would change in meaning if the tense were switched, and c) which time signals justify the choice.

EXTRACT 1: The employee has worked for this company for ten years.
EXTRACT 2: The employer dismissed the employee without grounds in March.
EXTRACT 3: Parliament has not yet amended the overtime provisions of the Labor Code.
EXTRACT 4: The trade union concluded a collective agreement with the employer last year.

• For each extract: try replacing the tense with the alternative – is the sentence still correct? What changes in meaning?
• Which extract would be wrong if rewritten with Present Perfect? Which would be ambiguous?
• Identify the signal word in each extract that determines the tense choice.
NB: For + period with Present Perfect = the situation is still ongoing (has worked for 12 years – still working). For + period with Past Simple = the situation ended (worked for 12 years – no longer working). This distinction is critical in employment law contexts.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: PRESENT PERFECT OR PAST SIMPLE?

Listen to audio recording #10 and write the missing word – the correct tense form of the verb. Then justify your choice to a partner using a rule from the Grammar Review.

1. The employee _____ for this company since 2018.
2. Parliament _____ the Labor Code in 1971.
3. The employer _____ the minimum wage this month.
4. The court _____ the employee last Tuesday.
5. Trade unions _____ an important role in labor relations since independence.
6. _____ the employer _____ the employment record book yet?
7. The probationary period _____ three weeks ago.
8. The State Labor Inspection _____ over 500 inspections so far this year.
9. The employee _____ a written resignation last Friday.
10. The minimum wage _____ four times since 2020.

• *Compare answers with a partner. For each sentence, name the signal word that determined your tense choice.*

NB: this month = a period that includes the present, so Present Perfect is preferred.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: AN HR MANAGER'S BRIEFING

Listen to a 2-minute role-play in which an HR manager briefs a new employee about the company's employment practices. Evaluate: a) correct use of Present Perfect and Past Simple, b) appropriate signal words, and c) legal accuracy of employment law content. Write your corrections.

- *Note at least three correct tense uses – grammatically and contextually accurate.*
- *Find at least two tense errors – wrong tense chosen given the time context.*
- *Find at least one employment law error (e.g. incorrect statement about probationary period or overtime rules).*
- *Write one corrected sentence for each error.*

NB: E.g. the HR manager says "We have introduced our overtime policy in 2019" (wrong – in 2019 requires Past Simple: We introduced).

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DEFINE EMPLOYMENT LAW TERMS USING BOTH TENSES

Choose five terms from the glossary. For each, give: 1) a present-tense definition, 2) one Past Simple sentence (completed past event), and 3) one Present Perfect sentence (ongoing relevance or recent development). Speak for 2 minutes without reading.

- *Definition: Unlawful dismissal is the termination of an employment contract without legal grounds...*
- *Past Simple: The court reinstated the employee who was dismissed without grounds in January.*
- *Present Perfect: Ukrainian courts have resolved thousands of unlawful dismissal cases since 2000.*

• *Use at least two irregular verbs in Past Simple (dismiss/dismissed is regular – try: bring/brought, hold/held, arise/arose, pay/paid).*
• *Use at least two Present Perfect key words: since, for, already, yet, recently, ever, so far.*
NB: Present Perfect connects a past action to the present. Past Simple simply states a past fact. Use them together to show both history and current relevance: Parliament adopted the Labor Code in 1971. It has been amended over 100 times since then.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: EMPLOYEE CONSULTING A LAWYER ABOUT DISMISSAL

Student A plays an employee who believes they have been unfairly dismissed. Student B plays a labor lawyer asking about the timeline of events. Both must use Present Perfect and Past Simple accurately throughout the conversation.

• *Employee: use Past Simple for specific events – My employer dismissed me on 14 March. I signed the employment contract in 2020. I received no written warning.*
• *Lawyer: use Present Perfect for current status and experience – Have you received any severance pay? Has the employer issued your employment record book? Have you filed a complaint yet?*
• *Employee answers in Present Perfect:*
– I have not received severance pay. I have already contacted the State Labor Inspection.
• *Switch roles after 3 minutes. Focus on: dismissed/was dismissed, have received/received, has issued/issued.*
NB: A lawyer asking "Did you receive severance pay?" (Past Simple) treats it as a closed question about a past moment. "Have you received severance pay?" (Present Perfect) asks about the current situation – is it still owed? In legal consultations, Present Perfect is often more appropriate for outstanding issues.

Task 7
Speaking – Monologue

APPLY

PRESENT A TIMELINE OF AN EMPLOYMENT DISPUTE

You are a student lawyer presenting an employment dispute timeline to a study group. Use Past Simple for specific dated events and Present Perfect for the current legal status or ongoing consequences. Speak for 2–3 minutes.

CASE: An employee worked at a private company for 8 years. In October 2023, the employer reduced her working hours without agreement. She complained to the State Labor Inspection in November 2023. The inspection found a violation. The employer has not yet corrected the violation. The case is now before the labor court.

- *Timeline events (Past Simple): The employee joined the company in 2015. In October 2023, the employer reduced her hours. She filed a complaint in November.*
- *Current status (Present Perfect): The inspection has found a violation. The employer has not yet corrected the breach. The employee has brought a claim to the court.*
- *Use at least four Past Simple and four Present Perfect verb forms.*

NB: In legal presentations, shifting from Past Simple to Present Perfect signals the transition from historical facts to current legal consequences. This is a key rhetorical and grammatical skill in professional legal English.

Task 8
Speaking – Debate

ANALYSE

DEBATE: HAS UKRAINIAN EMPLOYMENT LAW ADEQUATELY PROTECTED WORKERS SINCE 1991?

Hold a structured mini-debate. Position A: Ukrainian employment law has made significant progress in protecting workers' rights since independence. Position B: despite legislative changes, employment law has failed to keep pace with modern labor market realities. Argue your position for 90 seconds, then respond.

- *Both positions MUST use Present Perfect to describe developments up to the present: Parliament has amended..., Courts have recognized..., Employers have repeatedly violated...*
- *Use Past Simple for specific historical evidence: The Labor Code was adopted in 1971; In 2022, emergency measures were introduced.*
- *Reference glossary terms: collective agreement, trade union, minimum wage, unlawful dismissal, labor protection, strike, social partnership.*
- *Use academic discourse markers with correct tense: Evidence has shown that..., However, in recent years, the legislature has failed to...*

NB: do not simply list facts – build a causal argument. Use Present Perfect for your main thesis (Ukrainian law has succeeded / has failed) and Past Simple for the evidence that supports it (because in 1997, Parliament did not...).

Post-debate reflection. Answer individually after the debate: 1. Which argument from either side did you find most convincing? Why? 2. As a future lawyer advising a foreign investor in Ukraine, what would you tell them about the reliability of Ukrainian employment law protections?

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY USING BOTH TENSES IN THE EXAMPLES

Choose one term from the glossary. Write a full glossary entry: English term, Ukrainian equivalent, a two-sentence present-tense definition, one Past Simple example, and one Present Perfect example.

• Definition (present tense): Unlawful dismissal is the termination of an employment contract by the employer without lawful grounds or in violation of the required procedure.
• Past Simple example: The employer dismissed the employee without a written warning in breach of Article 147 of the Labor Code. [Past Simple – specific past event]
• Present Perfect example: The courts have consistently held that dismissal for trade union activity constitutes unlawful dismissal. [Present Perfect – established legal position with current relevance]
• After each example sentence, note in brackets: [Past Simple – reason] or [Present Perfect – reason].
NB: Courts have held (Present Perfect) = an established legal position that still stands. The court held (Past Simple) = a specific decision in a specific case. Both are correct, but they carry different weight in legal argument.

Task 10
Writing
APPLY

WRITE A SHORT EMPLOYMENT CASE SUMMARY USING BOTH TENSES

Read the scenario below. Write a 150-word legal case summary, using Past Simple for the factual history and Present Perfect for current legal status, outstanding obligations, and recent developments.

SCENARIO: Mykola worked as an accountant at a private firm from 2017. In January 2024, the employer made him redundant, citing restructuring. No severance pay was offered. Mykola filed a claim with the court in February 2024. The court has not yet issued a judgment. The State Labor Inspection has already confirmed that the redundancy procedure was not followed correctly.

- *Facts/history (Past Simple): Mykola joined the firm in 2017. The employer made him redundant in January 2024. He filed a claim in February.*
- *Current status (Present Perfect): The court has not yet issued a judgment. The Inspection has confirmed a procedural violation. The employer has not paid severance.*
- *Use at least five Past Simple and four Present Perfect verb forms.*
- *Underline all Past Simple verbs once and all Present Perfect verbs twice.*

NB: Filed a claim (Past Simple) = specific completed act on a specific date. Has not yet issued a judgment (Present Perfect) = the situation is still unresolved at the time of writing. This combination is the standard pattern in legal case summaries.

Task 11
Writing
EVALUATE

CORRECT TENSE ERRORS IN AN EMPLOYMENT LAW REPORT

The paragraph below contains six tense errors (wrong choice between Present Perfect and Past Simple). Find each error, explain why it is wrong, and rewrite the paragraph correctly.

PARAGRAPH: Ukrainian employment law has undergone major reform in 1991, when independence was declared. Since then, Parliament adopted more than 200 amendments to the Labor Code. Last year, the minimum wage increased to a new record level – the highest it has ever been. The State Labor Inspection has fined several employers in 2022 for overtime violations. Courts already recognized the right to reinstatement in unlawful dismissal cases, and this principle became well established over the past thirty years.

Error 1: has undergone... in 1991 → underwent (specific year = Past Simple).

• *Rewrite the corrected paragraph in full. Then write one sentence explaining the general rule you applied most often.*

NB: The core test: does the sentence refer to a CLOSED event at a specific past time (Past Simple) or to a period that REACHES THE PRESENT (Present Perfect)? If in doubt, look for the key words – it will usually tell you.

Task 12
Writing
CREATE

WRITE A BRIEFING NOTE ON EMPLOYEES RIGHTS IN UKRAINE

Write a 200-word professional briefing note in English addressed to a new foreign investor entering the Ukrainian market. Explain the key features of Ukrainian employment law they need to know. Use Past Simple for historical context and Present Perfect for the current legal landscape.

PARAGRAPH 1 – Background (Past Simple): Ukraine adopted the Labor Code in 1971. Since independence in 1991, Parliament has amended the Code extensively... [blend both tenses as appropriate]

PARAGRAPH 2 – Current Rights and Obligations (Present Perfect + present tense): Ukrainian law has established a minimum wage... Employers have recently been required to... Workers have gained the right to...

PARAGRAPH 3 – Practical advice (present tense with Present Perfect for recent changes): Since 2022, new rules have applied to... You must ensure that your employment contracts comply with...

- *Use at least eight Present Perfect and five Past Simple forms across the note.*
- *Use glossary terms: employment contract, minimum wage, annual paid leave, overtime, dismissal, trade union, labor protection, collective agreement.*

NB: Professional legal briefing notes use Present Perfect to describe the current legal framework (the law has established, courts have held) and Past Simple only when giving specific historical background. The reader needs to know what is true NOW, not just what happened in the past.

10.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence uses the CORRECT tense given the time?
a) Ukraine has adopted the Labor Code in 1971;
b) The employer dismissed the employee without grounds last Monday;
c) The court has reinstated the worker in March 2022;
d) Parliament adopted more than 200 amendments since 1991.

2. Which time expression REQUIRES Present Perfect (not Past Simple)?
a) in 1971;
b) last year;
c) on 14 March;
d) since independence.

3. The employee _____ for this company for eight years. – The employee is STILL working. Which form is correct?
a) worked;
b) was working;
c) has worked;
d) had worked.

4. The employee _____ for this company for eight years. – The employee NO LONGER works there. Which form is correct?
a) has worked;
b) is working;
c) works;
d) worked.

5. Which sentence correctly uses Present Perfect in an employment law context?

a) The trade union has concluded a collective agreement last April;
b) The State Labor Inspection has conducted over 500 inspections so far this year;
c) The employer has dismissed the employee in January;
d) The court has issued its judgment on 3 March.

6. Under the Labor Code of Ukraine, the general maximum duration of a probationary period for most employees is:

a) one month;
b) three months;
c) six months;
d) one year.

7. Which question is correctly formed in Present Perfect?

a) Did the employer issued the employment record book yet?
b) Has the employer issued the employment record book yet?
c) Has the employer issue the employment record book yet?
d) Did the employer has issued the employment record book?

8. Yet is used with Present Perfect in which type of sentence:

a) affirmative only;
b) negative and interrogative;
c) affirmative and negative;
d) interrogative only.

9. Which sentence contains a TENSE ERROR?

a) The minimum wage has increased four times since 2020;
b) Parliament enacted the Labor Code in 1971;
c) The employer has introduced a new overtime policy in 2019;
d) The employee has not yet received severance pay.

10. Unlawful dismissal in Ukrainian employment law means:
a) any dismissal that the employee disagrees with;
b) termination of an employment contract without lawful grounds or in violation of the required legal procedure;
c) a voluntary resignation that the employer refuses to accept;
d) dismissal at the end of a fixed-term contract.

11. Which tense is most appropriate for this sentence? The employer _____ the minimum wage rules three times over the past five years.
a) violated;
b) was violating;
c) has violated;
d) had violated.

12. Reinstatement as a remedy in employment law means:
a) payment of compensation in lieu of returning to work;
b) the employee's return to their previous position following a court finding of unlawful dismissal;
c) a formal warning issued to the employer by the labor inspection;
d) the renegotiation of the employment contract terms.

13. Which sentence CORRECTLY combines Past Simple and Present Perfect?
a) The Labor Code was adopted in 1971 and has been amended many times since;
b) The Labor Code has been adopted in 1971 and was amended many times since;
c) The Labor Code adopted in 1971 and has been amended many times since;
d) The Labor Code was adopted in 1971 and amended many times since.

14. Which time expression is compatible with BOTH Present Perfect and Past Simple (depending on context)?
a) In 2003;
b) Yesterday;
c) For three years;
d) Last month.

15. The court _____ not yet issued its judgment in the unlawful dismissal case. Which auxiliary is correct?
a) did;
b) was;
c) has;
d) had.

16. Severance pay is paid to an employee when:
a) the employee voluntarily resigns without notice;
b) the employment contract is terminated and the law entitles the employee to a lump-sum payment on departure;
c) the employee is absent without authorization for more than five days;
d) the employer increases the employee's salary.

17. Which sentence uses already CORRECTLY with Present Perfect?
a) The employer already paid the severance pay last week;
b) The employee has already filed a complaint with the State Labor Inspection;
c) The court already has decided the case in 2023;
d) Parliament already adopted the amendment last session.

18. In employment law, a collective agreement is:
a) an individual employment contract signed by multiple employees at once;
b) a legally binding agreement concluded between an employer and a trade union regulating working conditions, wages, and social guarantees;
c) a government decree setting national minimum wage levels;
d) an agreement between two employers to share employees.

19. Which sentence correctly uses the Present Perfect to describe an ongoing employment situation?

a) The employee worked at this company since she graduated;
b) The employee has worked at this company since she graduated;
c) The employee is working at this company since she graduated;
d) The employee was working at this company since she graduated.

20. Overtime in Ukrainian employment law generally requires:

a) no special authorization – the employer may freely require it at any time;
b) the employee's written consent and is subject to statutory limits on the number of hours permitted;
c) approval only from the State Labor Inspection before it can be assigned;
d) a separate overtime contract signed by both parties.

ANSWER KEY

Q1: b	**Q2: d**	**Q3: c**	**Q4: d**	**Q5: b**	**Q6: b**	**Q7: b**	**Q8: b**	**Q9: c**	**Q10: b**
Q11: c	**Q12: b**	**Q13: a**	**Q14: c**	**Q15: c**	**Q16: b**	**Q17: b**	**Q18: b**	**Q19: b**	**Q20: b**

NB *Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision*

10.7. GLOSSARY

TERM	DEFINITION
Admission to work *Допуск до роботи*	A decision made by an employer to allow a person to start carrying out their job duties. Once this permission is given, an employment relationship is created by law.
Annual paid leave *Щорічна оплачувана відпустка*	A period of rest provided to every employee once a year, during which they continue to receive their average salary. The minimum duration is twenty-four calendar days for most workers.
Collective agreement *Колективний договір*	A legal document signed at the level of an enterprise between the employer and the body that represents employees, usually a trade union. It sets out working conditions, pay arrangements, and social benefits for all employees. The standards it establishes must be at least as high as those required by the law and by agreements reached at a higher level.
Collective bargaining *Колективні переговори*	A process in which the employer and the employees' representative body discuss and agree on the content of a collective agreement. Both sides are required to share relevant information when asked, and complete the agreement within three months from the start of negotiations.
Disciplinary liability *Дисциплінарна відповідальність*	A type of legal responsibility that applies to an employee who fails to carry out their work duties properly or who breaks the rules of labor discipline. The employer may impose one of two penalties provided by law: a reprimand or dismissal on the grounds set out in the Labor Code.

TERM	DEFINITION
Dismissal at employee's initiative *Звільнення за власним бажанням*	The ending of an employment contract that has no set duration, based on a written resignation submitted by the employee. The employee has the right to stop working after a two-week notice period has passed. If the employer has broken the law or the terms of the collective agreement, the employee may ask to leave immediately without serving the notice period.
Dismissal at employer's initiative *Звільнення з ініціативи роботодавця*	The ending of an employment contract through a one-sided decision by the employer, based only on the specific reasons listed in the Labor Code. These include staff reduction, repeated failure to perform duties, unjustified absence from work, and attending work in a state of intoxication. The employer must follow the required procedures, involve the trade union where necessary, and pay any severance due.
Employment contract *Трудовий договір*	An agreement between an employee and an employer in which the employee agrees to personally perform work in a particular role, specialty, or position and to follow the employer's internal rules, while the employer agrees to pay wages and to provide working conditions that meet the standards set by legislation, collective agreements, and any additional terms the parties have agreed upon.
Employment law *Трудове право*	A branch of law that regulates the relations between employees and employers arising from hired work. It also covers related areas such as employment services, trade union activity, collective bargaining, and the resolution of both individual and collective labor disputes.

TERM	DEFINITION
Employment legal relationship *Трудові правовідносини*	A legal connection between an employee and an employer that arises when an employment contract is concluded. The employee performs work personally and follows the employer's instructions, while the employer pays wages, and ensures that working conditions meet legal and contractual requirements.
Employment record book *Трудова книжка*	The main official document that records a person's work history, including all positions held, the reasons for transfers and dismissals, and any professional recognition received. The employer keeps this document during the employment relationship and must return it to the employee, with all required entries completed, on the last working day.
Fixed-term employment contract *Строковий трудовий договір*	An employment contract concluded for a specific period agreed by both parties, or for the time needed to complete a particular job. Such a contract is allowed only when the nature of the work or the conditions in which it must be performed make it impossible to establish a permanent employment relationship. When the agreed period ends, the contract terminates automatically unless both parties agree to extend it.
Forced labour *Примусова праця*	Any work that is required of a person against their will by means of any kind of threat, whether physical, legal, financial, or social in nature. It is completely prohibited by the Constitution of Ukraine and by international agreements ratified by Ukraine, including the conventions of the International Labor Organization.

TERM	DEFINITION
Freedom of labour *Свобода праці*	A constitutional right that allows every individual to freely choose their profession and type of work, to enter into or refuse employment on a voluntary basis, and to resign from a job. This right also includes a complete prohibition on any form of compulsion to work or forced labor.
Full material liability *Повна матеріальна відповідальність*	An exception to the general rule of limited financial responsibility, under which an employee must compensate the employer for the full amount of direct damage caused. This applies in specific situations defined by law, such as intentional damage, damage caused while the employee was intoxicated, criminal acts, or where the employee has signed a written full-liability agreement in relation to valuables or money.
Grounds for dismissal *Підстави для розірвання трудового договору*	The exhaustive list of legally specified circumstances upon which an employment contract may be ended. These include the expiry of a fixed term, resignation by the employee, termination by mutual agreement of the parties, employer-initiated dismissal on specific grounds, and other reasons such as military mobilization or the death of the employee.
Internal labour rules *Правила внутрішнього трудового розпорядку*	An official document adopted by the employer in agreement with the trade union that sets out the daily working schedule, the start and end times of shifts, rest and meal break periods, procedures for recording attendance, and the general standards of behavior expected from all employees at the enterprise.

TERM	DEFINITION
Labour dispute *Трудовий спір*	A disagreement of a legal character between an individual employee and their employer, or between the entire workforce and the employer, arising from the terms of an employment contract, the application of employment legislation, or obligations under a collective agreement; subject to resolution through the procedures prescribed by law.
Labour protection *Охорона праці*	A system of legal, organizational, technical, health, and medical measures aimed at protecting the life, physical health, and working capacity of employees while they carry out their job duties. It represents both a mandatory obligation of the employer and a legal right of every employee.
Material liability of employees *Матеріальна відповідальність працівників*	The obligation of an employee to compensate the employer for direct actual damage caused as a result of the employee's unlawful and blameworthy conduct. In most cases, compensation is limited to one month's average earnings, unless one of the legal grounds for full material liability has been established by law or a written agreement.
Maternity leave *Відпустка у зв'язку з вагітністю та пологами*	A statutory paid leave of seventy calendar days before the anticipated date of childbirth and fifty-six days thereafter – extended to seventy days post-birth in cases of complicated delivery or multiple births – during which the employee receives a state social insurance benefit calculated at one hundred per cent of average earnings, and her position must be held open for her return.

TERM	DEFINITION
Minimum wage *Мінімальна заробітна плата*	The lowest monthly or hourly rate of pay set by the state, below which an employer may not pay an employee who has completed the standard amount of work. This floor applies regardless of what is stated in the employment contract, the collective agreement, or any other arrangement between the parties.
Night work *Нічна робота*	Work performed between ten o'clock in the evening and six o'clock in the morning. Because this type of work is considered more demanding, employees are entitled to a higher pay rate of at least twenty per cent above the regular daytime hourly rate. The employment of minors and pregnant women during night hours is prohibited by law.
Non-discrimination in employment *Недискримінація в трудових відносинах*	A legal prohibition on any unjustified differences in treatment, restrictions, or preferences applied to a person in connection with employment, whether during recruitment, in working conditions, in promotion, or in dismissal. Prohibited grounds include race, sex, age, disability, political or religious views, and national or social background, where these factors are unrelated to the requirements of the job.
Normal working week *Нормальна тривалість робочого тижня*	The maximum number of working hours per week established by law, which is forty hours for the majority of employees. No employment contract, collective agreement, or internal employer document may set a longer working week. Any time worked beyond this limit is treated as overtime and is subject to the relevant legal rules and higher pay rates.

TERM	DEFINITION
Open-ended employment contract *Безстроковий трудовий договір*	An employment contract concluded without a fixed end date, which is the standard and most common type of employment under Ukrainian law. If no duration is specified in the contract, it is considered open-ended by default. The employer may terminate such a contract only on the specific grounds and in the manner prescribed by the Labor Code.
Overtime *Надурочні роботи*	Work carried out by an employee beyond the normal working day or shift at the employer's direction. It is permitted only in emergency or production situations specified by law, limited to four hours on any two consecutive days and one hundred and twenty hours per calendar year, and must be paid at double the standard hourly rate.
Parental leave *Відпустка для догляду за дитиною*	A leave entitlement granted to a parent — mother, father, or another designated family caregiver — for the purpose of caring for a child up to the age of three, or up to six years where a medical opinion establishes health-related necessity, during which the employee receives a partial state social benefit and retains the right to be restored to the same or an equivalent position upon return.
Probationary period *Випробувальний строк*	A trial period agreed at the time of concluding the employment contract during which the employer assesses the suitability of the newly engaged employee for the position, capped at three months for most employees and one month for workers, and during which the employee retains the full range of rights conferred by employment legislation.

TERM	DEFINITION
Redundancy *Скорочення штату*	A ground for dismissal by the employer that arises from a genuine reduction in the number of employees or the elimination of specific positions for economic, technological, or organizational reasons. The employer is required to give the affected employee at least two months' written notice in advance, to offer any suitable alternative position available, and to pay the required severance benefit on departure.
Reinstatement *Поновлення на роботі*	A legal remedy available to an employee whose dismissal a court has found to be unlawful. It consists of returning the employee to their previous position, paying average earnings for the full period during which they were unable to work, and awarding compensation for non-financial harm where this is considered appropriate.
Severance pay *Вихідна допомога*	A one-time payment made by the employer to an employee at the time the employment relationship ends, in the cases specified by the Labor Code. These cases mainly include redundancy, the closing down of the enterprise, and certain other employer-initiated dismissals. The minimum amount set by law is equal to one month's average earnings.
Trade union *Профспілка*	A voluntary non-governmental organization that unites employees on the basis of shared professional, sectoral, or occupational interests for the purpose of representing and protecting their labor, economic, and social rights.

UNIT 11
CRIMINAL LAW IN UKRAINE

11.1. THE CONCEPT OF CRIMINAL LAW
11.2. CRIMINAL OFFENCE AND ITS ELEMENTS
11.3. CRIMINAL LIABILITY
11.4. TYPES OF CRIMINAL OFFENCES
11.5. TASKS
11.6. QUIZ
11.7. GLOSSARY

11.1. THE CONCEPT OF CRIMINAL LAW

Criminal law (кримінальне право) is the branch of Ukrainian public law that defines which acts constitute crimes, establishes the conditions of criminal liability, and prescribes punishments. It is entirely codified in the Criminal Code of Ukraine – the sole source of criminal liability in Ukraine.

CRIMINAL LAW | Кримінальне право

Criminal Code of Ukraine (2001) · In force 1 September 2001 · SOLE source of criminal liability

TWO CORE FUNCTIONS

▶ PROTECTIVE FUNCTION: shields society, individual rights, and the state from criminal encroachment by defining offences and attaching penalties.

▶ PREVENTIVE FUNCTION: deters potential offenders through the credible threat and actual application of punishment.

STRUCTURE OF THE CRIMINAL CODE

▶ GENERAL PART: foundational principles, concept of criminal offences, criminal liability, system of punishments, grounds for exemption.

▶ SPECIAL PART: specific offences with prescribed penalties, arranged by the class of interests protected (generic object of each chapter).

SUBJECT MATTER *Предмет кримінального права*	CRIMINAL POLICY *Кримінальна політика*	LAW & MORALITY *Кримінальне право та мораль*
• criminal legal relationship: • state ↔ individual who committed crime • state: right to prosecute, convict, punish • offender: duty to submit to sanction • + right to contest it procedurally	• state strategy for combating criminal offences: • select acts to criminalise / decriminalise • calibrate punishments to gravity • develop preventive measures • allocate criminal justice resources	• criminal law ≠ identical to morality: • not all immoral acts are crimes • not all crimes are morally condemned • criminal law selects the most serious moral violations for codification

PRINCIPLES OF CRIMINAL LAW & KEY INTERPRETIVE RULES

LEGALITY *Законність*	GUILT & PERSONAL LIABILITY *Принцип вини / особистий характер*	JUSTICE & HUMANITY *Справедливість / гуманізм*
• Liability ONLY for acts expressly defined • as offences in the Criminal Code. • Punishment ONLY within Code-prescribed limits. • PROHIBITION OF ANALOGY: criminal liability • may NOT be extended to similar unlisted acts • (unlike civil law where gap-filling is allowed).	• Liability ONLY for culpable conduct: • intent (умисел), or • negligence (необережність) • OBJECTIVE LIABILITY is PROHIBITED. • Punishment is personal, no collective • or vicarious criminal liability.	• JUSTICE: punishment must be proportionate • to the gravity of the offence and the • degree of the offender's culpability. • HUMANITY: prohibition of torture and • degrading treatment; • the purpose of punishment includes the offender's correction.

CRIMINAL LAW IN TIME

Чинність у часі

GENERAL RULE: apply the law in force at the TIME OF COMMISSION of the act.

RETROACTIVE FORCE (favourable laws):

✓ Law that abolishes criminality

✓ Law that mitigates punishment

✓ Law that otherwise improves offender's position

NO RETROACTIVE EFFECT (unfavourable laws):

✗ Law that criminalises new conduct

✗ Law that aggravates punishment

CRIMINAL LAW IN SPACE

Чинність у просторі

TERRITORIAL PRINCIPLE: All persons on Ukrainian territory, regardless of citizenship.

PERSONALITY PRINCIPLE: Ukrainian citizens & stateless persons committing crimes abroad.

PROTECTIVE PRINCIPLE: Any person acting against Ukrainian interests anywhere in the world.

CRIMINALISATION, DECRIMINALISATION & INTERPRETATION

CRIMINALISATION (Криміналізація)

Legislature enacts NEW provision in Special Part:

• Conduct previously NOT a criminal offences becomes a criminal offence.

• Reflects state's assessment that harm warrants criminal protection.

DECRIMINALISATION (Декриміналізація)

Legislature removes an offence from the Code:

• Deletion of the relevant article, or

• Transfer to administrative / civil liability.

IMMEDIATE RETROACTIVE BENEFIT:

✓ Pending proceedings must be closed.

NO retroactive effect – cannot punish acts committed before the new law takes force. Example: introduction of liability for illegal enrichment of public officials.	✓ Convicted persons benefit from the more favourable law. Example: minor defamation removed from Criminal Code → civil liability only.

INTERPRETATION OF CRIMINAL LAW

Ascertaining the precise meaning of Code provisions –does NOT create new norms or extend liability

METHODS *Способи тлумачення*	WHO INTERPRETS *Суб'єкти тлумачення*	PROHIBITION OF ANALOGY *Заборона аналогії*
• grammatical: literal text meaning • systematic: read in context of the Code • historical: legislative history & intent • teleological: purpose the norm pursues • all four may be combined	• judicial: courts in individual cases • (binding for parties to that case) • doctrinal: academic scholars • (persuasive, not binding) • no general binding interpretation outside the Code	• criminal law ≠ civil law: • gap-filling by analogy is FORBIDDEN. • a specific Code article must exist • for each offence charged. • hacking ≠ analogy to theft

11.2. CRIMINAL OFFENCE AND ITS ELEMENTS

A criminal offence (кримінальне правопорушення) is a socially dangerous, culpable act prohibited by the Criminal Code under threat of punishment. Every crime consists of four mandatory elements (склад кримінального правопорушення): the object, the objective side, the subject, and the subjective side –all must be proved for criminal liability to arise.

THE FOUR ELEMENTS OF A CRIMINAL OFFENCE (Склад кримінального правопорушення)

ELEMENTS OF A CRIMINAL OFFENCE
ALL FOUR elements must be present ·
Absence of any single element precludes criminal liability

OBJECT *Об'єкт*	**OBJECTIVE SIDE** *Об'єктивна сторона*	**SUBJECT** *Суб'єкт*	**SUBJECTIVE SIDE** *Суб'єктивна сторона*
What is harmed or threatened. General object: all values protected by criminal law. Generic object: group of related values (e.g., property). Direct object: specific interest harmed by the particular act.	External, observable elements: MANDATORY: • Act (action or omission) In MATERIAL offences also: • Criminal consequence • Causal link (act → result) Optional: method, place, time, instrument used.	Who may be liable: Individual ONLY. (No corporate liability in the Code) Must be SANE at time of act. Age threshold: 16 yrs –general rule 14 yrs –grave offences list Special subject: extra qualification required (e.g., public official, judge).	Internal psychological elements: MANDATORY: • Fault: intent OR negligence Optional (but may qualify offence): • Motive (why offender acted) • Purpose (result aimed at) Objective liability (no fault) is PROHIBITED.

NB: Formal vs material offences: in formal offences the crime is complete on performance of the prohibited act alone (no consequence required); in material offences a criminal consequence and a causal link between act and consequence must also be proved

FORMS OF FAULT
INTENT (DOLUS) AND NEGLIGENCE (CULPA)

FAULT (CULPABILITY) | Вина

Every crime requires either INTENT or NEGLIGENCE · Liability without fault is constitutionally prohibited

▼ two forms of fault ▼

INTENT (умисел)	NEGLIGENCE (необережність)
Person IS AWARE of the social danger of the act. Person FORESEES socially dangerous consequences. ▶ DIRECT INTENT (Прямий умисел): Offender DESIRES those consequences. Required for all purpose-specific offences. Example: poisoner who aims to kill. ▶ INDIRECT INTENT (Непрямий умисел): Offender does NOT desire consequences but CONSCIOUSLY ALLOWS them or is indifferent to their occurrence. Example: arsonist indifferent to occupants.	Person does NOT intend the dangerous consequences. ▶ CRIMINAL OVERCONFIDENCE (Кримінально протиправна самовпевненість): Person FORESEES the risk of consequences but recklessly believes they will NOT occur. Example: speeding driver – confident no one will be hit, but strikes a pedestrian. ▶ CRIMINAL NEGLIGENCE (Кримінально протиправна недбалість): Person does NOT foresee consequences but SHOULD AND COULD have done so. Example: technician who fails to inspect machinery, causing fatal malfunction.

MOTIVE (мотив кримінального правопорушення)	PURPOSE (мета кримінального правопорушення)
The psychological impulse behind the act. WHY the offender acted. May be a QUALIFYING element: Mercenary motive in murder: converts simple homicide to aggravated murder → higher sentence range. Where NOT specified in the offence definition, motive does not affect classification.	The specific result the offender AIMS to achieve. MANDATORY subjective element in certain offences: Terrorism: purpose to intimidate population or compel state action. Without that purpose, an explosion may be charged as a different, less grave offence. Purpose ≠ motive: purpose is the goal aimed at; motive is the reason for seeking that goal.

STAGES OF A CRIMINAL OFFENCES & COMPLICITY

▼ stages through which an intentional crime may pass ▼

PREPARATION
Готування
Creating conditions for commission
Purchasing weapon, scouting location

→

ATTEMPT
Замах
Commission begun but interrupted before completion
Firing and missing

→

COMPLETED OFFENCE
Закінчене кримінальне правопорушення
All elements of the offence are fully realised
Death results

VOLUNTARY ABANDONMENT: a person who voluntarily ceases preparation or an attempt before completion is exempt from liability for the incomplete offence (though liable for any harm already caused)

COMPLICITY | Співучасть

Intentional joint participation of two or more persons in commission of an intentional criminal offence

PERPETRATOR *Виконавець*	**ORGANISER** *Організатор*	**INSTIGATOR** *Підбурювач*	**ACCOMPLICE** *Пособник*
Directly executes the offence. Performs the criminal act. Bears liability for the specific offence committed. Example: person who enters the bank.	Plans the crime. Leads the criminal group. Directs execution. Often bears GREATEST criminal responsibility. Example: person who designs the robbery.	Incites another person to commit the offence. Uses persuasion, threat, bribery, or deception. Example: person who recruits participants.	Assists commission without direct execution. Provides tools, transport, information, or cover. Example: person who drives getaway vehicle.

11.3. CRIMINAL LIABILITY

Criminal liability (кримінальна відповідальність) is the state-imposed obligation of a convicted person to submit to criminal law measures – conviction, punishment, and post-conviction restrictions. It is the most severe form of legal liability and arises exclusively on the basis of a court verdict.

PUNISHMENT (покарання) a measure of state compulsion imposed by a COURT VERDICT on a person found guilty, restricting their rights and freedoms, aimed at: • Correction of the offender • Deterrence of future offences • Satisfying the demands of justice

▼ exhaustive hierarchy of punishments ▼ (least → most severe)

NON-CUSTODIAL *Не пов язані з ізоляцією*	**COMMUNITY-BASED** *Громадські заходи*	**CUSTODIAL** *Пов'язані з ізоляцією*	**LIFE IMPRISONMENT** *Довічне позбавлення волі*
1. Fine (штраф) expressed in minimum living wages; considers ability to pay 2. Deprivation of right to hold certain posts / activities 3. Deprivation of special title, rank, or state award	4. Community service (громадські роботи) 60–240 hours in free time; minor / medium offences only 5. Corrective labour (Виправні роботи) deduction from wages 6. Restriction of military service	7. Restriction of liberty without full isolation 8. Disciplinary battalion (military offenders) 9. Imprisonment (Позбавлення волі) fixed term: up to 15 years in penal institution	Most severe punishment. Only for: aggravated murder, genocide, terrorism causing death. PROHIBITED for: • persons under 18 at time of commission • pregnant women

NB: PROBATION – SUSPENSION OF SENTENCE: court imposes imprisonment but SUSPENDS execution for 1–3 years on condition the offender does not reoffend and fulfils court-imposed obligations – if condition met, the sentence is never enforced

EXEMPTION FROM LIABILITY, LIMITATION & CONVICTION STATUS

EXEMPTION FROM LIABILITY *Звільнення від відповідальності*	LIMITATION PERIOD *Строк давності*	CONVICTION STATUS *Судимість*
• State WAIVES its right to prosecute: • Active repentance: • voluntary confession + assistance • + full compensation to victim • Reconciliation with victim: • minor / medium gravity offences • Transfer to: • collective takes responsibility • Expiry of limitation period	• Time after which prosecution expires: • Minor offence: 2 years • Medium gravity: 5 years • Grave offence: 10 years • Especially grave: 15 years • NO LIMITATION for: • War crimes • Crimes against humanity • Genocide	• Legal status after court verdict. • Persists AFTER sentence served. • Consequences while active: • Bar on certain public offices • Recidivism classification • Harsher terms for early release • Ends by: • Expungement (automatic) • Removal (early judicial act)

EXPUNGEMENT (погашення судимості)	AGGRAVATING & MITIGATING CIRCUMSTANCES
AUTOMATIC termination of conviction status on expiry of the statutory period: • 1 year: non-custodial sentence • 3 years: imprisonment for medium offence • 6 years: imprisonment for grave offence • 8 years: imprisonment for especially grave No judicial act required. Person may truthfully deny prior conviction.	AGGRAVATING → sentence toward upper limit: • Prior conviction (recidivism) • Committed by organised group • Particularly vulnerable victim • Mercenary or hatred motive MITIGATING → sentence toward lower limit: • First-time offending • Voluntary confession + investigation assistance • Sincere repentance + damage compensation • Minority / strong emotional disturbance

CIRCUMSTANCES EXCLUDING CRIMINAL LIABILITY

These circumstances EXCLUDE criminal liability entirely: the act may cause harm but no criminal offence is committed because the element of unlawfulness is absent. The court acquits; the act is not recorded as an offence.

NECESSARY DEFENCE *Необхідна оборона*	EXTREME NECESSITY *Крайня потреба*	INSANITY *Неосудність*
• Use of force to PROTECT oneself or another from an actual unlawful assault.	• Harm one protected interest to save a MORE IMPORTANT protected interest.	• At time of act, person was UNABLE to: • Understand the factual nature and social danger of their act, or

• Conditions: • Assault is actual (or imminent) • Assault is unlawful • Force is not CLEARLY disproportionate • to the nature and danger of attack • • Exceeding limits: reduces but does not eliminate liability.	• Conditions: • Real and imminent danger • No other way to avert the danger • Harm caused ≤ harm averted • • Example: swerve onto pavement to avoid fatal head-on collision – property damage is justified.	• Control their actions • Due to: chronic mental disorder, • temporary mental disturbance, • intellectual disability, or other • mental condition. • Result: ACQUITTAL + compulsory psychiatric treatment.

RECIDIVISM **(рецидив злочинів)**	**CONDITIONAL EARLY RELEASE**
Commission of a NEW intentional crime by a person with an ACTIVE prior conviction for an intentional offence. Effect: AGGRAVATING CIRCUMSTANCE → enhanced penalty within the range. Requires: prior conviction not yet expunged or removed at time of new offence. Relevant to: limitation, early release, classification of offence gravity.	Release BEFORE full term served. Conditions: • Served the minimum fraction of sentence: half: medium gravity offence two-thirds: grave offence three-quarters: especially grave offence • Court satisfied correction is achieved If new offence committed during remainder → sentences combined.

11.4. TYPES OF CRIMINAL OFFENCES

The Criminal Code classifies offences by GRAVITY and by SUBJECT MATTER (the generic object protected). The gravity category determines the applicable limitation period, conditions for early release, and recidivism rules. The Special Part arranges offences into chapters by the class of interests they harm.

CLASSIFICATION OF CRIMES BY GRAVITY

CRIMINAL MISDEMEANOURS *Кримінальний проступок*	**MINOR OFFENCE** *Нетяжкий злочин*	**GRAVE OFFENCE** *Тяжкий злочин*	**ESPECIALLY GRAVE** *Особливо тяжкий злочин*
Max penalty: a fine of up to three thousand times the non-taxable minimum income OR non-custodial Most favourable conditions for exemption from liability	Max penalty: ≤ 5 years imprisonment Limitation: 5 years Early release: after serving half the term Moderate conditions for exemption & early release	Max penalty: > 5 years but ≤ 10 years Limitation: 10 years Early release: after serving two-thirds of the term Stricter conditions for exemption from liability	Max penalty: > 10 years OR life imprisonment Limitation: 15 years (NONE for war crimes / crimes against humanity) Early release: after serving three-quarters of the term Most restrictive conditions

NB: GRAVITY CATEGORY is decisive for: statute of limitations · eligibility for amnesty · recidivism classification · conditional early release fraction · conditions for exemption from liability · sentence range in cases of complicity

CRIMINAL OFFENCES AGAINST THE PERSON & CRIMES AGAINST PROPERTY

CRIMINAL OFFENCES AGAINST THE PERSON

Three clusters of protected interests:

1. LIFE & HEALTH:
• Murder: intentional unlawful killing
Simple: 7–15 yrs • Aggravated: 10–15 yrs or life
Aggravated forms: mercenary motive, 2+ victims,
killing of a minor, especially dangerous method
• Bodily harm (Arts. 121–125):
Grievous: life-endangering, permanent disability
Moderate: long-term health disruption
Minor: short-term incapacity

2. LIBERTY, HONOUR & DIGNITY:
Unlawful deprivation of liberty, trafficking, torture

3. SEXUAL FREEDOM & INTEGRITY:
Rape, sexual assault, child sexual abuse

CRIMINAL OFFENCES AGAINST PROPERTY

Direct object: owner's rights of possession,
use, and disposal of property.

ACQUISITIVE OFFENCES:
• Theft: covert seizure
Distinguishing feature: COVERT (undetected)
• Robbery: open + VIOLENT seizure
Also a crime against the person
• Fraud: acquisition by DECEPTION
Victim transfers VOLUNTARILY (deceived)
• Embezzlement: conversion of ENTRUSTED property; appropriation or misappropriation
• Extortion: demand + THREAT (violence, property damage, or exposure)

DESTRUCTIVE OFFENCES:
Wilful destruction or damage of property

CRIMINAL OFFENCES AGAINST THE STATE, PUBLIC ORDER & COMPLEX OFFENCES

CRIMINAL OFFENCES AGAINST THE STATE	CORRUPTION OFFENCES	PUBLIC ORDER & MORALITY
• Object: sovereignty, territorial integrity, constitutional order of Ukraine. • Treason: citizen aids foreign state • Espionage: transmitting state secrets • Sabotage: undermining security • Financing threats to national security • Among the most serious offences: • especially grave • life imprisonment possible	• Committed by PUBLIC OFFICIALS. • Passive bribery: • official accepts payment for ruling • Active bribery: • offering payment to official • Abuse of power • Unlawful enrichment • Enhanced penalties: • imprisonment + LIFETIME BAN • from public office on conviction	• Object: public peace and social norms. • Hooliganism: malicious violation of public order with cynicism • Mass disorder • Vandalism of monuments • Offences re prostitution, pornography, grave desecration • Shared object: peace and order in the public sphere

CYBERCRIME	WAR CRIMES & ORGANISED CRIME
Target: computer systems, networks, data. • Unauthorised interference with information systems (hacking) • Creation & distribution of malware • Unauthorised access to telecoms • Obstruction of computer systems Often a COMBINED offence: bank hack → cybercrime + property offence.	WAR CRIMES: Serious violations of international humanitarian law. • Wilful killing of civilians • Torture, hostage-taking, use of prohibited weapons • Deportation of protected persons NO LIMITATION PERIOD – individual criminal liability. ORGANISED CRIME: Stable association of 3+ persons: • Pre-organised to commit grave offences • Distributed roles + leadership structure • MEMBERSHIP itself is an offence Liability: for membership + specific offences.

11.5. TASKS

Grammar focus in the context of Criminal Law of Ukraine: **Passive Voice across all tenses and modal structures, with special attention to legal usage and agent omission.**

GRAMMAR REVIEW

Tense / Voice	Formation	Criminal Law Example
Present Simple Passive	*is/are + pp*	The accused is presumed innocent until guilt is proven.
Past Simple Passive	*was/were + pp*	The Criminal Code was enacted in 2001.
Present Continuous Passive	*is/are + being + pp*	The evidence is being gathered by investigators.
Past Continuous Passive	*was/were + being + pp*	The suspect was being questioned when the lawyer arrived.
Present Perfect Passive	*has/have + been + pp*	The defendant has been charged with robbery.
Past Perfect Passive	*had + been + pp*	The crime had been committed before the suspect was detained.
Future Simple Passive	*will + be + pp*	A verdict will be delivered at the next hearing.
Modal Passive	*modal + be + pp*	A fine may be imposed; life imprisonment shall be prescribed.

1. HOW TO FORM THE PASSIVE VOICE

Core formula: appropriate form of *to be* + *past participle (pp)*

Past participle = regular verbs: +ed (charge → charged, impose → imposed, arrest → arrested)

Past participle = irregular verbs: commit → committed, convict → convicted, find → found, hold → held, prove → proven/proved, sentence → sentenced (regular), try → tried

Tense is shown by the auxiliary *to be* – NOT by the main verb:

Present Simple: is/are + pp → Punishment is imposed by the court.

Past Simple: was/were + pp → The accused was convicted of murder.

Pres. Continuous: is/are being + pp → The case is being reviewed on appeal.

Present Perfect: has/have been + pp → The charge has been withdrawn.

Past Perfect: had been + pp → The verdict had been delivered before the appeal was filed.

Future Simple: will be + pp → The sentence will be pronounced tomorrow.

Modal Passive: modal + be + pp → Guilt must be proven; liberty may be restricted.

NB: Never use two be auxiliaries together. WRONG: was been convicted. CORRECT: was convicted (Past Simple) OR has been convicted (Present Perfect).

2. WHEN TO USE THE PASSIVE IN CRIMINAL LAW

Use Passive voice when:

1. The AGENT (the person who acts) is unknown:

The victim was attacked from behind. (attacker unknown at time of writing)

2. The AGENT is obvious from context and does not need to be named:

The accused is presumed innocent. (presumed by the law/court – obvious)

A sentence of imprisonment was imposed. (imposed by the court – understood)

3. The FOCUS is on the act, the accused, or the legal outcome – NOT on the actor:
The suspect was arrested at the scene. (focus: the suspect and the arrest)
The Criminal Code was amended three times. (focus: the Code – not the Parliament)
4. NEUTRALITY and OBJECTIVITY are required (especially before conviction):
The defendant is alleged to have committed fraud. (neutral –not yet convicted)
Compare: The defendant committed fraud. (asserts guilt – inappropriate before verdict)
5. LEGAL AUTHORITY and FORMALITY are required:
Criminal liability shall be imposed... / Punishment is prescribed by law...
NB: In criminal law documents –codes, judgments, indictments, case reports –Passive voice is the default register. Active voice appears mainly in procedural instructions and explanatory legal commentary.

3. THE BY PHRASE: WHEN TO INCLUDE THE AGENT

OMIT the agent (most common in criminal law) when:

- It is obvious: The accused was convicted. (by the court – understood)
- It is unknown: The victim was attacked. (attacker not yet identified)
- It is unimportant to the legal point: The evidence was submitted. (who submitted it matters less than the fact)

INCLUDE the agent (by phrase) when:

- The identity of the actor is legally significant:

The accused was identified by a single eyewitness. (one witness – legally important)
The warrant was issued by the investigating judge. (specifying judicial authority)

- You want to contrast who acted:

The victim was examined by a forensic doctor, not by the investigating officer.

Common by phrases in criminal law:

charged by the prosecutor | convicted by the court | sentenced by the judge

arrested by police officers | identified by a witness | enacted by Parliament

NB: Ask: Does it matter WHO did this –legally? If yes, include by. If no, omit it.

4. COMMON PASSIVE VOICE ERRORS IN LEGAL ENGLISH

ERROR 1: Using present participle (-ing) instead of past participle (-ed/3rd form)

WRONG: Criminal liability is imposing on the accused.

CORRECT: Criminal liability is imposed on the accused. (is + past participle)

ERROR 2: Double auxiliary (was be, were been, is been)

WRONG: The accused was been convicted.

CORRECT: The accused was convicted. (Past Simple Passive) OR has been convicted. (Pres. Perfect Passive)

ERROR 3: Wrong tense auxiliary

WRONG: The suspect is arrested last Monday. (specific past time needs Past Simple)

CORRECT: The suspect was arrested last Monday.

ERROR 4: Modal Passive –missing be

WRONG: A fine may imposed for this offence.

CORRECT: A fine may be imposed for this offence. (modal + be + past participle)

ERROR 5: Confusing active and Passive with same-form verbs

WRONG: The sentence was given to by the court. (redundant structure)

CORRECT: The sentence was given by the court. OR The court gave the sentence.

NB: Is it [auxiliary be in right tense] + [past participle]? If both elements are correct, the Passive is well formed.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY AND CLASSIFY PASSIVE VOICE CONSTRUCTIONS IN A CRIMINAL LAW TEXT

Read the passage below. Underline every passive voice construction. For each one, state: a) the tense, b) the auxiliary verb used, c) the past participle, and d) whether the agent is expressed (with by) or omitted.

TEXT: Criminal liability is imposed only for acts that are defined as crimes by the Criminal Code of Ukraine. The accused is presumed innocent until guilt has been proven in court. A sentence of imprisonment was handed down by the court following a finding of direct intent. The principle of legality was established in the 2001 Criminal Code and has been upheld in all subsequent decisions. Aggravating circumstances may be taken into account when determining the length of the sentence. The crime had been committed before the suspect was detained.

NB: In criminal law texts, the agent is often omitted in the passive because the focus is on the act, the accused, or the legal consequence – not on who performed the action. The accused is presumed innocent is more neutral and authoritative than the court presumes the accused innocent .

Task 2
Reading
ANALYSE

COMPARE ACTIVE AND PASSIVE VOICE IN FOUR CRIMINAL LAW SENTENCES

Each pair below contains an active and a passive version of the same legal statement. Read both versions in each pair and analyse: a) which is more appropriate in a formal criminal law context, b) what the shift in focus is, and c) in which contexts each version would be used.

PAIR A: Active: The prosecutor charges the accused with theft. | Passive: The accused is charged with theft.
PAIR B: Active: The legislator enacted the Criminal Code in 2001. | Passive: The Criminal Code was enacted in 2001.
PAIR C: Active: The court has convicted the defendant of fraud. | Passive: The defendant has been convicted of fraud.
PAIR D: Active: Someone committed the murder with premeditation. | Passive: The murder was committed with premeditation.
NB: Legal drafting and judicial writing overwhelmingly prefer the passive for three reasons: 1) it focuses on the act or outcome, not the actor; 2) it maintains neutrality before conviction; 3) it allows the subject of the sentence to be the legally relevant party (the accused, the court, the legislature).

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: PASSIVE VOICE IN CRIMINAL LAW SENTENCES

Listen to audio recording #11 and write the missing word – the full passive construction in the correct tense. Then identify whether the agent is expressed or omitted. Compare answers with a partner. For each, state why the passive was chosen over the active voice.

1. Criminal liability _____ only on persons who have reached the age of responsibility.
2. The accused _____ at the scene of the crime last night.
3. The suspect _____ yet – the investigation is ongoing.
4. A sentence of community service _____ by the court in minor offence cases.
5. The principle of legality _____ in Article 3 of the Criminal Code.
6. The Criminal Code _____ in 2001 to replace Soviet-era criminal legislation.
7. The defendant _____ of robbery before the evidence was re-examined.
8. Aggravating circumstances _____ by the court when the sentence _____.
9. New cybercrime provisions _____ into the Criminal Code in recent years.
10. Life imprisonment _____ only for especially grave offences under the Code.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT PRESENTATION ON CRIMINAL LIABILITY

Listen to a 2-minute student presentation explaining the elements of criminal liability under Ukrainian law. Evaluate: a) correct formation of passive voice structures, b) appropriate choice of active vs passive, and c) accuracy of criminal law content. Write corrections.

- *Note at least three correctly formed passive voice structures in the presentation.*
- *Find at least two passive voice errors: wrong auxiliary, missing past participle, or incorrect tense.*
- *Find at least one content error: an inaccurate statement about criminal law (e.g. incorrect age of criminal responsibility, wrong description of intent, misstatement about sanity).*
- *Write one corrected sentence for each error you find.*

NB: the student says "Criminal liability is imposing on the accused" (wrong — should be "is imposed"); and incorrectly states that the age of criminal responsibility in Ukraine is always 18 (it is 16 generally, 14 for serious offences). Students must identify all mistakes.

SECTION C: SPEAKING

Task 5
Speaking
Monologue
REMEMBER

DEFINE CRIMINAL LAW TERMS USING PASSIVE VOICE

Choose five terms from the glossary. For each term, give: 1) a definition using at least one passive voice structure, 2) one example sentence in passive voice, and 3) the Ukrainian equivalent. Speak for 2 minutes.

- *Definition with passive: Punishment is a measure of criminal coercion that is applied by the court to a person who has been found guilty of a crime.*
- *Example sentence: A fine may be imposed as an alternative to imprisonment for minor offences.*
- *Use passive voice in at least three different tenses across your five definitions: Present Simple, Past Simple, and Modal passive.*
- *For at least two terms, explicitly state whether the agent is expressed or omitted – and why.*

NB: Modal passives are especially common in criminal law definitions: may be imposed, shall be applied, must be proven. They combine the legal function of the modal (permission, obligation, possibility) with the impersonal authority of the passive voice.

Task 6
Speaking
Dialogue
UNDERSTAND

ROLE-PLAY: A LAW STUDENT EXPLAINS A CRIMINAL CASE TO A CLIENT

Student A plays a law student explaining the criminal proceedings against their client. Student B plays the client asking questions. The law student must use passive voice throughout to explain what has been done, what is being done, and what may be done next.

- *Explaining completed actions (Past Simple passive): You were arrested on 3 March. You were charged with theft. Your property was searched under a court warrant.*
- *Explaining current status (Present Simple / Present Perfect passive): You are currently being held in pre-trial detention. The evidence has been examined. A date for the hearing has been set.*
- *Explaining future possibilities (Modal passive): You may be released on bail. A sentence of community service could be imposed. Your conviction may be appealed.*
- *Client asks questions – student answers using passive: When will I be tried? / Has the evidence been submitted? / Can the charge be reduced?*

NB: You are being held (Present Continuous passive) = happening right now. You have been charged (Present Perfect passive) = completed action with current relevance. You may be released (Modal passive) = future possibility. Practice all three to handle the full timeline of a criminal case.

Task 7
Speaking – Monologue
APPLY

PRESENT A CRIMINAL CASE USING PASSIVE VOICE

You are a student barrister presenting a summary of a criminal case to your moot court. Describe the facts, the charges, the proceedings, and the outcome using passive voice structures wherever appropriate. Speak for 2–3 minutes.

CASE OUTLINE: The defendant is accused of robbery. The victim was attacked in a public place. A weapon was used. The defendant was identified by a witness. Evidence was gathered and submitted to the court. The defendant has been charged under Article 187 of the Criminal Code. A verdict has not yet been delivered.

- *Open with the charge: The defendant has been charged with robbery under Article 187 of the Criminal Code...*
- *Describe the facts: The victim was attacked... A weapon was used... The defendant was identified...*
- *Describe the proceedings: Evidence has been gathered and submitted... The hearing has been scheduled...*
- *State the current status: A verdict has not yet been delivered. The defendant may be sentenced to...*
- *Use at least six different passive structures across three or more tenses.*

NB: In a moot court, passive voice signals professional objectivity. Avoid active constructions like the defendant did X – instead use X was done by the defendant or, more commonly, simply X was done with the agent omitted for neutral effect.

Task 8
Speaking
Debate
ANALYSE

DEBATE: SHOULD CRIMINAL LEGISLATION BE WRITTEN IN ACTIVE OR PASSIVE VOICE?

Hold a structured mini-debate. Position A: criminal law statutes should use passive voice – it is neutral, impersonal, and focuses on the act and consequence rather than the actor. Position B: active voice makes the law clearer and more accessible – plain language reforms in many countries have moved away from passive-heavy drafting. Argue your position for 90 seconds, then respond.

- *Both students must USE passive voice correctly in their own arguments, regardless of which position they are arguing.*
- *Position A: cite criminal law examples – Criminal liability is imposed..., Punishment is applied..., The accused is presumed innocent... – and argue why this style is appropriate.*
- *Position B: argue that passive constructions obscure responsibility – Mistakes were made vs The court made an error – and discuss plain language reforms in common law jurisdictions.*
- *Both sides must use glossary terms: criminal policy, principle of legality, punishment, decriminalization, criminal liability, social danger.*

NB: the debate requires comparing two drafting philosophies, not just stating a preference. Use metalanguage: The passive voice is preferred in this context because..., When the agent is omitted, the effect is..., Active constructions have been shown to...

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY USING PASSIVE VOICE IN DEFINITION AND EXAMPLE

Choose one term from the glossary. Write a full glossary entry: English term, Ukrainian equivalent, a two-sentence definition using at least one passive structure, and two example sentences – one in Present Simple passive and one in Past Simple passive.

• Definition (with passive): Direct intent is the mental element of a crime in which the offender is aware of the social danger of their act and desires the criminal consequence to occur.
• Example 1 (Present Simple passive): Direct intent is established when the offender consciously chooses to commit the act and wills the harmful result. [Present Simple passive – general legal rule]
• Example 2 (Past Simple passive): Direct intent was proven by the prosecution through evidence of premeditation and deliberate planning. [Past Simple passive – specific case]
• After each example, note the tense and voice in brackets.
NB: A criminal law glossary entry should define the term in general (present tense, often passive for authority), then illustrate with specific application. The passive is particularly powerful in definitions: intent is established, guilt is proven, liability is imposed – these structures carry the weight of legal authority.

Task 10
Writing
APPLY

REWRITE AN ACTIVE VOICE CRIME REPORT IN PASSIVE VOICE

The active voice paragraph below is a factual crime report. Rewrite it entirely in passive voice, making appropriate structural and vocabulary changes. Then write two sentences explaining which passive tenses you used and why.

ORIGINAL (active voice): The police arrested the suspect at 11 pm on Saturday. Officers searched his property and found stolen goods. The prosecutor charged him with theft and extortion. The court has remanded him in custody. Investigators are gathering further evidence. The judge will deliver a verdict at the next hearing.

REWRITE (passive voice): The suspect was arrested at 11 pm on Saturday…

- *After rewriting, identify the tense of each passive construction in your version.*
- *Write two sentences: 1) explaining why passive voice is preferred in formal crime reports; 2) identifying one sentence where active voice would be more natural – and why.*

NB: The passive voice is standard in police reports and court documents precisely because it focuses on what happened to the accused and what actions were taken – not on who the individual officers or prosecutors were. The agent (by the police, by the prosecutor) is often omitted because it is obvious from context.

Task 11
Writing
EVALUATE

CORRECT PASSIVE VOICE ERRORS IN A CRIMINAL LAW TEXT

The paragraph below contains five passive voice errors. Find each one, explain why it is wrong, and rewrite the paragraph correctly.

PARAGRAPH: Criminal liability can imposing on any person who committed a crime with direct or indirect intent. The accused was be presumed innocent until the court proves guilt. New legislation has been introduced for combating cybercrime – several offences were been added to the Criminal Code in 2023. The suspect is arrested last Monday and is currently been held in pre-trial detention. Life imprisonment is prescribe only for especially grave offences.

NB: The most frequent passive errors are: 1) using the present participle (-ing) instead of the past participle (-ed/3rd form); 2) stacking two auxiliaries (was be, were been); 3) wrong tense auxiliary (is arrested last Monday – past time needs was). Check: is it be + past participle? Is the auxiliary in the right tense?

Task 12
Writing
CREATE

WRITE A CRIMINAL LAW BRIEFING USING PASSIVE VOICE

Write a 200-word structured briefing note in English explaining the key features of criminal liability under Ukrainian law to an international law student. Use passive voice as the primary voice throughout – active voice should appear only where it is clearly more natural or appropriate.

PARAGRAPH 1 – What is criminalized (Present Simple passive): Acts are criminalized when they are defined as socially dangerous by the Criminal Code. Criminal liability is imposed only on persons who...

PARAGRAPH 2 – How guilt is established (Present Simple + Present Perfect passive): Guilt

must be proven beyond reasonable doubt. The accused is presumed innocent until... Elements of the crime have been defined in case law as...

PARAGRAPH 3 – How punishment is determined (Modal passive + Past Simple passive): Punishment is imposed by the court in accordance with... Aggravating and mitigating circumstances may be taken into account. The system of punishments was established by the 2001 Criminal Code...

- *Use at least eight passive voice structures across the three paragraphs.*
- *Use glossary terms: criminal liability, elements of a crime, direct intent, punishment, aggravating circumstances, principle of legality, sanity, conviction.*

NB: A professional briefing note on criminal law uses passive voice to convey authority and objectivity. Every passive structure you use should have a clear purpose: presenting a legal rule (is imposed), describing a legal process (is proven, has been defined), or stating a legal consequence (may be sentenced, will be released).

11.6. QUIZ

COMPREHENSION QUIZ — 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence is correctly formed in the Present Simple PASSIVE?
a) Criminal liability is imposing by the court;
b) Criminal liability imposed by the court;
c) Criminal liability is imposed by the court;
d) Criminal liability be imposed by the court.

2. What is the correct Past Simple passive of The court convicts the defendant?
a) The defendant was being convicted by the court;
b) The defendant was convicted by the court;
c) The defendant has been convicted by the court;
d) The defendant been convicted by the court.

3. Which sentence uses the MODAL PASSIVE correctly?
a) A fine may imposing for minor offences;
b) A fine may be imposed for minor offences;
c) A fine may been imposed for minor offences;
d) A fine may being imposed for minor offences.

4. Which sentence is in the Present Perfect PASSIVE?
a) The suspect was arrested last night;
b) The suspect is being questioned now;
c) The suspect has been charged with robbery;
d) The suspect had been held for three days.

5. Which sentence uses the Present Continuous PASSIVE correctly?

a) The evidence is gathered by investigators;
b) The evidence was being gathered last week;
c) The evidence is being gathered by investigators;
d) The evidence has been gathering by investigators.

6. Sanity (осудність) in criminal law means that the accused:

a) has no prior criminal record;
b) was able to understand the nature and social danger of their act and to control their behaviour at the time of the offence;
c) voluntarily surrendered to the authorities;
d) has been acquitted of all charges.

7. In the sentence The accused was sentenced to five years imprisonment, why is the agent omitted?

a) Because the agent (the court) is obvious from legal context and does not need to be stated;
b) Because passive voice never allows a by phrase;
c) Because the sentence was handed down without a named judge;
d) Because this is a Present Simple passive structure.

8. Which passive structure is INCORRECT?

a) The principle of legality is enshrined in Article 3 CCU;
b) The defendant has been acquitted of all charges;
c) The sentence was been handed down by the court;
d) Cybercrime offences have been added to the Criminal Code.

9. Direct intent (прямий умисел) in criminal law means that the offender:

a) acts carelessly without foreseeing the harmful consequence;
b) is aware of the social danger of the act and desires the criminal consequence to occur;
c) did not understand the criminal nature of the act due to mental illness;
d) acted under extreme necessity to prevent greater harm.

10. Which sentence correctly uses the PAST PERFECT PASSIVE?

a) The crime was committed before the suspect was arrested;
b) The crime had been committed before the suspect was arrested;
c) The crime has been committed before the suspect was arrested;
d) The crime was being committed before the suspect was arrested.

11. In criminal law drafting, passive voice is preferred primarily because:

a) it is grammatically simpler than active voice;
b) it focuses on the act, the accused, or the legal consequence rather than on who performed the action;
c) it is required by all criminal codes to be used exclusively;
d) it avoids the use of the word the in formal legal texts.

12. The principle of legality (nullum crimen sine lege) in Ukrainian criminal law means:

a) no one may be punished twice for the same offence;
b) no act may be treated as a crime and no punishment imposed unless it is defined as such by the Criminal Code;
c) all persons accused of a crime are presumed innocent until proven guilty;
d) criminal law applies equally to all persons regardless of their official position.

13. Which sentence correctly converts The prosecutor proved guilt into Present Perfect PASSIVE?

a) Guilt was proven by the prosecutor;
b) Guilt is being proven by the prosecutor;
c) Guilt has been proven by the prosecutor;
d) Guilt had been proven by the prosecutor.

14. Recidivism (рецидив злочинів) in criminal law refers to:
a) the first offence committed by a person with no prior convictions;
b) the commission of a new intentional crime by a person who has a prior conviction that has not yet been expunged;
c) the voluntary surrender of a suspect before charges are filed;
d) the conditional early release of a prisoner before the end of their sentence.

15. Which sentence contains a passive voice FORMATION ERROR?
a) The accused is presumed innocent until guilt is proven;
b) The Criminal Code was adopted in 2001;
c) Life imprisonment is prescribe only for especially grave offences;
d) Aggravating circumstances are taken into account by the court.

16. Complicity (співучасть) in criminal law means:
a) acting alone without the knowledge of others;
b) the intentional joint participation of two or more persons in committing a deliberate crime;
c) aiding the victim after the crime has been committed;
d) the failure to report a crime to the relevant authority.

17. In the sentence The suspect may be released on bail, what type of passive is used?
a) Present Simple passive;
b) Past Simple passive;
c) Present Continuous passive;
d) Modal passive.

18. Aggravating circumstances (обтяжувальні обставини) in sentencing are factors that:
a) reduce the severity of the punishment imposed by the court;
b) increase the severity of the punishment by reflecting greater culpability or harm;
c) lead to the automatic acquittal of the accused;
d) require the case to be transferred to a higher court.

19. Which sentence correctly uses passive voice to describe an ongoing criminal proceeding?

a) The evidence is collected by investigators last week;
b) The evidence was being collected when the suspect escaped;
c) The evidence has collecting since the arrest;
d) The evidence is been collected by the court.

20. Exemption from criminal liability in Ukrainian law may occur when:

a) the accused pleads not guilty at the first hearing;
b) the grounds prescribed by the Criminal Code are met, such as expiry of the limitation period, sincere repentance, or reconciliation with the victim;
c) the court decides the offence is too minor to require investigation;
d) the accused has a prior conviction that has been expunged.

ANSWER KEY

Q1: c	**Q2: b**	**Q3: b**	**Q4: c**	**Q5: c**	**Q6: b**	**Q7: a**	**Q8: c**	**Q9: b**	**Q10: b**
Q11: b	**Q12: b**	**Q13: c**	**Q14: b**	**Q15: c**	**Q16: b**	**Q17: d**	**Q18: b**	**Q19: b**	**Q20: b**

NB *Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision*

11.7. GLOSSARY

TERM	DEFINITION
Criminal law **Кримінальне право**	The branch of public law that determines which acts constitute crimes, establishes the conditions of criminal liability, defines the system of punishments and other criminal law measures applicable to offenders, and fixes the grounds for exemption from liability and punishment.
Legality (nullum crimen sine lege) **Законність**	The fundamental principle that criminal liability may arise only for acts expressly defined as offences in the Criminal Code, that punishment may be imposed only within the limits prescribed therein, and that criminal law norms may not be applied by analogy to acts not covered by the Code.
Social danger **Суспільна небезпека**	The material criterion that distinguishes criminal offences from other unlawful acts: the quality of conduct that causes or threatens to cause significant harm to the values protected by criminal law — the person, property, public order, the state, or the environment — and that justifies the application of criminal sanctions.
Criminal offences **Кримінальне правопорушення**	A socially dangerous culpable act or omission committed by a subject of criminal law that is prohibited by the Criminal Code under threat of punishment. The four defining features are: social danger, unlawfulness, culpability (intent or negligence), and punishability.
Elements of a crime **Склад злочину**	The legal model prescribed by the Criminal Code for a particular offence, comprising four mandatory elements: the object (what is harmed), the objective side (the external act), the subject (who commits it), and the subjective side (the mental state).

TERM	DEFINITION
Object of a crime Об'єкт злочину	The social value, right, or interest against which the criminal act is directed and to which it causes or threatens harm. Objects are classified as: the general object (all values protected by criminal law), the generic object (a group of related values), and the specific (direct) object (the particular interest harmed).
Objective side of a crime Об'єктивна сторона злочину	The external, observable aspect of a criminal offence, comprising the mandatory element of the act (action or omission) and, in material offences, the consequence and the causal link between act and consequence, as well as optional elements such as method, time, place, and instrument of commission.
Causal link Причинний зв'язок	The necessary objective connection between the criminal act and the criminal consequence, establishing that the act was a necessary antecedent condition of the consequence and that the consequence was a direct and reasonably foreseeable result of the act, required as an element of material offences.
Subject of a crime Суб'єкт злочину	The person who commits a crime and who may be held criminally liable: a natural person, sane at the time of commission, who has reached the minimum age of criminal responsibility — generally sixteen years, or fourteen years for a specified list of serious offences.
Sanity Осудність	The mental capacity of a person at the time of commission of a crime to understand the factual nature and social danger of their conduct and to control it, constituting a mandatory condition for criminal liability. A person found insane is not criminally liable.

TERM	DEFINITION
Insanity **Неосудність**	A condition excluding criminal liability in which, at the time of committing a socially dangerous act, a person was unable, due to a chronic mental disorder, temporary mental disturbance, intellectual disability, or other mental condition, to understand the factual nature and social danger of their actions or to control them.
Subjective side of a crime **Суб'єктивна сторона злочину**	The internal, psychological aspect of a criminal offence, comprising the mandatory element of fault (intent or negligence) and optional elements of motive and purpose, which together characterize the offender's mental attitude toward the act and its consequences at the time of commission.
Intent (dolus) **Умисел**	The form of fault in which a person is aware of the socially dangerous nature of their act, foresees its socially dangerous consequences, and either wishes those consequences to occur (direct intent) or consciously allows them to occur (indirect intent).
Negligence (culpa) **Необережність**	The form of fault in which a person does not intend the socially dangerous consequences of their act, either because they foresaw the possibility of such consequences but recklessly believed they would not occur (criminal overconfidence), or because they did not foresee them but should and could have done so (criminal negligence).
Complicity **Співучасть**	The intentional joint participation of two or more persons in the commission of an intentional crime. Participants are classified as: the perpetrator, the organizer, the instigator, and the accomplice, each bearing liability for their specific role.

TERM	DEFINITION
Stages of a crime **Стадії вчинення злочину**	The successive phases through which an intentional crime may pass: preparation (preparatory acts creating conditions for commission), attempt (commencement of commission interrupted before completion), and completed offence (all elements of the offence are realised).
Criminal liability **Кримінальна відповідальність**	The obligation of a person who has committed a crime to submit to the criminal law measures prescribed by the Criminal Code — including conviction, punishment, and post-conviction restrictions — imposed exclusively by a court verdict on behalf of the state.
Punishment **Покарання**	A measure of state compulsion imposed by a court in a verdict on a person found guilty of a crime, consisting in the restriction or deprivation of the convicted person's rights and freedoms, aimed at correcting the offender, deterring future offences, and satisfying the demands of justice.
Necessary defence **Необхідна оборона**	A circumstance excluding criminal liability: the use of force to protect oneself or another from an actual unlawful assault, provided the defensive act does not exceed the limits of necessary defence — i.e., is not clearly disproportionate to the nature and danger of the attack.
Extreme necessity **Крайня потреба**	A circumstance excluding criminal liability: an act causing harm to one legally protected interest in order to avert a real and imminent danger to another protected interest, where the harm caused does not exceed the harm averted and the danger could not be averted otherwise.

TERM	DEFINITION
Aggravating circumstances Обставини, що обтяжують покарання	The circumstances enumerated in the Criminal Code that increase the severity of the punishment within the prescribed limits: commission by a person with a prior conviction, by an organized group, a particularly vulnerable victim, particularly serious consequences, or acting from mercenary or hateful motives.
Mitigating circumstances Обставини, що пом'якшують покарання	The circumstances enumerated in the Criminal Code that reduce the severity of the punishment within the prescribed limits: first-time offending, voluntary confession and assistance to the investigation, sincere repentance, compensation of damage, commission under strong emotional disturbance, and minority.
Limitation period Строк давності	The period of time following the commission of a crime after which the state's right to prosecute and punish the offender expires, varying from two years for minor offences to fifteen years for grave offences; war crimes and crimes against humanity are not subject to limitation.

UNIT 12
CRIME INVESTIGATION IN UKRAINE

12.1. THE CONCEPT OF CRIME INVESTIGATION
12.2. STAGES OF CRIME INVESTIGATION
12.3. ROLE OF LAW ENFORCEMENT BODIES
12.4. EVIDENCE AND PROOF
12.5. TASKS
12.6. QUIZ
12.7. GLOSSARY

12.1. THE CONCEPT OF CRIME INVESTIGATION

Crime investigation (розслідування кримінальних правопорушень) is the procedurally regulated activity of authorised state bodies directed at establishing the facts of an offence, identifying those responsible, collecting and verifying evidence, and creating the conditions for a lawful judgment. Governed by the Code of Criminal Procedure of Ukraine (2012) and the Law on the National Police (2015).

CRIME INVESTIGATION | Розслідування злочинів (Art. 2 CCPU)
Code of Criminal Procedure of Ukraine (2012) · Law on the National Police (2015)

THREE CORE TASKS *Завдання кримінального провадження Art. 2*	CRIMINALISTICS *Криміналістика*	INVESTIGATIVE PRINCIPLES *Принципи Arts. 7–29 CCPU*
• Protect persons, society, and state from criminal offences. • Protect rights, freedoms, and legitimate interests of all participants. • Ensure every offender bears liability and no innocent person is convicted.	• Applied science supporting investigation. • THREE DIVISIONS: • – Technique: technical methods • (luminol, fingerprinting, DNA) • – Tactics: methods for individual • investigative actions • – Methodology: systems for • specific crime types	• Rule of law + Legality • Presumption of innocence • Right to defence • Adversarial character • Openness of proceedings • Reasonableness of time limits • Right to appeal

UNIFIED REGISTER OF PRE-TRIAL INVESTIGATIONS

Єдиний реєстр досудових розслідувань Art. 214 CCPU

Centralised electronic database.

ALL proceedings must be registered within 24 hours.

Registration is UNCONDITIONAL – cannot be refused.

Registration = formal start of the proceeding.

Maintained by the Prosecutor General's Office.

Failure to register: disciplinary + potential criminal liability.

KEY CONCEPT DISTINCTIONS

Поняттєвий апарат

– CRIMINAL OFFENCE REPORT (Art. 214):

Voluntary communication triggering registration.

Cannot be refused for insufficient evidence.

– NOTIFICATION OF SUSPICION (Arts. 276–279):

Formal act granting person suspect status.

Triggers right to defence counsel immediately.

– PRE-TRIAL INVESTIGATION (Art. 3):

Stage from URPTI registration to indictment or closure.

Investigative Jurisdiction, Versions & Planning

INVESTIGATIVE JURISDICTION (Підслідність Arts. 216–218)

Rules allocating competence between investigation bodies.

Four bases of jurisdiction:

- SUBJECT-MATTER: type of offence
- TERRITORIAL: place of commission
- PERSONAL: status of the suspect (e.g., judge → SBI)
- PLACE DISCOVERED: where offence first found

HUMAN RIGHTS IN INVESTIGATION (Arts. 1, 9 CCPU)

ALL investigative activity must comply with:

- Constitutional rights: liberty, privacy, family life, right to defence
- Any restriction must be:

✓ Authorised by law

✓ Proportionate to the aim

✓ Subject to judicial / prosecutorial oversight

Example: murder by a judge → SBI jurisdiction (not National Police)	Unlawful search of home → evidence inadmissible. No warrant = constitutional violation.

INVESTIGATIVE VERSION *Слідча версія*	**INVESTIGATIVE PLANNING** *Планування розслідування*	**OPERATIONAL & INVESTIGATIVE ACTIVITY** *Оперативно-розшукова діяльність (1992)*
• A reasoned hypothesis explaining circumstances of the offence. • Based on available information. • Guides direction of investigation. • Multiple versions explored SIMULTANEOUSLY. • Verified by investigative actions. • Example: professional theft vs. staged robbery.	• Systematic intellectual activity of the investigator. • Steps: • • Define tasks of investigation • • Formulate and analyse versions • • Select and sequence actions to verify each version • Result: written or mental investigative plan.	• Covert intelligence-gathering before / during investigation. • Methods: human sources, surveillance, • controlled delivery, undercover operatives. • Governed by Law on Operational and • Investigative Activity (1992). • Results transferred to investigators as basis for URPTI registration.

12.2. STAGES OF CRIME INVESTIGATION

Pre-Trial Investigation – From Initiation to Closure

▼ sequence of pre-trial investigation stages ▼

INITIATION
Початок
Art. 214 CCPU
URPTI registration within 24 hours

→

INITIAL STAGE
Початковий етап
Urgent actions: inspection, witness statements, preservation

→

MAIN INVESTIGATION
Основний етап
Systematic collection and verification of evidence

→

CLOSURE / TRANSFER
Завершення
Indictment to court OR closure of proceeding

TIME LIMITS OF PRE-TRIAL INVESTIGATION (Art. 219 CCPU)
Строки досудового розслідування

- Minor offences: 2 months
- Medium gravity: 6 months
- Grave offences: 12 months
- Especially grave: 18 months

Extensions: permitted ONLY on court order.

Exceeding the limit without extension →
suspect must be released;
indictment cannot be sent.

SUSPENSION & CLOSURE OF PROCEEDINGS (Arts. 280, 284)

SUSPENSION (Art. 280):
investigator pauses active investigation.
Grounds: mental illness of suspect; serious illness;
unidentified offender; suspect has fled.
→ Wanted notice issued;
investigation resumes on removal of obstacle.

CLOSURE (Art. 284): final termination without conviction.
Grounds: no criminal event; no elements of offence;
limitation expired; death of suspect;
insufficient evidence beyond reasonable doubt.

Investigative Actions – Inspection, Search & Seizure

CRIME SCENE INSPECTION *Огляд місця події* *Art. 237 CCPU*	SEARCH (Обшук Art. 234 CCPU)	SEIZURE OF CORRESPONDENCE (Виїмка Art. 262 CCPU)
• Investigator personally examines location of offence or its traces. • Purpose: detect, fix, and collect evidence. • Reconstruct situation at time of offence. • Must be conducted: without delay after registration. • Protocol: photographs, sketches, measurements, all items found. • Immediate preservation prevents evidence loss.	• COERCIVE investigative action. • Requires PRIOR court warrant (investigating judge). • Scope: premises, vehicles, persons. • Seizes: items, documents relevant to investigation, • or finds persons / bodies. • Protocol signed by: investigator, attesting witnesses, occupant. • Breach of procedure → evidence INADMISSIBLE.	• TARGETED retrieval of specific, identified items. • Location already known to investigator. • Distinguished from search: no general exploration. • Court order required for sensitive material; • investigator may act independently for others. • Example: going directly to archive room • for a named ledger = seizure, not search.

PROCEDURAL SUPERVISION BY PROSECUTOR (Arts. 36–37 CCPU): the prosecutor exercises authority over the investigator, issues binding written instructions, gives consent to significant investigative actions, and applies to court for warrants. The investigator may challenge instructions to a senior prosecutor but must execute them pending that review.

Investigative Actions – Interrogation, Confrontation & Forensics

INTERROGATION *Допит* *Arts. 224–226*	**CONFRONTATION** *Очна ставка* *Art. 224*	**IDENTIFICATION (LINE-UP)** *Пред'явлення для впізнання Art. 228*	**INVESTIGATIVE EXPERIMENT** *Слідчий експеримент* *Art. 240*
Obtain oral testimony from: witness, victim, suspect, accused, or expert. Prohibited: unlawful influence, deception, or pressure. Technique: open-ended questions → free narrative → clarifying questions.	Two previously interrogated persons whose testimonies MATERIALLY CONTRADICT each other. Simultaneously questioned in each other's presence. Goal: resolve the contradiction; each person hears and responds to the other.	Witness / victim previously described person or object. Group of ≥ 3 persons or objects of similar appearance. Strict no-suggestion rules. Prior description recorded BEFORE line-up to prevent retrospective contamination.	Recreate conditions of an event to verify a claim or test the mechanism of events. Same conditions as original event: weather, noise, lighting, distance. Example: test whether gunshot audible from apartment above, same conditions.

FORENSIC EXAMINATION (Судова експертиза Arts. 242–244)	AUTOPSY & FORENSIC PATHOLOGY *Судово-медична експертиза трупа*
Expert with specialised knowledge conducts scientific examination. Produces written EXPERT OPINION. Expert opinion = primary source of evidence. Common types: • Ballistics (calibre, weapon type, firing distance) • Toxicology (substance, route, time of death) • Document examination (forgery, handwriting) • Digital forensics (deleted files, GPS, metadata) • Forensic accounting (fund flows, losses)	Conducted by forensic pathologist. Establishes: • CAUSE of death • TIME of death (estimated range) • Nature and mechanism of injuries • Route of any substance administered • Other medically significant circumstances Report findings direct the entire investigation: time window for alibi checks, weapon type, etc.

12.3. ROLE OF LAW ENFORCEMENT BODIES

Criminal investigation in Ukraine is conducted by a network of specialized bodies with defined jurisdictional competence. The principal investigative bodies are the National Police, the SBU, the SBI, the BES, and NABU. Prosecutorial supervision is exercised by the Prosecutor General's Office; judicial control by investigating judges. Each body has exclusive jurisdiction over defined categories of offences.

The Investigative Bodies – Jurisdiction Map

LAW ENFORCEMENT ARCHITECTURE |
Система органів досудового розслідування
Each body has EXCLUSIVE jurisdiction over defined offence categories · No self-investigation of own personnel

NATIONAL POLICE *Національна поліція (2015)*	**SECURITY SERVICE (SBU)** *Служба безпеки України (1992)*	**STATE BUREAU OF INVESTIGATIONS (SBI)** *Державне бюро розслідувань (2017)*	**BUREAU OF ECONOMIC SECURITY (BES)** *Бюро економічної безпеки (2021)*
General competence over the majority of common criminal offences. Established by Law on the National Police (2015), replacing the militia.	National security, terrorism, espionage, corruption by high-ranking officials, organised crime. Law on the SBU (1992).	Crimes by senior public officials: judges, prosecutors, National Police officers, SBU officers, MPs, high-ranking military. Independent oversight: investigates those who	Economic crimes, tax fraud, financial offences against the state, economic corruption.

First-response: patrol police secures scene → investigative division takes over.	Example: official of defence contractor passing classified data to foreign intelligence → SBU exclusive jurisdiction.	would otherwise investigate themselves.	Law on the BES (2021). Replaced: fragmented financial crime units and tax police. Example: VAT fraud scheme.

NABU – NATIONAL ANTI-CORRUPTION BUREAU (2014)

Національне антикорупційне бюро України

EXCLUSIVE jurisdiction: corruption by senior public officials.
Target: MPs, cabinet ministers, senior judges, prosecutors, large-scale business actors.

Designed for POLITICAL INSULATION:
- Own selection procedure
- Own accountability framework

Cases heard by: Specialised Anti-Corruption Court (SAPO).

Integrated architecture: NABU investigates → SAPO adjudicates.

COERCIVE MEASURES & RESTRAINT (Arts. 180–213 CCPU)

DETENTION (Art. 207–213): short-term, max 72 hours, no prior warrant required (caught in act / hot pursuit).
→ Must appear before investigating judge within 60 hours.

PRE-TRIAL DETENTION (Art. 183): authorised by investigating judge.
Grounds: reasonable suspicion + flight / obstruction / reoffending risk.
Less restrictive alternatives must be insufficient.

HOUSE ARREST (Art. 181): remain at residence (± electronic anklet).

PERSONAL SURETY (Art. 180): sureties undertake compliance.

The Prosecutor, Investigating Judge, Defence & Other Participants

PROSECUTOR (Прокурор Art. 36 CCPU)	INVESTIGATING JUDGE (Слідчий суддя Art. 3 CCPU)	DEFENCE COUNSEL & VICTIM (Arts. 45, 55)
• Procedural LEADER of pre-trial investigation. • Issues binding written instructions to investigator. • Gives consent to significant investigative actions. • Applies to court for investigative warrants. • Bears responsibility for lawfulness of accusation. • May personally conduct any investigative action. • Prepares, signs, and submits the indictment.	• Judicial CONTROL over pre-trial investigation. • Authorises: detention, home search, interception. • Rules on complaints about investigative decisions. • Hears detention applications with full adversarial procedure. • • CANNOT participate in subsequent trial of the same case. • Separation of control + adjudication ensures impartiality.	• DEFENCE COUNSEL (Захисник): • Must hold advocate status (Law on Bar, 2012). • All lawful procedural means: inspect file, • challenge evidence, cross-examine, appeal. • • VICTIM (Потерпілий): • Formally recognised by written decision. • Rights: inspect materials, present evidence, • lodge civil claim, attend hearings.

INTERPOL & INTERNATIONAL COOPERATION: when a suspect flees abroad, the investigator issues an international wanted notice via Interpol's I-24/7 network and simultaneously sends a mutual legal assistance (MLA) request to the host country seeking asset freezing and evidence gathering. Framework: bilateral MLA treaties, Council of Europe conventions, UNCAC.

12.4. EVIDENCE AND PROOF

Evidence (докази) and proof (доказування) are the heart of criminal proceedings. Establishing the truth about the circumstances of an offence through lawfully gathered and verified evidence is both the central task of investigation and the foundational requirement for a just verdict. Governed by Chapter 4 of the Code of Criminal Procedure (2012).

Evidence – Definition, Sources & Admissibility

EVIDENCE | Докази (Art. 84 CCPU)
Factual data on the basis of which the investigator, prosecutor, and court establish the presence or absence of facts relevant to the proceeding

▼ four recognised sources of evidence (Art. 84 CCPU) ▼

TESTIMONY *Показання* *Arts. 95–100*	**PHYSICAL EVIDENCE** *Речові докази* *Arts. 98–100*	**DOCUMENTARY EVIDENCE** *Документи* *Art. 99 CCPU*	**EXPERT OPINION** *Висновок експерта* *Arts. 101–102*
Oral or written statements of: witness, victim, suspect, accused, or expert. Obtained during interrogation or in court; recorded in protocol. Victim's testimony about attacker's appearance is primary source of evidence.	Material objects whose physical characteristics, location, or traces confirm or refute facts. Must be: collected, described in protocol, sealed, stored. Examples: weapon, stolen goods, torn clothing, crowbar with suspect's fingerprints.	Written, printed, electronic, photographic, audio-visual materials. Key requirements: • Authenticity • Integrity Examples: forged contract, bank transfer records, email chain, CCTV footage.	Written document by expert. Contains: examination description, methods, findings, conclusions. Primary source of evidence. Expert may be questioned at trial. Example: forensic accountant identifies mechanism of fund diversion and quantifies total UAH 47m loss.

ADMISSIBILITY (Допустимість Art. 86)	RELEVANCE (Належність Art. 85)	RELIABILITY (Достовірність)
• Evidence may be used ONLY if: • • Obtained by LAWFUL means • • From LAWFUL sources • • Complying with procedural requirements • • AUTOMATICALLY inadmissible if obtained through: • torture, unlawful search, • or denial of right to counsel.	• Evidence accepted only if it relates to • facts within the SUBJECT OF PROOF. • • Must be capable of confirming or refuting • a material fact in the proceeding. • • Relevant BUT inadmissible evidence • must STILL be excluded. • Example: prior convictions – relevant, • generally inadmissible at guilt phase.	• Evidence accurately reflects actual circumstances. • • Source must be trustworthy. • Content must be truthful. • Evidence must not be fabricated, • distorted, or contaminated. • • DNA report reliable IF: • • Accredited laboratory • • Validated methods used • • Chain of custody unbroken

Proof, Burden, Standard & Exclusionary Rules

PROOF IN CRIMINAL PROCEEDINGS (Доказування Art. 91 CCPU)

Three inseparable elements

– COLLECTION (збирання):
Gathering evidence by investigator, prosecutor, defence.
Each party may collect and submit any relevant material.

– VERIFICATION (перевірка):
Testing accuracy of each item of evidence.
Compare doctor's injury description vs pathologist's findings.

– EVALUATION (оцінка Art. 94):
Assess: relevance, admissibility, reliability, SUFFICIENCY.
Based on internal conviction after thorough, comprehensive, impartial examination of ALL materials.

SUBJECT OF PROOF (Предмет доказування Art. 91 CCPU)

EXHAUSTIVE catalogue of facts to be established:

- Occurrence of the offence
- Time, place, and manner of commission
- Guilt of the accused
- Form of fault (intent / negligence)
- Consequences of the offence
- Characteristics of accused relevant to punishment
- Civil claims
- Circumstances relevant to sentencing

Any unproven element is FATAL to conviction.

BURDEN OF PROOF (Тягар доказування Art. 17)	STANDARD OF PROOF (Art. 17 CCPU) *Поза розумним сумнівом – beyond reasonable doubt*	SUFFICIENCY (Достатність)
• Burden rests EXCLUSIVELY on the PROSECUTION. • The accused bears NO obligation to prove innocence. • • Prosecutor must DISPROVE all reasonable • alternative explanations consistent with innocence. • • Suspect who remains entirely silent: NO adverse consequence. • Silence CANNOT be used as evidence against them.	• HIGHEST standard in the legal system. • • Evidence must EXCLUDE ALL REASONABLE DOUBT • as to the accused's guilt. • • If a reasonable doubt REMAINS after all evidence: • → Court MUST ACQUIT. • • Different threshold for intermediate decisions: • Detention warrant: "reasonable grounds" (lower).	• The TOTALITY of evidence must be adequate. • Assessed GLOBALLY – not piece by piece. • • For INDICTMENT: sufficient to prove beyond • reasonable doubt at trial. • • For DETENTION: lower threshold of • reasonable grounds applies. • • For CONVICTION: beyond reasonable doubt

CHAIN OF CUSTODY (Ланцюг зберігання доказів): documented record of collection, transfer, storage, and handling of physical evidence ensuring the item presented at trial is the same, unaltered item collected at the crime scene. Gaps in chain of custody undermine reliability and may lead to exclusion.

Exclusionary Rules, Digital & Forensic Evidence

EXCLUSIONARY RULE (Правило недопустимості Art. 87 CCPU)	FRUIT OF THE POISONOUS TREE (Art. 87 CCPU)
Evidence obtained in violation of fundamental rights is AUTOMATICALLY INADMISSIBLE. Triggers: torture, unlawful search, deception, denial of right to lawyer. Excluded regardless of PROBATIVE VALUE. → Even a clear admission of guilt is excluded if obtained through unlawful interception. Purpose: deter unlawful conduct + protect constitutional rights.	Not only directly unlawful evidence is excluded. Also excluded: evidence DERIVED FROM or DISCOVERED AS A RESULT of unlawful evidence. Example: confession obtained through torture → leads investigator to hidden stolen goods → stolen goods also excluded as fruit of the poisonous tree. Prevents law enforcement benefiting INDIRECTLY from constitutional violations.

COVERT INVESTIGATIVE ACTIONS *Негласні слідчі дії* *Arts. 246–275*	DIGITAL EVIDENCE (Цифрові докази)	FORENSIC EVIDENCE (Криміналістичні докази)
• Conducted WITHOUT the knowledge of the person concerned. • Authorised by investigating judge on prosecutor's application. • • Types: • • Interception of telephone communications • • Covert surveillance of persons / premises • • Controlled delivery • • Undercover investigation • • Retrieval from electronic systems • • Authorisation: detailed grounds required.	• Information stored or transmitted in digital form. • • Types: computer files, emails, browser history, • CCTV footage, mobile phone data, • social network communications, metadata, GPS. • • Requirements: • • Court warrant to extract data • • Proper technical collection • • Authentication and integrity verification • • Chain of custody maintained	• Natural science methods applied to physical traces. • • Methods: • • DNA profiling • • Fingerprint analysis • • Ballistics • • Toxicology • • Digital forensics • • Handwriting analysis • • Trace evidence examination • • Presented in expert opinions.

12.5. TASKS

Grammar focus in the context of Crime Investigation in Ukraine: **Past Simple, Past Continuous, Past Perfect Simple, and Past Perfect Continuous – comparison, contrast, and combined use.**

GRAMMAR REVIEW

Tense	Key Signals / Meaning	Crime Investigation Example
Past Simple	*Completed action at a specific past time; sequential steps (ago, last, on [date], in [year], then, when)*	The investigator opened the case file and recorded the first version.
Past Continuous	*Action in progress at a specific past moment; background action interrupted by another (while, when, at that moment, at 09:00)*	While the forensic expert was examining the scene, the investigator was interviewing the first witness.
Past Perfect Simple	*Action completed before another past action or past time; prior condition established (by the time, before, after, already, yet, just)*	By the time the defence counsel arrived, the investigator had already recorded the testimony.
Past Perfect Continuous	*Ongoing action that had been in progress up to a past point; emphasises duration before a past event (for, since, how long, by the time)*	The surveillance team had been monitoring the suspect for three weeks before the arrest was made.

1. FORMATION: HOW TO BUILD EACH TENSE

Past Simple

Affirmative: Regular: +ed → open/opened, record/recorded, report/reported

Irregular: 2nd form → find/found, hold/held, give/gave, take/took, write/wrote

Negative: did not + infinitive → The investigator did not submit the report on time.

Question: Did + subject + infinitive? → Did the court grant the warrant?

Past Continuous

Affirmative: was/were + present participle (-ing) → The expert was analysing the sample.

Negative: was/were + not + -ing → The unit was not monitoring the correct device.

Question: Was/Were + subject + -ing? → Were investigators watching the premises?

Past Perfect Simple

Affirmative: had + past participle → The investigator had notified the prosecutor.

Negative: had not + past participle → The chain of custody had not been documented.

Question: Had + subject + past participle? → Had the judge already issued the warrant?

Past Perfect Continuous

Affirmative: had been + -ing → The team had been monitoring the suspect for six weeks.

Negative: had not been + -ing → The suspect had not been cooperating with investigators.

Question: Had + subject + been + -ing? → Had the unit been gathering intelligence before the report was filed?

NB: Only Past Simple and Past Perfect Simple have passive forms in common investigative use. Past Perfect Continuous is almost always active – it describes an ongoing process.

2. MEANING AND FUNCTION: WHAT EACH TENSE DOES IN LEGAL NARRATIVES

Past Simple – the BACKBONE of the narrative

Use for: completed individual actions in sequence; the main steps of the investigation.

The investigator opened the case, ordered a forensic examination, and notified the suspect.

Signal words: on [date], in [year], at [time], ago, then, next, afterwards.

Past Continuous – the BACKGROUND layer

Use for: actions in progress at a specific past moment; simultaneous actions; interrupted actions.

While the forensic expert was cataloguing the evidence, the investigator was conducting the interrogation.

Signal words: while, when, at that moment, at [time], as.

Past Perfect Simple – the PRE-HISTORY layer

Use for: actions completed before another past action or before a stated past time.

By the time the prosecutor arrived, the investigator had already drawn up the notification of suspicion.

Signal words: by the time, before, after, already, yet, just, by [time/date].

Past Perfect Continuous – the DURATION layer

Use for: actions that had been in continuous or repeated progress up to a past moment; emphasizes length of time.

The surveillance unit had been tracking the suspect's communications for nine weeks before the covert action was authorized.

Signal words: for [period], since [point], how long, by the time.

COMBINED PATTERN (very common in investigation reports):

Past Perfect Continuous (duration) → Past Simple (event that ended it):

Investigators had been building the case for four months [PPCont] when the suspect made a fatal error [PS].

3. TENSE COMBINATIONS: READING THE TIMELINE OF A CRIMINAL INVESTIGATION

The four-tense investigation timeline:

EARLIEST LAYER – Past Perfect Continuous:

The operative unit had been gathering intelligence since November. (long prior activity)

PRE-EVENT LAYER – Past Perfect Simple:

By the time the arrest was made, investigators had identified three accomplices. (completed prior step)

BACKGROUND – Past Continuous:

While the search was being conducted, the forensic expert was examining the suspect's laptop. (concurrent actions)

MAIN EVENTS – Past Simple:

The investigating judge granted the warrant. Officers entered at dawn. The suspect was detained. (sequential steps)

Reading the timeline from tense alone:

If you see Past Perfect Continuous → you are at the earliest point in the story.

If you see Past Perfect Simple → you are at a step that was already done when the main action started.

If you see Past Continuous → you are at a background or simultaneous action.

If you see Past Simple → you are at the main narrative sequence.

NB: Skilled legal writers never use only Past Simple. A case summary or investigation report that uses all four past tenses correctly reads as more authoritative, precise, and legally reliable than one written entirely in Past Simple.

4. DISTINGUISHING THE FOUR TENSES: A CONTRASTIVE REFERENCE

Past Simple vs Past Continuous

The investigator questioned the witness for two hours. (PS – completed, focus on result)

The investigator was questioning the witness when the power failed. (PCont – in progress, interrupted)

Past Simple vs Past Perfect Simple

The investigator arrived. Then he reviewed the file. (PS – sequential, one after another)

When the investigator arrived, the expert had already reviewed the file. (PPerf – prior completion)

Past Perfect Simple vs Past Perfect Continuous

By the time the arrest was made, the team had collected 80 documents. (PPerf – completed collection)

By the time the arrest was made, the team had been collecting documents for six weeks. (PPCont – emphasis on duration)

Past Continuous vs Past Perfect Continuous

The surveillance unit was monitoring the suspect. (PCont – at a specific past moment)

The surveillance unit had been monitoring the suspect for six weeks before the arrest. (PPCont – duration leading up to a past event)

CRITICAL PAIRS for crime investigation: was collecting vs had been collecting; had examined vs had been examining; was questioning vs had questioned. Each pair describes the same action but with a different temporal emphasis – and a potentially different legal significance.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

MAP ALL FOUR PAST TENSES IN A PRE-TRIAL INVESTIGATION NARRATIVE

Read the investigation narrative below. Copy each underlined verb into the table provided and identify its tense (Past Simple / Past Continuous / Past Perfect Simple / Past Perfect Continuous) and the reason for that tense choice.

NARRATIVE:
Detective Kovalenko (1) opened the case on a Tuesday morning. A witness (2) had already given a preliminary statement before Kovalenko (3) arrived at the bureau. While two officers (4) were processing the crime scene, Kovalenko (5) reviewed the Unified Register entries. It (6) emerged that the suspect (7) had been conducting fraudulent transactions for almost four months before the criminal offence report (8) was filed. At the moment the search warrant (9) was granted, investigators (10) were preparing to enter the suspect's office.

- *Copy verbs 1–10 into a table with columns: Verb | Tense | Reason.*
- *Find the one Past Perfect Continuous verb and explain what it adds to the meaning that Past Perfect Simple could not.*
- *Identify the two verbs that describe simultaneous background actions – which tense are they in?*

NB: Past Perfect Continuous (had been conducting) emphasizes the DURATION of an action before a past cutoff – it tells us not just that something happened before, but that it was going on repeatedly or continuously over a period. This is legally significant: it establishes an ongoing pattern of conduct, not a single act.

Task 2
Reading
ANALYSE

RECONSTRUCT AN INVESTIGATION TIMELINE FROM A SCRAMBLED REPORT

The eight sentences below are from the same investigation report but have been scrambled. Using the tense of each verb as your guide, arrange them into the correct chronological order. Then explain in writing how each tense signalled its position in the timeline.

A. The investigating judge issued a warrant for the search.
B. Investigators had been gathering intelligence on the suspect for six weeks before the first arrest was made.
C. While the search was being conducted, the suspect arrived at the premises unexpectedly.
D. The forensic examination had already been ordered before the defence counsel entered the case.
E. The pre-trial investigation was formally initiated when the criminal offence report was registered.
F. By the time the indictment was submitted, the investigators had interviewed fourteen witnesses.
G. The surveillance unit was monitoring all communications at the time the plea agreement was proposed.
H. The suspect signed the plea agreement three days later.

- *Write the correct order (e.g. B → E → ...) and justify each position with reference to the verb tense.*
- *Identify the single Past Perfect Continuous sentence – what does its duration signal about the investigation?*
- *Which two sentences describe simultaneous actions? How do the tenses show this?*

NB: Tense is your most reliable clue for sequencing events in legal texts. Past Perfect (Simple or Continuous) always refers to the earliest events. Past Continuous describes background or concurrent actions. Past Simple marks the main sequential steps. Using all four tenses together creates an exact, layered timeline.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND CHOOSE: WHICH PAST TENSE FITS THE INVESTIGATION CONTEXT?

Listen to audio recording #12 and choose the correct past tense form from the options given and write the complete sentence. Then state which tense you chose and why.

1. Two actions at the same time during a search: While the officer _____ (seal / sealed / was sealing) the room, the forensic expert _____ (photograph / was photographing) the evidence.
2. Action completed before a specific past event: By the time the prosecutor _____ (read / had read / was reading) the file, the investigator _____ (submit / had submitted / submitted) the indictment.
3. Ongoing activity cut short: The interrogation _____ (continued / was continuing / had continued) when the suspect suddenly _____ (invoked / was invoking / had invoked) the right to silence.
4. Long-running activity before a past moment: The surveillance team _____ (monitored / was monitoring / had been monitoring) the suspect for two months before the arrest _____ (was made / had been made).
5. Sequential completed steps: The investigator _____ (opened / had opened) the Register entry, then _____ (notified / was notifying) the prosecutor and _____ (drafted / was drafting) the notification of suspicion. [
6. Prior condition before questioning: The suspect _____ (did not receive / had not received) legal advice before the investigator _____ (began / had begun) the interrogation.

7. Background activity at the moment of an event: The expert _____ (analyzed / was analyzing) the digital evidence when the defence counsel _____ (arrived / was arriving) to observe the process.

8. Duration before a specific past moment: The witness _____ (lived / had been living) under protection for three months before the confrontation _____ (took place / was taking place).

• *Compare your answers with a partner. For items 4 and 8 – discuss what the duration adds to the legal picture.*

NB: Past Perfect Continuous always appears alongside a Past Simple verb that marks the moment it was interrupted or concluded.

Task 4
Listening
EVALUATE

LISTEN AND DIAGNOSE: TENSE ERRORS IN AN INVESTIGATOR'S ORAL REPORT

Listen to an investigator's oral briefing on a fraud case. The briefing contains five tense errors – wrong past tense chosen given the temporal context. For each error: a) identify the incorrect form, b) explain why it is wrong, c) state which tense should be used and why, and d) write the correct sentence.

• *Note all correctly used past tenses as well – at least four correct uses across the four tenses.*

• *Focus particularly on: places where Past Simple is used but the action clearly predates another past event (should be Past Perfect Simple); places where Past Simple is used for a background action (should be Past Continuous); places where Past Perfect Simple is used for a long, continuous prior activity (should be Past Perfect Continuous).*

• *Discuss with a partner: could any of the tense errors create genuine ambiguity about the investigation timeline – or even suggest procedural violations?*

NB: E.g. When I arrived, the forensic team finished the inspection (PCont: was finishing / had finished); By the time we entered, the suspect destroyed three files; We monitored the suspect for five weeks before the arrest; While I wrote the report, my colleague called the prosecutor; The chain of custody was broken before anyone noticed the gap.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

NARRATE AN INVESTIGATION STAGE USING ALL FOUR PAST TENSES

Choose one stage of investigation from the glossary (e.g. crime scene inspection, search, interrogation, forensic examination, confrontation). Narrate a 2-minute account of how that stage was conducted in a specific case, using all four past tenses – at least one example of each.

- *Past Simple for the main steps in sequence: The investigator arrived, sealed the scene, and began the inspection.*
- *Past Continuous for simultaneous or background activities: While the forensic expert was collecting samples, the investigator was sketching the scene layout.*
- *Past Perfect Simple for actions already completed before the stage began: By the time the inspection team entered, patrol officers had already secured the perimeter.*
- *Past Perfect Continuous for ongoing activities before the stage: The surveillance unit had been watching the premises for eleven days before the search was authorized.*
- *After speaking, identify which sentence used each tense and explain your choice to your partner.*

NB: When narrating investigative procedure, the four past tenses work together like a camera at four focal lengths: Past Simple = the main shots; Past Continuous = the background action; Past Perfect Simple = what was already done; Past Perfect Continuous = what had been going on for some time before. Together they give a complete and legally precise account.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: CROSS-EXAMINATION OF AN INVESTIGATOR ON THE TIMELINE

Student A plays a defence counsel cross-examining an investigator about the sequence of events in a pre-trial investigation. Student B plays the investigator defending the procedural timeline. The dispute: whether the notification of suspicion was served before or after the interrogation began.

- *Defence counsel uses Past Perfect Simple and Past Perfect Continuous to challenge the sequence: Had the notification of suspicion already been served when the interrogation started? / How long had the suspect been held before he was informed of the charges?*
- *Investigator uses Past Simple and Past Continuous to narrate events: I arrived at 09:00. The suspect was already waiting in the interview room. While I was preparing the notification documents, my colleague began the preliminary questions – not a formal interrogation.*
- *Defence counsel challenges: So formal questioning was taking place while you were still preparing the notification – is that correct?*
- *Both students must use at least six past tense forms across the four tenses during the exchange.*

NB: This scenario targets the core legal issue of whether procedural rights were respected in sequence. The tense the investigator chooses to describe simultaneous actions (Past Continuous vs Past Simple) carries legal weight – was preparing vs prepared implies very different timelines for when the notification was served.

Task 7
Speaking – Monologue
APPLY

PRESENT A STRUCTURED CASE CHRONOLOGY TO A MOOT COURT

You are a student prosecutor presenting the chronology of a pre-trial investigation to a moot court panel. The case involves a corruption offence investigated by NABU. Your presentation must demonstrate command of all four past tenses to convey the exact sequence, duration, and overlap of investigative actions. Speak for 3 minutes.

CASE FACTS:
NABU received intelligence in January. The surveillance operation ran for ten weeks. In March, the suspect was seen receiving a bribe. By April, investigators had collected over 200 documents. While analysts were processing the financial records, covert investigative actions were being authorized by the investigating judge. The suspect had been communicating with an accomplice for months before the arrest. The accomplice was detained separately. Plea negotiations began in May.

- *Open with background (Past Perfect Continuous for duration): NABU had been monitoring the suspect's financial activity for ten weeks before the first concrete evidence emerged...*
- *Narrate key events (Past Simple): In March, the suspect received a bribe in a recorded meeting...*
- *Show concurrent operations (Past Continuous): While analysts were reviewing the documents, a parallel covert action was being conducted...*
- *Establish prior conditions (Past Perfect Simple): By the time the arrest was made, investigators had already secured the digital evidence and had notified the prosecutor...*

NB: Professional legal chronologies use the four past tenses in combination to convey authority and precision. A panel will immediately notice if all events are narrated in Past Simple – it flattens the timeline and obscures the investigative logic. Use each tense for its exact purpose.

Task 8
Speaking – Debate

ANALYSE

DEBATE: DOES THE TENSE USED TO DESCRIBE INVESTIGATIVE ACTIONS AFFECT THEIR LEGAL VALIDITY?

Hold a structured academic debate. Position A: precise past tense use in investigation reports matters legally – the choice between the warrant was issued (Past Simple), the warrant had been issued (Past Perfect) and the warrant was being processed (Past Continuous) creates fundamentally different legal realities. Position B: courts look at the underlying facts, not the grammar of the report – tense imprecision is a drafting issue, not a substantive legal one.

- *Students must USE all four past tenses in their arguments – arguing about grammar while demonstrating grammar.*
- *Position A: provide examples from investigation glossary terms where tense choice would change legal outcome: admissibility, chain of custody, notification of suspicion, standard of proof.*
- *Position B: argue that investigative reports are assessed on their factual content and corroborating evidence – cite the adversarial principle, burden of proof, and evaluation of evidence.*
- *Students must use discourse connectors with past tenses: By the time the report was submitted..., While the investigation had been progressing..., The court had already established that...*

NB: positions should acknowledge the other's strongest point. Position A's strongest case: The forensic examination was ordered (Past Simple – unclear when) vs The forensic examination had been ordered before the defence arrived (Past Perfect – establishes prior procedural compliance). Position B's strongest case: corroborating documents determine admissibility, not narrative tense.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY WITH A FOUR-TENSE EXAMPLE PARAGRAPH

Choose one term from the glossary. Write the full glossary entry – English term, Ukrainian equivalent, present-tense definition – then write a four-sentence example paragraph in which each sentence uses a different past tense.

- *Sentence 1 (Past Simple): the term in a specific completed past action – The investigator ordered a forensic examination on the day the body was discovered.*
- *Sentence 2 (Past Continuous): the term in an action in progress – While the forensic expert was conducting the examination, the investigator was compiling the initial investigative version.*
- *Sentence 3 (Past Perfect Simple): the term establishing a prior completed step – By the time the defence counsel requested access, the forensic report had already been submitted.*
- *Sentence 4 (Past Perfect Continuous): the term showing extended prior activity – The forensic laboratory had been processing the samples for six days before the results were disclosed to both parties.*
- *After each sentence, note the tense in brackets and give a one-phrase justification: e.g. [Past Continuous – action in progress at the key moment].*

NB: Writing all four past tenses about the same glossary term deepens understanding of both the term and the grammar simultaneously. The best glossary examples show the term in action across time – not just in isolation.

Task 10
Writing
APPLY

RECONSTRUCT A CASE REPORT FROM JUMBLED SENTENCES

The twelve sentences below belong to a single investigation case report but have been placed in the wrong tense. Rewrite each sentence in the most appropriate past tense, then arrange all twelve sentences into a coherent, correctly sequenced case report of approximately 200 words.

SENTENCES TO REWRITE (each in the wrong or unspecified tense):

a) NABU officers receive the intelligence report on 3 February.

b) By that point, the suspect evade detection for almost two months.

c) The surveillance team track all his movements since early December.

d) While the legal team prepare the warrant application, the operative unit maintain covert observation.

e) The investigating judge grant the warrant on 17 February.

f) Officers enter the premises at dawn. They find documents that confirm the scheme.

g) The suspect meet with an accomplice in the building at the time of entry.

h) Neither party receive prior notification of the search.

i) Investigators seize three laptops and a mobile phone.

j) The chain of custody is maintained from the moment of seizure.

k) Digital forensic analysts process the devices for eleven days before issuing their report.

l) By the time the indictment was submitted, all evidence is verified and all witnesses give their statements.

NB: A well-sequenced investigation report reads like a film with four camera angles: the main storyline (Past Simple), the background action (Past Continuous), what was already in place (Past Perfect Simple), and what had been building over time (Past Perfect Continuous). Mastering this combination is a core professional writing skill for future legal practitioners.

Task 11
Writing
EVALUATE

EVALUATE AND CORRECT A FLAWED INVESTIGATION WITNESS STATEMENT

A witness has given the statement below. It contains six tense errors – wrong past tense used and given the context and timeline. Find each error, identify which tense was used and which should have been used, write the correction, and explain the legal significance of each mistake.

STATEMENT: When I entered the building, two men argued loudly in the corridor. One of them held a document folder that I later recognized as the seized evidence. I was speaking with the receptionist for twenty minutes before I noticed anything unusual. By the time I reached the third floor, the men already left. I called the police immediately. Later I learned that the suspect communicated with his accomplice through an encrypted app for several weeks before anyone noticed. The investigator told me that the covert action was authorizing by the judge two days earlier.

• *Error 1: two men argued → were arguing [PCont: action in progress when witness entered]*
• *Rewrite the full corrected statement. Then write two sentences explaining the legal risk created by the most serious tense error.*

NB: Tense errors in witness statements can create genuine legal problems: were arguing (ongoing) and argued (completed) describe different situations. Had already left (gone before arrival) and already left (ambiguous) have different implications for what the witness could have seen. Courts read witness statements for precisely this kind of temporal detail.

Task 12
Writing
CREATE

WRITE AN ORIGINAL PRE-TRIAL INVESTIGATION CASE SUMMARY

Create a 250-word original case summary in formal legal English for a cybercrime investigation conducted by the State Bureau of Investigations. The summary must demonstrate deliberate, accurate use of all four past tenses, with each tense used for its precise temporal function.

• STRUCTURE YOUR CASE SUMMARY IN FOUR PARAGRAPHS, each foregrounding one tense:

Paragraph 1 – Background (Past Perfect Continuous): The suspect had been operating a phishing scheme targeting bank clients for approximately seven months before the bureau received the first credible complaint...

Paragraph 2 – Key events (Past Simple): On 4 April, investigators opened the case. The investigating judge granted a warrant for digital evidence seizure. Officers entered the premises at 06:00...

Paragraph 3 – Concurrent operations (Past Continuous): While investigators were analyzing the seized servers, a second team was interviewing employees of the targeted bank. The forensic expert was extracting transaction logs at the same time...

Paragraph 4 – Established prior conditions (Past Perfect Simple): By the time the indictment was submitted, analysts had identified 340 victims. The chain of custody had been maintained throughout. The suspect had made no contact with the accomplice since the arrest...

• Use at least: 5 Past Simple, 4 Past Continuous, 4 Past Perfect Simple, 2 Past Perfect Continuous forms.

• *Use glossary terms: pre-trial investigation, digital evidence, covert investigative actions, chain of custody, forensic examination, indictment, admissibility of evidence, standard of proof.*

NB: Your case summary will be assessed on 1) grammatical accuracy of all past tenses; 2) appropriate tense selection for each event's position in the timeline; 3) correct use of investigation terminology; and 4) overall coherence and professional register.

12.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses Past Perfect Simple to show that one investigative action preceded another?
a) When the defence counsel arrived, the investigator recorded the testimony;
b) When the defence counsel arrived, the investigator had already recorded the testimony;
c) When the defence counsel arrived, the investigator was recording the testimony;
d) When the defence counsel arrived, the investigator had been recording the testimony.

2. While the forensic team _____ the crime scene, the investigator _____ the first witness. – Which tenses correctly fill both gaps?
a) examined / interviewed;
b) was examining / interviewed;
c) had examined / was interviewing;
d) examined / was interviewing.

3. Which sentence uses Past Perfect Continuous CORRECTLY?
a) The suspect had been monitored for six weeks before the arrest was made;
b) The suspect had been monitoring for six weeks before the arrest was made;
c) The suspect was being monitored for six weeks before the arrest was made;
d) The suspect has been monitored for six weeks before the arrest was made.

4. The chain of custody _____ before anyone identified the procedural gap. – Which tense correctly shows the earlier action?

a) was broken;
b) broke;
c) had been broken;
d) was being broken.

5. In the sentence Investigators were processing the digital evidence when the suspect requested a lawyer, what does the Past Continuous express:

a) an action completed before the request;
b) a background action in progress at the moment of the request;
c) an action that would be completed in the future;
d) a habitual action repeated throughout the investigation.

6. The pre-trial investigation under the CCPU is the stage that:

a) takes place in open court after the indictment is submitted;
b) encompasses all investigative actions conducted before the case is sent to court;
c) is supervised exclusively by the defence counsel;
d) applies only to especially grave offences.

7. By the time the indictment was submitted, the investigators _____ fourteen witnesses. – Which form is correct?

a) interviewed;
b) were interviewing;
c) had interviewed;
d) had been interviewing.

8. Which sentence uses Past Simple INCORRECTLY given the timeline context?

a) The investigating judge granted the warrant on 14 March;

b) The suspect signed the plea agreement three days after the arrest;

c) The evidence was contaminated before the forensic team arrived, so the forensic team contaminated it;

d) Officers entered the premises at dawn and found the documents.

9. What is the key difference between Past Perfect Simple and Past Perfect Continuous in investigation reporting?

a) Past Perfect Simple can only be used in passive voice; Past Perfect Continuous only in active voice;

b) Past Perfect Simple emphasises completion of an action before a past point; Past Perfect Continuous emphasises the duration or ongoing nature of an action before that point;

c) Past Perfect Simple is used for legal facts; Past Perfect Continuous is used for personal observations only;

d) There is no meaningful difference – they can always be used interchangeably.

10. The adversarial principle in criminal proceedings means:

a) the investigator conducts both prosecution and defence functions independently;

b) the parties to the proceedings – prosecution and defence – present their cases and challenge each other's evidence before a neutral court;

c) all investigative actions must be conducted in the presence of the suspect;

d) the judge directs the investigation and instructs the investigator on what evidence to gather.

11. The surveillance unit _____ the suspect's communications _____ the moment the court warrant expired. – Which tense pair shows a long ongoing action stopped at a specific past moment?

a) monitored / until;
b) was monitoring / when;
c) had been monitoring / by the time;
d) had monitored / since.

12. Covert investigative actions under the CCPU:

a) may be conducted by an investigator without any judicial authorization;
b) require authorization by the investigating judge or court and are not disclosed to the subject of the investigation;
c) are conducted exclusively by the defence counsel to gather exculpatory evidence;
d) apply only to cybercrime and financial offences under the Bureau of Economic Security.

13. In which sentence is Past Continuous the WRONG tense choice?

a) While the expert was analyzing the DNA sample, the investigator was drafting the indictment;
b) At 09:15, officers were sealing the entrance to the crime scene;
c) The suspect was confessing when the lawyer entered – so the confession is valid;
d) The investigator was conducting three interrogations on the same day last Tuesday.

14. The exclusionary rule in Ukrainian criminal procedure means that:

a) all evidence must be evaluated by an expert before it is admitted;
b) evidence obtained in violation of the procedure established by the CCPU is inadmissible and cannot form the basis of a conviction;
c) the prosecution may exclude any defence evidence it considers unreliable;
d) only written documentary evidence is admissible at trial.

15. By the time the confrontation took place, the witness _____ under protection for two months. – Which tense correctly shows a prior continuous situation?
a) lived;
b) was living;
c) had lived;
d) had been living.

16. The fruit of the poisonous tree doctrine in evidence law holds that:
a) physical evidence found outdoors is always admissible regardless of how it was collected;
b) evidence derived from an initial unlawful investigative action is itself inadmissible, even if the derived evidence was obtained lawfully;
c) expert opinion based on physical evidence is more reliable than testimony;
d) the prosecution bears the burden of proving the chain of custody for all physical evidence.

17. Which sentence combines Past Perfect Simple and Past Simple CORRECTLY to show a lawful sequence of investigative actions?
a) The investigator had notified the suspect before the interrogation began;
b) The investigator notified the suspect before the interrogation had begun;
c) The investigator was notifying the suspect before the interrogation began;
d) The investigator had been notifying the suspect before the interrogation began.

18. Investigative jurisdiction determines:
a) which court will hear the case after the indictment is submitted;
b) which law enforcement body has authority to conduct the pre-trial investigation of a particular type of offence;
c) the maximum duration of the pre-trial investigation period;
d) the order in which investigative actions must be performed.

19. A student wrote: When the expert arrived, the investigator collected all the samples. The intended meaning is that the samples were already collected before the expert arrived. Which correction is needed?

a) Change collected to was collecting;
b) Change collected to had collected;
c) Change When to While and keep collected;
d) Change collected to had been collecting.

20. Standard of proof beyond reasonable doubt in Ukrainian criminal proceedings means that:

a) any credible suspicion is sufficient for conviction;
b) guilt must be established with certainty sufficient to exclude any reasonable alternative explanation, based on the totality of evidence;
c) the defence bears the burden of disproving the prosecution's case;
d) a confession by the accused is sufficient proof of guilt without corroborating evidence.

ANSWER KEY

Q1: b	**Q2: b**	**Q3: a**	**Q4: c**	**Q5: b**	**Q6: b**	**Q7: c**	**Q8: c**	**Q9: b**	**Q10: b**
Q11: c	**Q12: b**	**Q13: d**	**Q14: b**	**Q15: d**	**Q16: b**	**Q17: a**	**Q18: b**	**Q19: b**	**Q20: b**

NB *Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision*

12.7. GLOSSARY

TERM	DEFINITION
Admissibility of evidence *Допустимість доказів*	The requirement that evidence may be received and relied upon in criminal proceedings only if it was gathered from sources and through methods expressly permitted by the Code. Evidence collected through torture, an unauthorized search, or in breach of the accused's right to defence is automatically excluded and cannot form the basis of a conviction.
Adversarial principle *Принцип змагальності*	The foundational procedural principle under which criminal proceedings are conducted as a contest between two equal parties – the prosecution and the defence – each of whom independently gathers and presents evidence and arguments before an impartial court that adjudicates on the basis of the parties submissions without conducting its own investigation.
Burden of proof *Тягар доказування*	The procedural rule placing the entire obligation of proving the accused's guilt on the prosecution. The accused bears no duty to prove their innocence, and an unresolved reasonable doubt must be interpreted in the accused's favor. The prosecution must affirmatively disprove every reasonable alternative explanation consistent with innocence.
Chain of custody *Ланцюг зберігання доказів*	The documented, uninterrupted record tracing the collection, transfer, storage, and handling of physical evidence from the moment of its discovery at the crime scene to its presentation in court. Any unexplained gap or irregularity in this record may call into question the integrity of the evidence and provide grounds for its exclusion.

TERM	DEFINITION
Closure of criminal proceedings *Закриття кримінального провадження*	A final procedural decision terminating a criminal proceeding without a court conviction on one of the grounds prescribed by the Code – including the absence of a criminal event, the absence of the elements of an offence, expiry of the limitation period, the death of the suspect, or insufficiency of evidence to prove guilt beyond reasonable doubt.
Covert investigative actions *Негласні слідчі (розшукові) дії*	A category of investigative measures conducted without the knowledge of the person affected, including interception of communications, covert surveillance of persons or premises, controlled delivery, undercover investigation, and extraction of information from electronic systems, authorized by an investigating judge on the prosecutor's application and used when overt methods are insufficient.
Crime scene inspection *Огляд місця події*	An investigative action in which the investigator personally examines a physical location where an offence was committed or where its traces are present, in order to detect, document, and collect material evidence, record the state of the scene, and identify circumstances relevant to establishing the facts of the case.
Criminalistics *Криміналістика*	The applied scientific discipline concerned with developing technical methods, tactical approaches, and investigative systems for detecting, investigating, and preventing crimes. It is divided into three principal branches: technical criminalistics (scientific methods for trace detection and analysis), tactical criminalistics (methods for conducting individual investigative actions), and methodological criminalistics (systems for investigating specific types of crime).

TERM	DEFINITION
Defence counsel *Захисник (адвокат)*	A person holding the status of advocate under applicable legislation who participates in criminal proceedings to protect the rights and legitimate interests of the suspect, accused, or convicted person, using all procedural means permitted by the Code of Criminal Procedure, including challenging evidence, cross-examining witnesses, and filing appeals.
Detention *Затримання*	A short-term coercive measure depriving a person of liberty, permissible without prior judicial authorization only in urgent circumstances – such as being caught in the act of committing an offence, hot pursuit, or imminent flight – for a maximum period of seventy-two hours, after which the person must either be released or brought before an investigating judge.
Digital evidence *Цифрові докази*	Information and data existing in digital form – including computer files, electronic correspondence, browsing history, mobile phone data, CCTV recordings, social media communications, and associated metadata – that is relevant to the criminal proceeding and must be collected, preserved, and authenticated in accordance with specific technical and procedural requirements to maintain its evidentiary integrity.
Evidence *Докази*	Factual data obtained from the sources recognized by the Code of Criminal Procedure – testimony of witnesses, victims, suspects, accused persons, and experts; physical items; documentary materials; and expert opinions – on the basis of which the investigator, prosecutor, and court establish the presence or absence of facts and circumstances relevant to the criminal proceeding.

TERM	DEFINITION
Exclusionary rule *Правило про недопустимість доказів*	The procedural rule requiring a court to exclude from criminal proceedings any evidence obtained through torture, an unlawful search, deception, or in breach of the accused's right to legal assistance, regardless of its probative significance. The rule serves both to protect constitutional rights and to deter unlawful conduct by investigative bodies.
Expert opinion *Висновок експерта*	A written document produced by a specialist with expert knowledge in a particular field following a scientific examination of physical material or circumstances, setting out the methods applied, the findings observed, and the expert's conclusions on the questions posed by the investigator, prosecutor, or court. It constitutes a primary source of evidence and the expert may be questioned on it at trial.
Forensic examination *Судова експертиза*	An investigative and judicial procedure in which a qualified expert conducts a scientific analysis of physical evidence or relevant circumstances – such as biological material, documents, weapons, or financial records – and delivers a written expert opinion that constitutes a source of evidence in the criminal proceeding.
Indictment *Обвинувальний акт*	The formal procedural document compiled by the prosecutor and submitted to court upon completion of pre-trial investigation, setting out the factual circumstances of the alleged offence, its legal classification, the evidence supporting the charge, and the identity of the accused. It determines the scope and limits of the court's examination at trial.

TERM	DEFINITION
Interrogation *Допит*	The investigative action of obtaining oral testimony from a witness, victim, suspect, accused person, or expert concerning circumstances relevant to the criminal proceeding, conducted in accordance with the procedural and ethical requirements of the Code, which prohibit any form of unlawful pressure, coercion, or deception during questioning.
Investigating judge *Слідчий суддя*	A judge of a first-instance court who exercises judicial oversight of pre-trial investigation, including authorizing coercive measures that affect fundamental rights – such as searches, detention, and interception of communications – ruling on complaints about investigative decisions, and performing other supervisory functions prescribed by the Code, without subsequently participating in the trial of the same case.
Investigative version *Слідча версія*	A reasoned investigative hypothesis formulated on the basis of available information to explain the nature, method, and circumstances of the offence and the identity of the person responsible. Multiple versions may be advanced simultaneously; each is subject to verification through planned investigative actions, and only a version that is confirmed by evidence and excludes all alternatives may be accepted as established.
Notification of suspicion *Повідомлення про підозру*	The formal procedural act by which the investigator, with the prosecutor's consent, officially informs a specific individual that they are suspected of having committed a defined criminal offence. From the moment of notification, that person acquires the procedural status of suspect, together with the associated rights – including the right to a defence counsel and the right to silence.

TERM	DEFINITION
Pre-trial detention *Тримання під вартою*	The most restrictive restraint measure, consisting in the physical isolation of a suspect or accused by placement in a detention facility, authorized exclusively by an investigating judge on the prosecutor's application where there are reasonable grounds to believe the person committed the offence and less restrictive alternatives are insufficient to prevent flight, obstruction of justice, or further offending.
Pre-trial investigation *Досудове розслідування*	The stage of criminal proceedings conducted from the registration of the offence in the Unified Register of Pre-Trial Investigations to the sending of the indictment to court or the closure of the proceeding, encompassing all investigative actions, coercive measures, and procedural decisions taken by the investigator under prosecutorial supervision with the aim of establishing the facts of the offence and the identity of the offender.
Presumption of innocence *Презумпція невинуватості*	The fundamental principle that no person may be treated as guilty of a criminal offence until their guilt has been established in strict compliance with the procedure prescribed by the Code and confirmed by a court verdict that has entered into legal force. Every unresolved doubt as to a person's guilt must be resolved in that person's favor.
Standard of proof *Стандарт доказування*	The evidentiary threshold that the totality of evidence must satisfy before a court may return a guilty verdict: the evidence must exclude all reasonable doubt as to the accused's guilt. This is the highest standard of proof in the legal system; if any reasonable doubt remains after consideration of all evidence presented, the court is obliged to acquit.

UNIT 13
CRIMINAL PROCEEDINGS IN UKRAINE

13.1. THE CONCEPT OF CRIMINAL PROCEEDINGS
13.2. PARTICIPANTS IN CRIMINAL PROCEEDINGS
13.3. RIGHTS AND OBLIGATIONS OF PARTICIPANTS
13.4. COURT PROCEEDINGS IN CRIMINAL CASES
13.5. TASKS
13.6. QUIZ
13.7. GLOSSARY

13.1. THE CONCEPT OF CRIMINAL PROCEEDINGS

Criminal proceedings (кримінальне провадження) is the entire procedural activity from registration of an offence in the Unified Register of Pre-Trial Investigations through pre-trial investigation and court trial to the final judgment and its execution, governed by the Code of Criminal Procedure of Ukraine (2012) (Article 2 CCPU).

Principles of Criminal Proceedings (Arts. 7–29 CCPU)

PRINCIPLES are supreme foundational norms binding ALL participants at EVERY stage. Violation of a principle renders affected procedural acts unlawful and evidence obtained through that violation inadmissible.

RULE OF LAW & LEGALITY *Верховенство права / Законність* *Arts. 8–9*	**PRESUMPTION OF INNOCENCE** *Презумпція невинуватості* *Art. 17*	**RIGHT TO DEFENCE & ADVERSARIAL** *Право на захист / Змагальність* *Arts. 20, 22*	**PUBLICITY & REASONABLE TIME** *Відкритість / Розумність строків* *Arts. 27–28*
Activity ONLY within CCPU limits. No coercion beyond express authorisation. Hierarchy of norms strictly observed. No substitution by lower-order acts. Unlawfully obtained evidence: INADMISSIBLE.	Accused presumed innocent until: • Guilt proved by CCPU procedure, AND • Confirmed by final court verdict. All doubts → interpreted in accused's favour. Prosecution bears the burden of proof.	Two equal parties: prosecution ↔ defence. Court is passive, neutral adjudicator. Court may NOT initiate evidence gathering. Suspect must know the suspicion. Counsel from first investigative action.	Hearings OPEN to public by default. Limited exceptions: state secrets, juveniles, sexual offence victims. Proceeding must be completed within a REASONABLE TIME (ECHR Art. 5/6).

CRIMINAL PROCEEDINGS | Кримінальне провадження (Art. 3 CCPU)

Code of Criminal Procedure of Ukraine (2012) · Sole governing act for all criminal procedure

▼ three core tasks (Art. 2 CCPU) ▼

PROTECT INDIVIDUALS & SOCIETY *Захист осіб та суспільства*	PROTECT RIGHTS OF PARTICIPANTS *Захист прав учасників*	ENSURE JUSTICE *Забезпечення справедливості*
• Shield persons, society, and state from criminal offences. • Every reported offence must be investigated. • No discriminatory decisions to open / close cases.	• Rights, freedoms, and legitimate interests of all participants guaranteed throughout the proceeding. • Coercive measures only within CCPU limits. • Each stage has prescribed safeguards.	• Every person who commits a crime must bear liability. • No innocent person may be convicted. • All doubts as to guilt resolved in favour of the accused.

▼ six successive stages ▼

1. Pre-Trial Investigation *Досудове розслідування* → **2. Preparatory Proceedings** *Підготовче провадження* → **3. Court Trial** *Судовий розгляд* → **4. Appeal** *Апеляційне провадження* → **5. Cassation** *Касаційне провадження* → **6. Enforcement of Judgment** *Виконання вироку*

TYPES OF CRIMINAL PROCEEDINGS *Види кримінального провадження*	UNIFIED REGISTER OF PRE-TRIAL INVESTIGATIONS *Єдиний реєстр досудових розслідувань Art. 214*
• ORDINARY proceedings (general rule) • SIMPLIFIED proceedings: minor offences, undisputed guilt – no full trial needed • IN ABSENTIA: suspect evading justice, residing outside Ukraine (Arts. 297^1–297^5) • PRIVATE PROSECUTION: victim-initiated, terminable by victim reconciliation	Central electronic database. All proceedings MUST be registered within 24 hours. Registration is UNCONDITIONAL – cannot be refused for insufficient evidence. Registration = formal start of proceedings. Failure to register: disciplinary + potential criminal liability for the officer

13.2. PARTICIPANTS IN CRIMINAL PROCEEDINGS

Participants (учасники кримінального провадження) are classified into four groups: (1) the court; (2) the prosecution side – prosecutor, investigator, victim, civil plaintiff; (3) the defence side – suspect, accused, defence counsel, legal representative; and (4) other participants – witness, expert, specialist, interpreter, attesting witness.

The Court & Prosecution Side

THE COURT (Суд Art. 31 CCPU)	**PROSECUTOR (Прокурор Arts. 36–37)**
• SINGLE JUDGE: majority of cases. • PANEL OF 3 JUDGES: grave & especially grave offences. • MIXED PANEL – 2 judges + 3 lay judges: especially grave offences carrying life imprisonment. Each lay judge has EQUAL vote on guilt and sentence. INVESTIGATING JUDGE (Слідчий суддя): Exercises judicial control over pre-trial stage. Authorises: detention, search, interception. CANNOT later sit on the same trial.	• Procedural LEADER of pre-trial investigation. • Represents PUBLIC prosecution in court. • Applies for coercive measures. • Issues binding instructions to investigator. • Bears responsibility for lawful, substantiated accusation. INVESTIGATOR (Слідчий Art. 40): Officials of National Police, SBU, SBI, or BES. Independent authority over investigative actions. Coercive measures re constitutional rights: must apply jointly with prosecutor to court.

VICTIM (Потерпілий Art. 55)	CIVIL PLAINTIFF (Цивільний позивач Art. 61)	CIVIL DEFENDANT (Цивільний відповідач Art. 62)
• Natural person: direct physical, moral, or property harm. • Legal person: property or reputation directly harmed. • Recognised by written decision of investigator/prosecutor/ court. • Right to participate, inspect materials, pursue civil claim.	• Pursues civil compensation claim WITHIN criminal proceedings. • Claims: medical expenses, lost earnings, non-pecuniary damage. • Court resolves civil claim SIMULTANEOUS LY with verdict.	• Typically the accused, but may be employer or other legally responsible party. • Participates to contest the civil claim. • May bear vicarious liability alongside the accused.

The Defence Side & Other Participants

SUSPECT & ACCUSED (Arts. 42–43 CCPU)	DEFENCE COUNSEL & LEGAL REPRESENTATIVE (Arts. 44–45)
SUSPECT (Підозрюваний): Person served with notification of suspicion (Arts. 276–279), or detained on suspicion. Full defence rights from MOMENT of notification. ACCUSED (Обвинувачений): Person against whom court opens proceedings on the basis of an indictment. Retains PRESUMPTION OF INNOCENCE and all defence rights throughout the trial.	DEFENCE COUNSEL (Захисник): Must hold ADVOCATE status (Law on Bar, 2012). Protects rights using ALL lawful procedural means. Cannot be instructed to act against client's interests. Right to: visit client in detention, inspect file, retain independent experts, interview witnesses. LEGAL REPRESENTATIVE (Законний представник Art. 44): Parent, guardian, custodian – represents minor or incapacitated participant. Exercises dual personal + representative rights.

WITNESS *Свідок Art. 65*	**EXPERT** *Експерт* *Art. 69*	**SPECIALIST** *Спеціаліст* *Art. 71*	**ATTESTING WITNESS** *Понятий* *Art. 66*
Possesses information about circumstances of the offence. Obligations: Appear, testify truthfully, sign protocol. Criminal liability: refusal to testify + perjury.	Specialised knowledge in science, technology, art. Conducts expert examination. Presents written OPINION. May be summoned to court to explain conclusions under cross-examination.	Practical knowledge without formal expert examination. Assists with equipment, document identification, technical advice. Does NOT produce a formal written opinion.	Minimum TWO required for searches, seizures, identifications, inspections. Independent observer. Signs protocol confirming proper conduct of the investigative action.

INTERPRETER (Перекладач Art. 68): appointed for any participant who does not speak Ukrainian or has a hearing impairment. Cost borne by the STATE – cannot be charged to the accused. Signs protocol confirming accuracy; liable for knowingly false interpretation.

13.3. RIGHTS AND OBLIGATIONS OF PARTICIPANTS

The CCPU establishes a comprehensive catalogue of procedural rights and duties for each participant, designed to ensure fair proceedings while respecting fundamental rights. Rights of the accused reflect constitutional guarantees of liberty, privacy, and the presumption of innocence; victims rights ensure meaningful participation; and duties of all participants support the efficacy and integrity of the proceeding.

Core Rights of the Suspect & Accused

RIGHTS OF THE SUSPECT / ACCUSED | Права підозрюваного / обвинуваченого Art. 42 CCPU

Apply from the FIRST moment of detention, notification of suspicion, or first investigative action affecting rights

RIGHT TO SILENCE *Право на мовчання Art. 63 Constitution; Art. 18 CCPU*	RIGHT TO A LAWYER *Право на правову допомогу Art. 59 Constitution; Art. 20 CCPU*	RIGHT TO INSPECT CASE FILE *Право на ознайомлення з матеріалами Art. 290 CCPU*
• Refuse to answer ANY question at ANY stage. • Silence CANNOT be used as evidence of guilt. • Prosecutor CANNOT comment adversarially on silence. • Court CANNOT draw adverse inferences from refusal to testify. • Derived from prohibition of self-incrimination.	• From moment of: detention, notification of suspicion, • or first investigative action affecting rights. • Cannot begin questioning without counsel present • (or valid written waiver after full explanation). • State-funded counsel if person cannot afford private representation.	• Access to COMPLETE case file before trial. • Includes ALL evidence – even exculpatory material. • Prosecutor MUST disclose evidence favourable to accused. • Non-disclosure of exculpatory evidence = • serious procedural violation + grounds for appeal.

RIGHT TO BE HEARD (Право бути вислуханим Art. 22 CCPU)

Suspect, accused, victim, and others:
present position – facts, arguments, requests – BEFORE a decision affecting rights is taken.

Detention order made WITHOUT hearing the defence → violates right to be heard.

RIGHT TO PRESENT EVIDENCE (Art. 93 CCPU)

Both parties: collect and submit any items,
documents, or information establishing relevant facts.

Defence may retain INDEPENDENT FORENSIC EXPERT.
Court must evaluate BOTH opinions and explain
in judgment why it prefers one over the other.

Victim's Rights, Duties of Other Participants & Sanctions

VICTIM's RIGHTS (Arts. 56–57 CCPU)

- Attend all investigative actions involving them directly.
- Be INFORMED of the progress of the investigation.
- Inspect case materials at conclusion of investigation.
- Be PRESENT at all court hearings.
- Give testimony under oath.
- Pursue a civil claim within the criminal proceeding.
- Deliver a CLOSING ADDRESS before judgment.
- COMPENSATION: physical, property, and moral harm (Arts. 127–128 CCPU; state compensation fund for victims of violent crimes).

IMMUNITY FROM TESTIMONY (Імунітет свідка Art. 63 Constitution)

EXEMPT from duty to testify:

- CLOSE RELATIVES of suspect / accused (constitutional privilege)

- PROFESSIONAL PRIVILEGE holders: lawyers (legal professional privilege), priests (seal of confession), doctors (medical confidentiality)

- DIPLOMATS: immunity under international law

Exception: witness may WAIVE own immunity.

DUTY TO APPEAR *Обов'язок з'являтися Art. 133 CCPU*	DUTY TO TESTIFY TRUTHFULLY *Обов'язок давати правдиві показання*	WAIVER OF RIGHTS *Відмова від прав CCPU*
• Applies to: witnesses, victims, suspects, accused, experts. • Unjustified non-appearance → • COERCIVE BRINGING (police escort), AND • PROCEDURAL FINE imposed by investigating judge. • Repeated failure = further escalating sanctions.	• Applies to: witnesses and victims. • Testify truthfully and COMPLETELY. • Criminal liability under Art. 384 CCU: PERJURY. • Art. 385 CCU: REFUSAL to testify without lawful excuse. • False alibi = separate criminal proceeding against witness.	• Valid only when: • • VOLUNTARY • • KNOWING (fully informed of consequences) • • UNEQUIVOCAL • Court must satisfy itself the waiver is free and informed. • Example: waiver of right to counsel in writing.

PROTECTION OF PARTICIPANTS SAFETY: witness anonymity, changed identity, relocation, physical protection, and non-disclosure of personal data in procedural documents – available to witnesses, victims, experts, and their relatives who face threats (Law on Safety of Participants, 1993).

13.4. COURT PROCEEDINGS IN CRIMINAL CASES

Court proceedings (судове провадження) constitute the central stage of criminal justice: an independent court, applying adversarial procedure, direct examination of evidence, and public trial, examines evidence and arguments, determines guilt, and – upon a guilty verdict – imposes a proportionate sentence. Stages: preparatory proceedings → court examination → closing arguments → deliberation → verdict.

Structure of the Court Trial – From Indictment to Verdict

▼ sequence of court proceedings ▼

Preliminary Proceedings *Підготовче провадження Arts. 314–327*	→	**Opening of Trial** *Відкриття засідання Arts. 342–345*	→	**Court Examination** *Розгляд доказів Art. 23*	→	**Closing Arguments** *Судові дебати Arts. 364–366*	→	**Deliberation & Verdict** *Нарада / Вирок Arts. 367–374*

PRELIMINARY PROCEEDINGS (Підготовче провадження Arts. 314–327)

Judicial stage BETWEEN indictment and main trial.
Court resolves all preliminary matters:

- Verify formal adequacy of indictment.
- Rule on motions to EXCLUDE evidence.
- Confirm or modify restraint measures.
- Approve plea agreements.
- Schedule trial date.
- Determine composition of court.

OPENING OF TRIAL (Arts. 342–345 CCPU)

Formal actions at commencement of EACH session:

- Presiding judge opens the session.
- Verify attendance of all participants.
- Establish identity of accused.
- Explain procedural rights to each participant.
- Invite counsel to raise PRELIMINARY MOTIONS.

Absent witness: judge may grant short adjournment or, on further unjustified absence, treat as waiver.

Court Examination of Evidence & Witness Procedure

DIRECT EXAMINATION PRINCIPLE | Принцип безпосередності Art. 23 CCPU

Court must DIRECTLY PERCEIVE all evidence · Witnesses testify ORALLY · Physical evidence displayed · Recordings played back

EXAMINATION OF WITNESSES *Допит свідків у суді* *Arts. 352–355*	CROSS-EXAMINATION *Перехресний допит* *Art. 352 CCPU*	EXAMINATION OF ACCUSED *Допит обвинуваченого* *Arts. 351, 365*
• Witness sworn in. • Free narrative account first. • DIRECT EXAMINATION by calling party. • CROSS-EXAMINATION by opposing party. • RE-EXAMINATION permitted. • Court may also question the witness. • Pre-trial statement CANNOT replace oral testimony • (violates direct examination principle).	• Conducted by OPPOSING party after direct examination. • Aims to: test reliability and credibility, • expose inconsistencies, • challenge perception, memory, or impartiality. • • Defence may reveal: lack of accreditation, • improper evidence storage, • witness's limited experience.	• Accused CHOOSES whether to testify. • If testifying: free account → prosecution cross-examines • → defence questions → court may question. • • May exercise RIGHT TO SILENCE at any point. • Earlier inconsistent police statements may be • put to accused during cross-examination.

INDICTMENT IN COURT (Обвинувальний акт Art. 291 CCPU): specifies identity of accused, factual circumstances of offence, legal qualification, evidence relied upon, and proposed charge. Defines BOTH the subject matter and the outer limits of the court's examination.

Closing Arguments, Verdict, Sentence & Appeal Remedies

CLOSING ARGUMENTS *Судові дебати* *Arts. 364–366 CCPU*	VERDICT (Вирок Arts. 369–374)	SENTENCING (Призначення покарання Arts. 370, 414)
• Stage AFTER conclusion of evidence examination. • PROSECUTOR: summarises evidence, argues conviction, • proposes sentence. • DEFENCE COUNSEL: argues acquittal, lesser charge, • or reduced sentence. • VICTIM: may address the court. • ACCUSED: exercises right to LAST WORD • (Останнє слово) – no time limit, no interruptions. • Court may NOT deliberate until accused has spoken.	• GUILTY VERDICT: finds accused guilty, imposes sentence, • may award civil claim in same judgment. • • ACQUITTAL: offence not committed; act not criminal; • OR accused's participation not proved. • → IMMEDIATE release from custody. • → Right to STATE COMPENSATION for • unlawful prosecution / detention. • • DELIBERATION is SECRET – not reviewable by higher court.	• Court regards: • • Gravity of the offence • • Degree of offender's culpability • • Personal characteristics of offender • • Mitigating and aggravating circumstances • • Purposes of punishment: • correction, deterrence, protection of society • STANDARD OF PROOF: beyond reasonable doubt.

APPEAL (Апеляція Arts. 392–422)	CASSATION (Касація Arts. 423–446)	EXTRAORDINARY REVIEW (Arts. 459–467)	REHABILITATION (Art. 130 CCPU)
Court of Appeal Within 30 days of full written judgment. Grounds: errors of law, errors of fact, disproportionate sentence. Court may: uphold, vary, quash. May order a FRESH TRIAL.	*Supreme Court – Criminal Chamber* Within 3 months of appellate judgment. ONLY grounds: incorrect application of substantive criminal law, OR material procedural violation. Does NOT re-examine facts.	*Перегляд за нововиявленими обставинами* Basis: newly discovered facts that existed at trial but were unknown, OR ECtHR judgment finding violation. May lead to RETRIAL. Example: undisclosed deal with prosecutor.	*Реабілітація* For unjustly convicted persons: • Conviction QUASHED • Criminal record EXPUNGED • STATE COMPENSATION for detention • Rights and positions RESTORED.

13.5. TASKS

Grammar focus in the context of Criminal Proceedings in Ukraine: **Modal Verbs – Past Forms (could / should / must / may / might / would / need not / cannot + have + pp), with special attention to normative, epistemic, and counterfactual usage in criminal procedure law.**

GRAMMAR REVIEW

Modal Past Form	Meaning	Criminal Proceedings Example
could + have + pp	*Past ability / missed possibility*	The defence counsel could have challenged the admissibility of the evidence, but failed to do so.
should + have + pp	*Past obligation not fulfilled (criticism / regret)*	The investigator should have obtained a warrant before conducting the search.
must + have + pp	*Logical deduction about the past (certainty)*	The suspect must have been informed of their rights – the protocol bears their signature.
may / might + have + pp	*Past possibility (less than certain)*	The witness may have misidentified the accused due to poor lighting at the scene.
would + have + pp	*Unreal past condition (conditional)*	The court would have acquitted the accused had the exculpatory evidence been disclosed in time.
need not + have + pp	*Past action that was unnecessary*	The prosecutor need not have called a fourth expert – the DNA evidence was already conclusive.

ought to + have + pp	*Past moral duty not fulfilled*	The judge ought to have recused himself given his prior involvement in the case.
cannot + have + pp	*Logical deduction: past impossibility*	The accused cannot have committed the robbery – he was in police custody at the time.

1. HOW TO FORM MODAL PAST CONSTRUCTIONS

Core formula: modal verb + have + past participle (pp)

Active: The prosecutor should have disclosed the evidence. [should + have + disclosed]

Passive: The accused should have been informed of their rights. [should + have + been + informed]

The modal verb NEVER changes form. The auxiliary after the modal is ALWAYS have (never had). The final verb is ALWAYS the past participle.

2. WHEN TO USE EACH MODAL PAST FORM IN CRIMINAL PROCEEDINGS

should / ought to + have + pp

Use when a past procedural obligation was not fulfilled (normative critique): The investigating judge should have verified proportionality. The interpreter ought to have been present.

could + have + pp

Use when a past possibility was available but not taken (factual and implicitly critical): The defence could have challenged the warrant. The accused could have been released on bail.

must / cannot + have + pp

Use for logical deduction from evidence (epistemic – inference, not obligation): The suspect must have known about the surveillance. The accused cannot have been present – he was in custody.

would + have + pp

Use for unreal past conditions – what would have happened if the procedure had been followed: The court would have acquitted the accused had the alibi been admitted. The appeal would have succeeded had the motion been filed on time.

3. THE PASSIVE MODAL PAST: MODAL + HAVE + BEEN + PAST PARTICIPLE

The passive modal past is the most important structure for criminal procedure analysis. It focuses on the procedural action – not the actor:

The evidence should have been excluded. = normative: there was an obligation to exclude; it was not met.

The suspect could have been released on bail. = factual: bail was a legal option that was not used.

The accused must have been notified – the record shows a signed receipt. = epistemic: logical deduction.

The verdict would have been different had the expert been permitted to testify. = counterfactual.

NB: The accused should be informed (present obligation) ≠ The accused should have been informed (past obligation not fulfilled). Both structures are frequent in criminal procedure writing but refer to different points in time.

4. COMMON MODAL PAST ERRORS IN LEGAL ENGLISH

ERROR 1: Using had instead of have after the modal

WRONG: The judge should had recused herself. CORRECT: The judge should have recused herself.

ERROR 2: Writing of instead of have (phonetic error – informal, never in legal writing)

WRONG: The prosecutor could of disclosed the evidence. CORRECT: The prosecutor could have disclosed the evidence.

ERROR 3: Omitting have entirely

WRONG: The accused cannot been informed. CORRECT: The accused cannot have been informed.

ERROR 4: Forgetting to in ought to have + pp

WRONG: The witness ought have been protected. CORRECT: The witness ought to have been protected.

ERROR 5: Using infinitive instead of past participle after have

WRONG: The evidence could have been raise at trial. CORRECT: The evidence could have been raised at trial.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY MODAL PAST FORMS IN A CRIMINAL PROCEEDINGS TEXT

Read the passage below. Underline every modal past form. For each one, state: a) the modal verb used, b) the past participle, c) the grammatical meaning (missed possibility / unfulfilled obligation / logical deduction / impossibility / counterfactual), and d) whether the construction is active or passive.

TEXT: The investigating judge should have verified whether the warrant application was properly substantiated before authorizing the search. The evidence could have been challenged as inadmissible, but the defence counsel failed to raise the objection. The suspect must have been aware of the ongoing surveillance – the records show they changed their phone three times. The accusation might have been filed earlier had the investigation been completed on time. The prosecutor cannot have overlooked the exculpatory statement – it was included in the case file. The court would have acquitted the accused on count two had the alibi evidence been admitted.

- *List each modal past form: e.g. should have verified – should + have + pp – past unfulfilled obligation (criticism) – active.*
- *Identify all passive modal past forms (modal + have + been + pp) in the text and explain what procedural failure each describes.*
- *Find the example of logical deduction (must have) and the example of past impossibility (cannot have). Explain how their meanings differ from the other modal past forms in the text.*

NB: In criminal procedure analysis, modal past forms evaluate whether procedural requirements were met (should have), whether challenges were available (could have), and whether evidence supports a past inference (must have / cannot have). The passive modal past (should have been excluded, could have been challenged) is especially frequent in judgments on procedural violations.

Task 2
Reading
ANALYSE

COMPARE MODAL PAST FORMS ACROSS CRIMINAL PROCEEDINGS CONTEXTS

Each group below contains four sentences using different modal past forms about the same procedural situation. For each group, analyze: a) how the meaning differs across the four forms, b) which form places normative responsibility on the subject, and c) which is purely epistemic.

GROUP A – The witness: The witness should have disclosed the prior inconsistent statement. The witness could have disclosed the prior statement but chose not to. The witness must have known about the prior statement – it was in the police file. The witness might have disclosed the statement had they been asked directly.

GROUP B – The investigating judge: The judge should have recused herself after the conflict of interest emerged. The judge could have ordered additional expert evidence. The judge must have considered proportionality – the order contains detailed reasoning. The judge would have excluded the evidence had the defence filed the motion on time.

- *For each group, explain in one sentence the core meaning distinction between should have, could have, must have, and would have.*
- *Identify which modal past form places moral or legal responsibility on the subject (normative) and which is purely epistemic (inference from evidence).*

NB: explaining why the same underlying facts produce different legal emphasis depending on modal choice. Courts use must have for findings of fact; prosecutors use could have for missed opportunities; academic writers use should have for normative critique; counsel use would have for counterfactual prejudice arguments.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: MODAL PAST FORMS IN PROCEDURAL CONTEXTS

Listen to audio recording #13 and write the correct form in the gap. Then identify the grammatical meaning for each answer.

1. The prosecutor _____ all exculpatory evidence before trial, but the defence only received the file on the day of the hearing.
2. The accused _____ of the right to a lawyer immediately upon detention – the protocol shows no such notification.
3. The investigation _____ earlier had the investigating authority been provided with adequate resources.
4. The search _____ – there is no record of any judicial authorization.
5. The witness _____ about the alibi – she worked in the same office as the accused for three years.
6. The defence counsel _____ the expert opinion at trial – the accreditation gap was visible in the appended certificates.
7. The court _____ the accused had the CCTV footage been admitted as evidence.
8. The victim _____ of the hearing date – there is a signed delivery receipt in the file.

9. The interpreter _____ at the interrogation – the accused does not speak Ukrainian.
10. The cassation court _____ the facts again – cassation is confined to questions of law.
NB: Items 2, 3, 4, 8, 9 use the passive modal past (modal + have + been + pp) – the most important structure in criminal procedure analysis.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT MOOT COURT SUBMISSION

Listen to a 2-minute student submission arguing that a pre-trial detention decision was unlawful. Evaluate: a) correct use of modal past forms, b) appropriate modal choice for each legal argument, and c) accuracy of criminal procedure content. Write corrections for any errors found.

- *Note at least three correctly formed modal past structures and explain what procedural point each supports.*
- *Find at least two modal past errors: wrong auxiliary (should had been, could of been), incorrect past participle, or missing have.*
- *Find at least one content error about criminal proceedings (e.g. misstatement about the investigating judge's role, error about the reasonable time guarantee, wrong account of cassation scope).*
- *Write one corrected sentence for each error found – modal past form, passive modal past, and content.*

NB: E.g. The judge should had verified (should have verified); The accused could of been release (could have been released); Students must identify and correct all errors.
EVALUATE requires explaining WHY each error is impossible, not just providing the correct form.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DEFINE CRIMINAL PROCEEDINGS TERMS USING MODAL PAST FORMS

Choose five terms from the glossary. For each, give: 1) a definition, 2) one sentence using a modal past form to illustrate a procedural requirement or failure, and 3) the Ukrainian equivalent. Speak for 2 minutes.

- *Definition with modal past: The presumption of innocence is the principle under which a person is treated as innocent until guilt is proved. A court that convicted an accused solely on a confession obtained without a lawyer should have applied the presumption of innocence more rigorously.*
- *Use at least three different modal past forms across your five terms: e.g. should have (unfulfilled obligation), could have (missed possibility), must have (logical deduction).*
- *For at least two terms, use a passive modal past: e.g. The evidence should have been excluded; The suspect must have been informed; The warrant could have been challenged.*
- *For at least one term, use would have + pp to describe how the outcome would have differed had the procedure been correctly followed.*

NB: Modal past forms in oral legal speech evaluate past procedural conduct without formal accusation. The officer should have cautioned the suspect (normative – evaluates compliance) differs from The officer did not caution the suspect (factual – neutral description). In moot court, the modal past is the standard tool for identifying procedural irregularity while maintaining appropriate tentativeness before the court.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: DEFENCE COUNSEL ADVISES CLIENT ON PROCEDURAL IRREGULARITIES

Student A plays a defense counsel explaining to their client (Student B) what procedural steps were not correctly followed during the pre-trial investigation. Student A must use modal past forms throughout to evaluate what should, could, must, or cannot have happened.

SCENARIO: The client was detained without notification of suspicion, questioned without a lawyer for two hours, searched under a warrant not shown to them, and not informed of the right to silence. A hearing was scheduled without notifying the legal representative.

- *Student A explains unfulfilled obligations (should have): You should have been informed of your right to a lawyer the moment you were detained. The officer should have shown you the warrant before conducting the search.*
- *Student A explains logical deductions (must have / cannot have): The prosecutor must have had access to your file – she was listed as the supervising prosecutor. The investigating judge cannot have approved the warrant without seeing the grounds.*
- *Student B asks questions triggering modal past responses: Could I have refused to answer? / Should the search have been recorded? / Would the court have excluded the evidence if we had challenged it?*

NB: Should have been informed (passive) = the duty lay with the officer. You should have informed the officer (active) = the duty lay with the client. Be precise about who bore the unfulfilled obligation – this is legally significant. Student B's questions naturally generate modal past answers: Could I have refused? → Yes – you could have refused to answer any question without adverse inference.

Task 7
Speaking – Monologue
APPLY

PRESENT A PROCEDURAL TIMELINE ANALYSIS USING MODAL PAST FORMS

You are a student barrister presenting a post-trial procedural analysis. Describe the stages of criminal proceedings and identify, at each stage, what should, could, or must have occurred – and what did not happen as required. Speak for 3 minutes.

CASE: A suspect was detained, questioned, charged with robbery, and convicted. The defence later discovered: a) CCTV footage was not disclosed before trial; b) no interpreter was present during interrogation of a non-Ukrainian speaker; c) the defence counsel was not notified of the forensic examination date; d) the court denied the defence's request to call a second expert.

• *Structure chronologically: detention → investigation → preliminary hearing → trial → verdict. Identify one should / could / must / would + have structure at each stage.*

• *At the investigation stage, the prosecution should have disclosed the CCTV footage to the defence. The footage could have been reviewed and challenged by the defence had it been disclosed in time.*

• *The court should not have denied the request to call a second expert – the right to present evidence is guaranteed. The accused would have received a fairer hearing had the expert been permitted to testify.*

NB: use the grammar to perform a real legal function. Checklist for each stage: Obligation not met → should have been + pp; Possibility not taken → could have been + pp; Logical inference from facts → must have been + pp; Counterfactual outcome → would have been + pp. Use all four types at least once across the five stages.

Task 8
Speaking – Debate
ANALYSE

DEBATE: SHOULD PROCEDURAL VIOLATIONS AUTOMATICALLY EXCLUDE EVIDENCE?

Hold a structured mini-debate. Position A: all evidence obtained in violation of the Code should have been excluded – strict procedural rules must be applied. Position B: courts should have had discretion to admit evidence despite minor violations – automatic exclusion would have led to absurd results. Argue your position for 90 seconds, then respond.

- *Position A must use: The evidence should have been excluded as soon as the violation was established; The investigating judge should not have authorized the search on such thin grounds; The legislator must have intended strict exclusion – no exceptions.*
- *Position B must use: The court could have admitted the evidence and noted the violation without excluding it entirely; A proportionality test should have been applied; Courts in analogous cases would have exercised discretion had the CCPU been drafted differently.*
- *Both sides must use at least one passive modal past (should have been excluded, could have been admitted) and one counterfactual (would have produced, would have resulted in).*
- *After the debate: identify the modal past form appeared most frequently. Which was used to make the strongest normative argument?*

NB: the debate requires comparing two legal philosophies using modal past forms as the medium. Should have makes a normative claim (what the law required). Could have makes a practical claim (what options existed). Would have makes a counterfactual claim (what the consequences would have been). Each has a distinct persuasive force – students must identify and deploy these distinctions deliberately.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY WITH MODAL PAST ILLUSTRATION

Choose one term from the Glossary. Write a full entry: term, Ukrainian equivalent, two-sentence definition, and two example sentences – one using a modal past form (active) and one using a passive modal past.

• Definition example (presumption of innocence): The presumption of innocence is the procedural principle under which every person charged is treated as innocent until guilt is established by a court verdict. All doubts as to guilt must be interpreted in favour of the accused.
• Example 1 – modal past active: The newspaper should have refrained from describing the accused as guilty before the verdict entered into legal force. [should have + infinitive – past unfulfilled obligation]
• Example 2 – passive modal past: The accused should have been presumed innocent throughout the proceedings, yet the authority's press statement described them as a convicted criminal before the trial began. [should have been + pp – passive modal past, criticism]
• After each example, note in brackets: a) the modal past form used, b) its meaning, c) active or passive.
NB: A glossary entry using modal past forms does three things at once: defines the term (legal content), models the grammar in context (language learning), and evaluates procedural compliance (legal analysis). The passive modal past is essential: X should have been disclosed, Y could have been challenged, Z must have been obtained – these focus on the procedural action rather than the actor, consistent with the impersonal register of criminal procedure.

Task 10
Writing
APPLY

REWRITE A PROCEDURAL REPORT – ADDING MODAL PAST ANALYSIS

The paragraph below is a neutral factual account of procedural events. Rewrite it in two versions: Version A adds modal past forms expressing what should/could/must have happened but did not; Version B identifies what the procedural outcome would have been had requirements been met.

ORIGINAL: The investigator conducted a search of the accused's apartment. No warrant was presented. The accused was not told of the right to silence. The defence counsel arrived after the search had concluded. Evidence was found and recorded in the protocol. The accused signed the protocol without reading it. The defence counsel later challenged the admissibility of the evidence.

- *Version A (should have / could have): The investigator should have presented a court-issued warrant before conducting the search. The accused should have been informed of the right to silence prior to the search commencing. The defence counsel should have been notified in advance – they could have been present and could have objected to the procedure in real time.*
- *Version B (would have): Had the warrant been presented, the search would have been procedurally valid. Had the accused been informed of the right to silence, any statement they made would have been freely given and admissible. Had the defence counsel been present, the irregularities would have been documented contemporaneously.*
- *After rewriting, explain which modal past form was most useful for each version: Version A = normative critique (should/could have); Version B = causal/consequential analysis (would have).*

NB: the two versions represent two distinct criminal appeal arguments: Version A identifies the procedural violation (what the law required); Version B demonstrates the prejudice caused to the defence (what would have happened in a fair procedure). Both arguments are required for a successful procedural appeal under the CCPU.

Task 11
Writing
EVALUATE

CORRECT MODAL PAST ERRORS IN A CRIMINAL PROCEEDINGS TEXT

The paragraph below contains six modal past errors. Find each error, explain why it is wrong, and rewrite the paragraph correctly.

PARAGRAPH: The prosecution must had disclosed the exculpatory evidence before trial – this was their clear obligation under Article 290. The investigating judge should of verified the proportionality of the detention before authorising it. The defence counsel could have been raise the immunity argument, but chose not to. The witness ought have been granted anonymity given the threats she received. The accused cannot been aware of the surveillance – the records were sealed. The conviction would have been appeal had the defence counsel acted on time.

• *Error 1: must had disclosed → must have disclosed (the auxiliary after a modal is always have, never had).*

Rewrite the full corrected paragraph and name the two most common error types.

NB: Most frequent modal past errors in student writing:

1) of instead of have – informal phonetic form, never acceptable in legal writing;

2) omitting have entirely (must been, cannot been);

3) using the infinitive instead of the past participle after have (could have raise, would have been appeal).

All three signal incomplete control of the core structure: modal + have + pp.

Task 12
Writing
CREATE

WRITE A PROCEDURAL ANALYSIS MEMORANDUM USING MODAL PAST FORMS THROUGHOUT

Write a 250-word structured legal memorandum in English to a supervising lawyer, analyzing three procedural irregularities identified in a criminal proceeding. Use modal past forms as the primary analytical tool – active and passive, normative and epistemic, real and counterfactual. Use at least ten modal past structures.

HEADING: TO: Supervising Lawyer / FROM: Trainee Solicitor / RE: Procedural Irregularities – Case No. [XX] / DATE: [date]

• Para 1 – Disclosure failure: The prosecution should have disclosed the witness statements at least three days before the hearing. These statements could have altered the defence strategy entirely. The defence counsel should have been given adequate time to review the material – had this occurred, the preliminary hearing would have proceeded as scheduled.

• Para 2 – Interpreter absence: No interpreter was present during the accused's interrogation despite the accused's non-Ukrainian speaker status being noted in the notification of suspicion. The investigator should have arranged a qualified interpreter. The interrogation cannot have been conducted in a manner the accused fully understood.

• Para 3 – Detention extension: The investigating judge should have held a hearing before extending pre-trial detention. The accused ought to have been heard before the extension was ordered. Had the hearing taken place, the defence would have been able to challenge proportionality. This defect could have been remedied at appellate stage but was not raised in time.

NB: the memo is a professional document that uses modal past forms because they are the natural tool for procedural analysis. Aim for legal register: formal vocabulary (proportionality, disclosure obligation, notification of suspicion), logical paragraph structure, and precise modal choice for each function: should have = normative; must have / cannot have = epistemic; would have = counterfactual.

13.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses the modal past form to express a past unfulfilled obligation?
a) The prosecutor should disclose the exculpatory evidence before trial;
b) The prosecutor should have disclosed the exculpatory evidence before trial;
c) The prosecutor should had disclosed the exculpatory evidence before trial;
d) The prosecutor should have been disclose the exculpatory evidence before trial.

2. Which sentence is correctly formed as a PASSIVE modal past?
a) The accused could not been informed of the charge;
b) The accused could not have inform of the charge;
c) The accused could not have been informed of the charge;
d) The accused could have not been informing of the charge.

3. The defence counsel _____ filed the motion earlier – the procedural time limit had not yet expired. Which modal past form correctly completes this sentence?
a) should have;
b) must have;
c) could have;
d) would have.

4. Which sentence uses must have correctly to express a logical deduction?

a) The suspect must have been informed of their rights – you should have done so;

b) The suspect must have been notified – the delivery receipt is in the file;

c) The suspect must had been notified by the investigator;

d) The suspect must have been notify of the charge.

5. Which sentence correctly uses would have to describe an unreal past condition?

a) The court would have acquitted the accused if the alibi evidence was admitted;

b) The court would have to acquit the accused had the alibi evidence been admitted;

c) The court would have acquitted the accused had the alibi evidence been admitted;

d) The court would acquit the accused if the alibi evidence had been admitted.

6. Identify the ERROR: The investigating judge ought have verified the proportionality of the detention:

a) the past participle is wrong – should be verifying;

b) ought requires to before have: should be ought to have verified;

c) the tense is wrong – should be ought to have been verifying;

d) the subject is wrong – only the prosecutor can verify proportionality.

7. The search _____ conducted – there is no record of a court-issued warrant. Which modal past form expresses past impossibility?

a) should not have been;

b) need not have been;

c) could not have been;

d) cannot have been.

8. Which modal past form is used to express that a past action was unnecessary?

a) Must have;
b) Should have;
c) Need not have;
d) Would have.

9. The presumption of innocence in Ukrainian criminal procedure means that:

a) the accused is presumed guilty until they prove otherwise;
b) every person is presumed innocent until guilt is proved by a verdict in legal force, and all doubts must be interpreted in favour of the accused;
c) the prosecutor bears no burden of proof in criminal proceedings;
d) the accused must testify in their own defence to establish innocence.

10. The investigating judge has the function of:

a) conducting the pre-trial investigation and collecting evidence;
b) presenting the prosecution case at trial;
c) exercising judicial control over pre-trial investigation – authorizing coercive measures, ruling on complaints – without subsequently trying the same case;
d) delivering the verdict on guilt and sentence at the end of the main trial.

11. Which modal past form best completes this sentence? The interpreter _____ present at the interrogation – the accused does not speak Ukrainian and the investigator was aware of this from the outset.

a) could have been;
b) must have been;
c) would have been;
d) should have been.

12. The adversarial principle in criminal proceedings requires that:

a) the court may call any witnesses it considers necessary to establish the truth;

b) the prosecution and defence compete as procedurally equal parties before an impartial court that adjudicates on the basis of their submissions alone;

c) the accused must challenge each item of prosecution evidence in writing before the hearing;

d) the prosecutor and defence counsel must agree on the evidence to be presented.

13. Which sentence uses the correct modal past structure for legal analysis of a procedural violation?

a) The warrant should be challenged by the defence at the preliminary hearing;

b) The warrant should have been challenged by the defence at the preliminary hearing – the grounds for its issue were clearly insufficient;

c) The warrant should has been challenged by the defence;

d) The warrant could being challenged at the preliminary hearing.

14. The right to silence in Ukrainian criminal procedure means that:

a) the accused may not speak until the defence counsel is present;

b) the suspect and accused may refuse to answer any question at any stage without this refusal being used as evidence of guilt;

c) witnesses may refuse to testify about any matter they consider sensitive;

d) the accused's silence at trial may be commented upon adversarially by the prosecutor.

15. Choose the correct modal past: The forensic expert _____ disclosed the conflict of interest before accepting the commission – failure to do so undermined the reliability of the entire opinion.

a) must have;
b) would have;
c) could have;
d) should have.

16. Extraordinary review may be triggered when:

a) the accused submits a new plea of guilty after conviction;
b) newly discovered circumstances arise – facts that existed at trial but were unknown and would have produced a different outcome – or an ECtHR judgment finding a violation;
c) the prosecution discovers additional evidence of guilt after conviction;
d) a cassation court disagrees with the factual findings of the trial court.

17. Which sentence expresses a counterfactual past result correctly?

a) The accused would be acquitted if the exculpatory evidence was disclosed;
b) The accused would have been acquitted had the exculpatory evidence been disclosed before trial;
c) The accused would have acquit had the exculpatory evidence disclosed;
d) The accused would have been acquitting had the evidence been disclosed.

18. The right to inspect case materials requires that:

a) the defence may inspect only the evidence the prosecution intends to rely on;
b) the prosecutor must provide the defence with access to the complete case file – including exculpatory evidence – before the commencement of trial;
c) case materials may only be inspected in the presence of the investigating judge;
d) only the defence counsel has access – not the accused personally.

19. A witness gives false testimony at trial. Which modal past form correctly analyses the situation? The witness _____ testified falsely – they signed a statement confirming they observed the incident from 50 metres, which was physically impossible at night.

a) should not have;
b) would not have;
c) cannot have;
d) need not have.

20. Which sentence correctly uses a modal past form to describe a past procedural right that was not exercised?

a) The accused could have appealed the detention order within five days but did not do so;
b) The accused could appeal the detention order within five days;
c) The accused could had appealed the detention order;
d) The accused could have been appeal the detention order.

ANSWER KEY

Q1: b	**Q2: c**	**Q3: c**	**Q4: b**	**Q5: c**	**Q6: b**	**Q7: d**	**Q8: c**	**Q9: b**	**Q10: c**
Q11: d	**Q12: b**	**Q13: b**	**Q14: b**	**Q15: d**	**Q16: b**	**Q17: b**	**Q18: b**	**Q19: c**	**Q20: a**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

13.7. GLOSSARY

TERM	DEFINITION
Accused *Обвинувачений*	A person whose case has been formally transferred from the pre-trial stage to the judicial stage of criminal proceedings following the submission of an indictment to court, who retains the presumption of innocence and all defence rights throughout the trial, including the right to inspect the complete case file, to give or withhold evidence, and to appeal the verdict.
Acquittal *Виправдувальний вирок*	A verdict delivered by the court when it finds that the commission of the offence has not been established, that the act does not constitute a criminal offence, or that the accused's participation in the commission of the offence has not been proved to the required standard. An acquittal requires the immediate release of the accused from any custodial measure and entitles the person to state compensation for unlawful prosecution.
Adversarial principle *Принцип змагальності*	The procedural principle establishing that criminal proceedings are conducted as a competition between two parties of equal procedural standing – prosecution and defence – each of whom independently gathers and presents evidence and arguments, while an impartial court adjudicates solely on the basis of the parties' submissions without supplementing either party's case.
Appeal *Апеляція*	The procedural remedy by which a party challenges a first-instance court judgment or ruling before the Court of Appeal on grounds of factual or legal error, or disproportionate sentence, within the statutory time limit. The appellate court may uphold, vary, or quash the challenged decision and, where appropriate, order a retrial.

TERM	DEFINITION
Attesting witness *Понятий*	An independent person summoned by the investigator to observe and certify the proper conduct of designated investigative actions – principally search, seizure, identification, or scene inspection – who signs the protocol as an impartial witness to the investigator's conduct, attesting that the proceedings occurred in the manner recorded. A minimum of two attesting witnesses is required for specified actions.
Cassation *Касація*	An extraordinary judicial remedy by which a party challenges a Court of Appeal decision before the Supreme Court exclusively on grounds of incorrect application of substantive criminal law or material procedural violation that affected the lawfulness of the decision, within the prescribed time limit. The cassation court examines only questions of law and does not re-examine the facts of the case.
Civil plaintiff *Цивільний позивач*	A person who, within criminal proceedings, presents a civil claim for compensation of harm – physical, property, or moral – directly caused by the criminal offence, and who thereby exercises the rights of a party in both the criminal and the civil aspects of the same proceeding, with the court resolving the civil claim simultaneously with the verdict on guilt.
Closing arguments *Судові дебати*	The stage of trial immediately following the conclusion of the examination of evidence, in which each party delivers a final speech: the prosecutor summarizes the evidence and argues for conviction and a specific sentence; the defence argues for acquittal, a lesser charge, or a reduced sentence; the victim may address the court; and the accused is guaranteed the right to the last word before the court retires.

TERM	DEFINITION
Code of Criminal Procedure of Ukraine *Кримінальний процесуальний кодекс України*	The sole legislative act comprehensively governing criminal procedure in Ukraine, enacted on 13 April 2012 and in force from 20 November 2012. It prescribes the tasks, principles, participants, stages, evidence rules, investigative and judicial procedures, and coercive measures applicable in all criminal proceedings, replacing the Soviet-era code with a procedure aligned with European human rights standards.
Court deliberation *Нарада суддів*	The private, closed session in which the judges – and, where applicable, lay judges – evaluate all directly examined evidence, apply the standard of proof beyond reasonable doubt to each charge, and reach a decision on guilt and sentence. The deliberation is entirely confidential; its content may not be disclosed and is not subject to review by a superior court.
Cross-examination *Перехресний допит*	The examination of a witness or expert by the party opposing the one that called them, conducted after the direct examination, with the purpose of testing the reliability and credibility of the testimony, exposing internal inconsistencies, challenging the witness's perception or memory, and revealing any bias or interest that may affect the value of their evidence.
Criminal proceedings *Кримінальне провадження*	The totality of procedural activity conducted from the moment information about a criminal offence is registered in the Unified Register of Pre-Trial Investigations, through pre-trial investigation and court proceedings, to the final judgment and its enforcement, governed at every stage by the Code of Criminal Procedure of Ukraine.

TERM	DEFINITION
Defence counsel *Захисник*	A person holding the status of advocate under the Law on the Bar and Advocacy Practice who participates in criminal proceedings to protect the rights and legitimate interests of the suspect or accused through all lawful procedural means available, including challenging evidence, examining witnesses, filing applications, and lodging appeals, and who is bound not to act against their client's interests.
Enforcement of judgment *Виконання вироку*	The final stage of criminal proceedings in which a legally final judgment is transmitted to the competent enforcement body – the penitentiary service for custodial sentences, the probation authority for suspended sentences, or the enforcement service for financial penalties – which executes the sentence under the judicial supervision of the judge responsible for enforcement matters.
Immunity from testimony *Свідоцький імунітет*	The legal privilege exempting defined categories of persons from the general obligation to give evidence about certain matters, including close relatives of the suspect or accused who are constitutionally protected from compelled self-incrimination, and persons – such as advocates, medical professionals, and clergy – whose testimony would require disclosing information protected by professional privilege.
Investigating judge *Слідчий суддя*	A judge of a first-instance court who exercises judicial oversight of pre-trial investigation by authorising coercive measures affecting fundamental rights – detention, search, interception of communications – ruling on complaints about investigative decisions, and fulfilling other supervisory functions prescribed by the Code, without subsequently participating as a trial judge in the same proceeding.

TERM	DEFINITION
Preliminary court proceedings *Підготовче провадження*	The judicial stage between the receipt of the indictment and the commencement of the main trial, at which the court resolves all preparatory procedural matters: verifying the formal adequacy of the indictment, ruling on motions to exclude evidence, confirming or modifying restraint measures, approving procedural agreements, and scheduling the trial while determining the composition of the bench.
Presumption of innocence *Презумпція невинуватості*	The fundamental procedural principle that every person is presumed innocent until their guilt has been established in strict conformity with the procedure prescribed by the Code of Criminal Procedure and confirmed by a court verdict that has entered into legal force. Every unresolved reasonable doubt as to a person's guilt must be resolved in that person's favour.
Prosecutor *Прокурор*	A participant in criminal proceedings who exercises procedural leadership over the pre-trial investigation, represents the public prosecution before the court, applies for coercive measures, gives binding instructions to the investigator, and bears personal responsibility for ensuring that the accusation is both lawfully and sufficiently substantiated before being brought to trial.
Rehabilitation *Реабілітація*	The formal restoration of an unjustly convicted or prosecuted person to their full legal and social standing, encompassing the quashing of the conviction, the expungement of all criminal records, the payment of state compensation for unlawful deprivation of liberty, and the reinstatement of any rights, positions, or benefits that were lost as a direct consequence of the unjust proceedings.

TERM	DEFINITION
Right to defence *Право на захист*	The procedural guarantee that a suspect and accused have the right to be informed of the charges against them, to have sufficient time and means to prepare a defence, to be defended personally or through a counsel of their choosing, and to have a defence counsel appointed at public expense where they lack the means to retain one privately. No investigative action may be conducted against a suspect before this right has been communicated.
Right to silence *Право на мовчання*	The privilege of the suspect and accused, derived from the constitutional prohibition of compelled self-incrimination, to decline to answer any question put to them at any stage of the proceedings without that refusal being used as evidence of guilt, being referred to adversarially by the prosecutor, or being drawn upon by the court when reaching its verdict.
Unified Register of Pre-Trial Investigations *Єдиний реєстр досудових розслідувань*	The centralized electronic database in which every criminal proceeding must be formally registered within twenty-four hours of the investigator or prosecutor receiving information about an offence. Registration is mandatory and unconditional – it may not be refused on grounds of insufficient evidence – and constitutes the precise legal moment of commencement of the pre-trial investigation.
Verdict *Вирок*	The final judicial decision on the guilt or innocence of the accused, delivered in the name of Ukraine at the conclusion of the main trial, taking the form of either a guilty verdict – finding the accused guilty and imposing a sentence – or an acquittal – declaring the accused not guilty and ordering the lifting of all restraint measures. A verdict enters into legal force upon expiry of the appeal period or, if appealed, upon the appellate decision.

UNIT 14
THE SYSTEM OF INTERNATIONAL LAW

14.1. THE CONCEPT OF INTERNATIONAL LAW
14.2. SUBJECTS OF INTERNATIONAL LAW
14.3. SOURCES OF INTERNATIONAL LAW
14.4. INTERNATIONAL TREATIES AND CONVENTIONS
14.5. TASKS
14.6. QUIZ
14.7. GLOSSARY

14.1. THE CONCEPT OF INTERNATIONAL LAW

International law (міжнародне право) is the body of legally binding rules, principles, and standards that govern relations between states and other recognised subjects of the international legal order. It differs from domestic law in having no central legislature, no compulsory universal court, and no standing enforcement mechanism, yet it is widely observed because states recognise that compliance serves their long-term interests and that violations carry political, economic, and reputational costs.

INTERNATIONAL LAW | Міжнародне право

Governing relations between states and other subjects · UN Charter (1945) · Vienna Convention (1969)

PUBLIC INT L LAW *Міжнародне публічне право*	PRIVATE INT L LAW *Міжнародне приватне право*	NATURE OF INT L LAW *Природа міжнародного права*
• Regulates state-to-state relations of a public character. • Covers: sovereignty, use of force, treaties, diplomacy, human rights. • Sources: treaties, custom, general principles. • Differs from private int l law (conflict of laws), which governs cross-border private disputes.	• Determines which state's law applies to cross-border private disputes. • Also known as conflict of laws. • Governs: jurisdiction, choice of law for individuals and companies. • Example: Ukrainian company suing German firm – which law governs?	• No world legislature; no compulsory court; no standing enforcement. • Yet: states treat norms as binding, comply in vast majority of cases. • Violations carry political, economic, and reputational costs. • Widely accepted as genuinely law despite structural differences from domestic systems.

KEY FOUNDATIONAL PRINCIPLES (UNGA Res. 2625, 1970)

Принципи міжнародного права

Sovereign equality of states
Prohibition of the use of force (Art. 2(4) UN Charter)
Peaceful settlement of disputes (Art. 2(3))
Non-interference in internal affairs (Art. 2(7))
Self-determination of peoples
Equal rights and cooperation among states
Good faith fulfilment of obligations

INT L LAW & DOMESTIC LAW

Міжнародне та національне право

MONIST theory: int l law is automatically part of national law.
DUALIST theory: separate systems; treaties need parliamentary transformation.

Ukraine (Art. 9 Constitution): qualified monist approach. Ratified treaties are part of national legislation and prevail over inconsistent statutes (but not the Constitution).

Compliance driven by: reputation, reciprocity, norm internalization.

Sovereignty, Jus Cogens, Erga Omnes & Self-Determination

SOVEREIGNTY (Суверенітет)

Supreme authority of a state over its territory and population.

INTERNAL dimension:
Exclusive authority to govern without foreign interference.
Electoral system, tax policy – immune from int l interference.

EXTERNAL dimension:
Equality and independence in the international arena.
Capacity to enter binding international obligations.
Treaty consent is itself an act of sovereignty.

TERRITORIAL INTEGRITY (Територіальна цілісність Art. 2(4))

Borders of a state may not be altered by force.
Other states must refrain from acts aimed at dismemberment.

NON-INTERFERENCE (Art. 2(7)):
States may not intervene in matters essentially within another state's domestic jurisdiction.
Exception: Security Council collective security measures.

USE OF FORCE prohibited unless:
- Individual / collective self-defence (Art. 51)
- SC authorisation under Chapter VII

JUS COGENS (Норми jus cogens Art. 53 VCLT)	ERGA OMNES (Зобов'язання erga omnes)	SELF-DETERMINATION (Право народів Arts. 1, 55 UN Charter)
• Peremptory norms of general international law. • NO derogation permitted – not even by treaty. • Established norms include: • prohibition of aggression • prohibition of genocide • prohibition of slavery and torture • prohibition of racial discrimination • right of self-determination • Conflicting treaty is void ab initio.	• Obligations owed to the INTERNATIONAL COMMUNITY AS A WHOLE. • Not merely to specific treaty partners. • Breach entitles ALL states to invoke responsibility. • • Identified in ICJ Barcelona Traction (1970): • prohibition of aggression, genocide, • slavery, racial discrimination. • • Example: Gambia v. Myanmar (2019) re genocide – • any state may bring the claim.	• Right of peoples to determine their own political status. • • INTERNAL: autonomy within a state. • EXTERNAL: secession – permitted only in: • colonial domination • foreign occupation • denial of meaningful internal autonomy • • R2P (2005 World Summit): • State responsibility to protect population from • genocide, war crimes, ethnic cleansing.

14.2. SUBJECTS OF INTERNATIONAL LAW

The subjects of international law (суб'єкти міжнародного права) are entities possessing international legal personality – the capacity to hold rights, bear obligations, and act directly under international law. States are the primary and paradigmatic subjects; international organizations, peoples, and individuals possess international legal personality in more limited respects.

States, Statehood & Recognition

STATES | Держава як суб'єкт міжнародного права

Primary and original subjects of international law · Montevideo Convention (1933)

MONTEVIDEO CRITERIA (1933) *Критерії Монтевідео*	STATE RECOGNITION (Визнання держави)	SOVEREIGNTY DIMENSIONS	RECOGNITION OF GOVTS (Визнання урядів)
FOUR cumulative criteria: (a) Permanent population (b) Defined territory (c) Effective government (d) Capacity to enter into international relations	Existing states acknowledge a new entity meets criteria. DECLARATORY theory (prevailing): Recognition merely confirms pre-existing statehood. CONSTITUTIVE theory (rival):	INTERNAL: Exclusive authority within borders. No foreign interference. EXTERNAL: Equality in international arena. Capacity to conclude treaties. Consent to bind = act of sovereignty.	Distinct from recognition of state. Question: which govt represents the state in international relations? Controversial after: unconstitutional changes of power military coups

Necessary but not always sufficient in practice. Recognition and effectiveness also play important roles.	Recognition creates statehood. Kosovo: satisfies all 4 criteria, yet unrecognised by ~90 states – contested character of recognition.	FAILED STATES: Formally continue as subjects. Loss of effective governmental control. Example: Somalia 1991-2012.	Affects: access to state assets abroad; standing in int l organizations. Example: Myanmar 2021 coup credentials vote in UNGA.

International Organizations, Courts & Other Subjects

UNITED NATIONS (ООН 1945) *Організація Об'єднаних Націй*	INT L ORGANIZATIONS (Міжнародні організації)	OTHER SUBJECTS (Інші суб'єкти)
• 193 member states; 6 principal organs. • • SECURITY COUNCIL: • 5 permanent members with VETO power. • 10 non-permanent members (2-year terms). • Chapter VII resolutions bind ALL member states. • • GENERAL ASSEMBLY:	• Secondary subjects created by states. • FUNCTIONAL personality: only as far as mandate requires. • Can: conclude treaties, present claims, enjoy immunities. • • ICJ (Міжнародний суд ООН): • CONTENTIOUS jurisdiction: disputes between consenting states.	• INDIVIDUALS (Art. 25 VCLT + ECHR): • Human rights bearers enforceable against own state. • Individual criminal responsibility under ICL. • • PEOPLES: • Right of self-determination = limited subjecthood. • Example: Palestinian right to self-determination. •

• One-state-one-vote. • Resolutions NOT binding – but carry authority • as expressions of opinio juris. • Example: UNGA Res. 3314 defining aggression.	• ADVISORY jurisdiction: non-binding opinions. • No compulsory jurisdiction – consent required. • • ICC (МКС Rome Statute 1998/2002): • Jurisdiction over INDIVIDUALS (genocide, crimes against humanity, • war crimes, aggression). • COMPLEMENTARY to national courts. • 2023 warrants: Putin & Lvova-Belova (Ukraine).	• HOLY SEE: • Non-territorial subject; 150+ concordats; diplomatic missions. • • NGOs: influential but no formal personality. • MNCs: domestic law applies; soft law emerging. • NAT L LIBERATION MOVEMENTS: limited personality (PLO).

NB: RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS (ILC Articles 2011): when the conduct of an international organization breaches its international obligations, the organization bears international responsibility. Example: UN peacekeeping troops linked to cholera introduction in Haiti (2010) – ILC Articles provided the framework for attribution and breach analysis.

14.3. SOURCES OF INTERNATIONAL LAW

The sources of international law (джерела міжнародного права) are the forms in which international legal norms are expressed and from which they derive binding force. Article 38(1) of the ICJ Statute provides the canonical list: a) international conventions; b) international custom; c) general principles of law; and, as subsidiary means: d) judicial decisions; e) teachings of highly qualified publicists.

SOURCES OF INTERNATIONAL LAW |
Джерела міжнародного права
Article 38(1) ICJ Statute · Canonical hierarchy of sources

▼ primary sources ▼

INTERNATIONAL TREATIES (Art. 38(1)(a)) *Міжнародні договори*	INTERNATIONAL CUSTOM (Art. 38(1)(b)) *Міжнародний звичай*	GENERAL PRINCIPLES OF LAW (Art. 38(1)(c)) *Загальні принципи права*
• Express agreements between states creating binding obligations. • Most important and clearest source of international law. • Binding ONLY on consenting parties (pacta tertiis). • Codified by Vienna Convention on Law of Treaties (1969). • Example: UN Charter, ECHR, VCLT, Rome Statute.	• TWO cumulative elements required: • 1. STATE PRACTICE (Практика держав): • Widespread, consistent, representative conduct over time. • Includes: legislative acts, judicial decisions, • diplomatic correspondence, military manuals, UN votes. • 2. OPINIO JURIS: • Belief that the practice is LEGALLY required, • not merely courteous or habitual. • • Example: prohibition of torture is CIL.	• Principles common to major domestic legal systems • transposed to the international level. • • Examples: • good faith • estoppel • res judicata • obligation to make reparation for wrongful acts • no one may benefit from their own wrong (ex turpi causa) • • Applied when treaties and custom are silent.

▼ subsidiary sources (Art. 38(1)(d)) ▼

JUDICIAL DECISIONS (Судові рішення)	TEACHINGS OF PUBLICISTS (Доктрина Art. 38(1)(d))
Decisions of international courts and relevant national courts. Evidence of existing law; contribute to progressive development. ICJ not bound by own prior decisions (no strict stare decisis). But consistently follows its jurisprudence for certainty. Example: ICJ 1969 North Sea Continental Shelf – two-element test for CIL (practice + opinio juris) cited and applied in hundreds of subsequent proceedings.	Writings of highly qualified international law scholars. Useful for systematising and identifying existing rules. NOT binding – subsidiary means only. Institutions: Institut de Droit International, International Law Association. Classic scholars: Grotius (1625), Vattel (1758). Modern: Ian Brownlie, Hersch Lauterpacht, James Crawford. Cited by international courts as evidence of the content of customary and treaty law.

Custom Formation, Soft Law, ILC & Hierarchy of Sources

CUSTOM FORMATION *Формування міжнародного звичаю*	**SOFT LAW (М'яке право)**	**INTERNATIONAL LAW COMMISSION** *Комісія міжнародного права (ILC 1947)*	**HIERARCHY OF SOURCES** *Ієрархія джерел міжнародного права*
Practice must be: • widespread • representative • consistent SPECIALLY AFFECTED STATES: • Their practice carries particular weight. PERSISTENT OBJECTOR: • State that clearly and consistently objected during formative period of a rule may not be bound by it. Objection must precede crystallisation of the norm.	Non-binding instruments: • declarations, guidelines, • UNGA resolutions, • codes of conduct, • communiques. Lack formal legal force of treaties or custom. BUT carry normative weight by: • expressing political commitments • reflecting emerging consensus • influencing formation of binding law Example: UN Guiding Principles on Business & Human Rights (2011) – soft law now influencing legislation.	UN expert body mandated to: • Progressively develop int l law • Codify existing customary rules Key outputs (non-binding but authoritative as custom): • Articles on State Responsibility (2001) • Articles on Responsibility of Int l Orgs (2011) • Draft Articles on Crimes Against Humanity (2019) Consistently applied by ICJ and other international tribunals.	No formal hierarchy (unlike domestic law). Governing principles: LEX SPECIALIS: • More specific rule prevails over a general rule. LEX POSTERIOR: • Later rule prevails over earlier rule. JUS COGENS: • Prevails over ALL inconsistent treaty and customary rules. Example: bilateral investment treaty (lex specialis) prevails over general CIL unless CIL rule has jus cogens status.

SECURITY COUNCIL RESOLUTIONS (Chapter VII): binding decisions adopted under Chapter VII of the UN Charter impose legally binding obligations on ALL 193 UN member states – economic sanctions, arms embargoes, ICC referrals, authorisations to use force. Chapter VI resolutions (pacific settlement) are recommendatory only.

UNILATERAL ACTS OF STATES: public declarations made by a state acting alone may create binding international obligations without reciprocal acceptance. Example: France's public announcement of cessation of atmospheric nuclear testing (Nuclear Tests cases, 1974) was found by the ICJ to be legally binding – clear, public, and intended to bind.

14.4. INTERNATIONAL TREATIES AND CONVENTIONS

International treaties (міжнародні договори) are the primary and most important source of international law: formally concluded agreements between subjects of international law, binding only on the parties that consent to be bound. The law of treaties is codified in the Vienna Convention on the Law of Treaties (1969). Ukraine is party to over 4,000 international treaties.

Treaty Life-Cycle – Conclusion, Entry into Force & Validity

▼ full treaty conclusion process (Arts. 6–24 VCLT) ▼

NEGOTIATION *States agree text; plenipotentiaries represent state*	→ **ADOPTION** *Text finalised; authenticated by signature / initialling*	→ **SIGNATURE** *Authentication; obligates state not to act against object/purpose*	→ **RATIFICATION** *Parliamentary approval + instrument deposited with depositary*	→ **ENTRY INTO FORCE** *Treaty becomes binding on threshold of ratifications or specified date*

RATIFICATION (Ратифікація Art. 14 VCLT)

Formal confirmation of consent to be bound

Formal act at international level AFTER signature.
Requires: approval of national parliament or constitutional authority.

Distinct from signature – not automatic.

Ukraine example: ratification of the EU Association Agreement required Verkhovna Rada approval (September 2014) AND European Parliament approval. Only after both ratified did it enter provisionally into force.

ENTRY INTO FORCE (Набуття чинності Art. 24 VCLT)

Treaty becomes LEGALLY BINDING on consenting parties.
Threshold determined by the treaty itself.

Before entry into force: signatories must refrain from acts defeating the treaty's object and purpose (Art. 18).

Paris Agreement example: Entered into force 4 November 2016. Threshold: 55 states + 55 % of global GHG emissions. Bespoke condition designed to ensure practical effectiveness.

INVALIDITY (Недійсність Arts. 46–53 VCLT)	RESERVATIONS (Застереження Arts. 19–23 VCLT)	TERMINATION (Припинення дії Arts. 54–64 VCLT)
• Grounds for voiding a treaty: • Art. 46: manifest constitutional violation • Art. 48: error • Art. 49: fraud • Art. 50: corruption of representative • Art. 51: coercion of representative • Art. 52: coercion of state by force • Art. 53: conflict with jus cogens • • Jus cogens conflict: void ab initio. • Other grounds: voidable at affected party's election.	• Unilateral statement at signature/ratification. • Excludes or modifies specific provisions in their application. • • Permitted UNLESS: • treaty prohibits reservations, OR • reservation is incompatible with treaty s • object and purpose. • • Object and purpose test (ICJ Genocide Convention AO, 1951). • • Depositary notifies all parties; • other parties may object within 12 months.	• Lawful grounds for ending treaty's binding force: • • Consent of all parties (Art. 54) • Withdrawal under a withdrawal clause • MATERIAL BREACH by other party (Art. 60) • Supervening impossibility (Art. 61) • REBUS SIC STANTIBUS: fundamental change • of circumstances (Art. 62) – applied VERY restrictively • New jus cogens norm incompatible with treaty (Art. 64) • • Example: US withdrawal from Paris Agreement 2017, • re-joined January 2021.

Treaty Types, Interpretation & Core Principles

BILATERAL vs. MULTILATERAL TREATIES

Двосторонні та Багатосторонні договори

BILATERAL (Двосторонні):

- Two states; govern specific bilateral relationship.
- May depart from multilateral standards.
- Largest category by number.
- Covers: trade, investment, extradition, taxation, consular affairs.
- Ukraine has 70+ bilateral investment treaties (BITs).

MULTILATERAL (Багатосторонні):

- Three or more states; often near-universal participation.
- Primary legislative mechanism of the international community.
- May be open to ALL states (erga omnes partes)
- or restricted to regional groupings.
- Example: UNCLOS (1982) – 168 parties.

TREATY INTERPRETATION (Тлумачення Arts. 31–33 VCLT)

PRIMARY RULE (Art. 31):

- Good faith + ordinary meaning of terms
- in their CONTEXT
- in light of OBJECT AND PURPOSE.

SUPPLEMENTARY MEANS (Art. 32):

- Travaux préparatoires (negotiating history)
- Circumstances of conclusion
- Used to CONFIRM or CLARIFY meaning – not to override Art. 31.

OBJECT AND PURPOSE (Art. 19 VCLT):

- Interpretive touchstone; criterion for reservations.
- ICJ Genocide Convention AO (1951): reservations must not
- conflict with the Convention's object and purpose.

PACTA SUNT SERVANDA (Art. 26 VCLT)	SELF-EXECUTING TREATIES (Самовиконувані договори)	REBUS SIC STANTIBUS (Art. 62 VCLT)
• Foundational principle of treaty law. • Every treaty in force is BINDING on the parties • and must be performed in GOOD FAITH. • • Both a principle of customary international law • and an explicit treaty rule. • • Bedrock of the entire treaty system. • • Example: Budapest Memorandum (1994) – Russia s • undertaking to respect Ukraine's territorial integrity • in exchange for Ukraine's relinquishment of nuclear weapons.	• Treaty provisions directly applicable in domestic courts. • Without need for implementing legislation. • • Requirements: precision, unconditionality, • and appropriate subject matter. • • Contrasted with NON-SELF-EXECUTING provisions • requiring legislative transformation. • • Example: ECHR Art. 6(1) – right to fair trial. • Directly invoked in Ukrainian courts. • No separate implementing statute required.	• Fundamental change of circumstances as • ground for terminating / withdrawing from treaty. • • Requirements: • The change was NOT FORESEEN by parties. • The change RADICALLY transforms the extent • of obligations still to be performed. • • Applied VERY RESTRICTIVELY by international courts. • • ICJ Gabcikovo-Nagymaros (1997): • Hungary's invocation of rebus sic stantibus • REJECTED – political and environmental changes • did not radically transform obligations.

14.5. TASKS

Grammar focus in the context of International Law terminology: **Perfect tenses – Present Perfect, Past Perfect, Future Perfect, and Perfect Continuous forms – with emphasis on how these tenses express the completion, relevance, and sequence of legal acts in international law.**

GRAMMAR REVIEW

Perfect Tense Form	Structure	International Law Example
Present Perfect	*have/has + past participle*	The General Assembly has condemned the invasion in three successive resolutions.
Past Perfect	*had + past participle*	By the time the Security Council convened, Russia had already crossed the Ukrainian border.
Future Perfect	*will have + past participle*	By the deadline, all parties will have deposited their instruments of ratification.
Present Perfect Continuous	*have/has + been + verb-ing*	The ICJ has been examining the jurisdictional objections since the preliminary hearings began.
Past Perfect Continuous	*had + been + verb-ing*	The negotiating states had been revising the treaty text for two years before consensus was finally reached.
Present Perfect Passive	*have/has + been + past participle*	The jus cogens prohibition of torture has been recognized by every major international tribunal.

Past Perfect Passive	*had + been + past participle*	The treaty had been signed by fifty states before the depositary closed the signature ceremony.
Future Perfect Passive	*will have + been + past participle*	The final award will have been rendered before the state can pursue domestic remedies.

1. HOW TO FORM PERFECT TENSES

All perfect tenses are built on a single core pattern: an appropriate form of the auxiliary have + the past participle. The tense of have tells you where in time the completion point is located.

Present Perfect: have/has + pp → The state has ratified the treaty.

Past Perfect: had + pp → The state had ratified the treaty before the war began.

Future Perfect: will have + pp → The state will have ratified the treaty by the summit.

NB: PASSIVE PERFECT FORM: replace the bare pp with been + pp. Example: The resolution has been adopted. / The treaty had been signed before the coup. Passive perfect forms are extremely common in international law, which favors actor-neutral, impersonal formulation.

2. WHEN TO USE EACH PERFECT TENSE IN INTERNATIONAL LAW

Present Perfect – use when a past act has current legal relevance:

Ukraine has accepted the ICJ's jurisdiction. (The acceptance still applies now.) The Security Council has not yet authorized military action. (Situation at present.)

Past Perfect – use to show that one past event preceded another:

By the time the ICJ delivered its judgment, the parties had already begun negotiations. The Past Perfect anchors the earlier event before the later one – essential in legal narratives.

Future Perfect – use for a past action that will be complete by a stated future point:

By the end of the treaty conference, all delegations will have submitted their proposed amendments.

Perfect Continuous – use to emphasize the duration of an ongoing or recently completed activity:

The parties have been negotiating since 2014. / The tribunal had been deliberating for six months when the parties reached a settlement.

3. PERFECT PASSIVE IN LEGAL ENGLISH: WHY IT DOMINATES

International legal writing systematically prefers the passive because it focuses on the legal act, not on who performed it. The perfect passive combines both features:

The treaty has been ratified. (not: Fifty states have ratified it – the act matters, the actor is secondary)

Jurisdiction had been conferred by Article 36 before the case was filed. (sequence + passive)

The customary norm has been recognized by states over decades. (Present Perfect Passive – ongoing legal fact)

Compare: The ICJ has decided the case (active – emphasizes the ICJ) vs. The case has been decided (passive – the decision is the legal fact that matters). Both are correct; choice depends on what the writer wants to highlight.

4. COMMON PERFECT TENSE ERRORS IN INTERNATIONAL LAW WRITING AND HOW TO AVOID THEM

ERROR 1: Using Simple Past instead of Present Perfect (losing current relevance)

WRONG: The General Assembly condemned the invasion. (implies no current relevance) CORRECT: The General Assembly has condemned the invasion. (current legal significance)

ERROR 2: Using Present Perfect instead of Past Perfect (losing sequence)

WRONG: By 1969, states have agreed on the VCLT text. CORRECT: By 1969, states had agreed on the VCLT text. (completed before another past event)

ERROR 3: Adding already or yet with Simple Past
WRONG: The ICJ already decided the case. CORRECT: The ICJ has already decided the case.
ERROR 4: Omitting been in perfect passive constructions
WRONG: The resolution has adopted. CORRECT: The resolution has been adopted.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY PERFECT TENSE FORMS IN AN INTERNATIONAL LAW TEXT

Read the passage below and underline every perfect tense construction. For each one, state: a) the tense, b) the auxiliary verb used, c) the main verb in its past participle form, and d) the legal meaning conveyed by that tense choice.

TEXT: The United Nations has established a universal framework for the maintenance of international peace and security since 1945. By the time Ukraine brought its case before the International Court of Justice in 2022, the ICJ had already developed a substantial body of case law on the Genocide Convention. The General Assembly has condemned the Russian Federation's aggression in three successive emergency special sessions. States that have ratified the Rome Statute have accepted the complementary jurisdiction of the International Criminal Court. The Security Council has been paralyses by the veto power on peace and security matters involving permanent members on several occasions since the Charter entered into force.

• *List each perfect construction: e.g. has established – Present Perfect active – auxiliary: has – pp: established – legal meaning: the UN framework is in place and continues to apply.*
• *Identify which constructions are active and which are passive. Explain why the passive is often preferred in international legal writing.*
• *Find the example of Past Perfect and explain what sequence of events it establishes.*
NB: In international legal texts, the Present Perfect signals that a past act retains current legal force – has ratified, has condemned, has been recognized. The Past Perfect places one act before another in the past – essential in legal narratives that establish sequence (signature before entry into force, jurisdiction before judgment, notification before withdrawal). Attention to tense is never merely grammatical: it carries substantive legal meaning.

Task 2
Reading
ANALYSE

COMPARE PERFECT TENSE CHOICES ACROSS FOUR INTERNATIONAL LAW CONTEXTS

Each group below presents four sentences about the same legal situation using different tenses. Analyze: a) how the legal meaning shifts with each tense, b) which tense best reflects the current legal situation described, and c) which tense choice would be appropriate in a formal ICJ submission.

GROUP A – State ratification: Ukraine ratified the European Convention on Human Rights in 1997. Ukraine has ratified the European Convention on Human Rights. Ukraine had ratified the ECHR before the 2004 Orange Revolution began. Ukraine will have ratified the

treaty long before the new protocol enters into force.

GROUP B – The ICJ and jurisdiction: The ICJ examined the jurisdictional objection. The ICJ has examined and rejected the jurisdictional objection. By the merits phase, the ICJ had already resolved all jurisdictional objections. The ICJ has been examining the objection since the preliminary hearing.

- *For each group, identify which sentence best reflects: 1) completed past fact with present legal relevance; 2) a sequence of past events; 3) an ongoing process.*
- *Explain, using one sentence per example, how changing from Simple Past to Present Perfect changes what the reader understands about the current legal status of the act described.*

NB: The distinction between Simple Past (ratified) and Present Perfect (has ratified) is legally material in international law. Simple Past merely records history. Present Perfect affirms that the act's legal consequences are still in force – that the obligation still binds, that the jurisdiction still operates, that the prohibition still applies. In advocacy documents, the choice of tense signals whether a legal situation is historical background or operative law.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: PERFECT TENSES IN INTERNATIONAL LAW CONTEXTS

Listen to audio recording #14 and write the missing word correct form in full – auxiliary + (been) + past participle. Identify the tense name alongside each answer.

1. The International Court of Justice _____ as the principal judicial organ of the United Nations.
2. By the time the treaty conference closed, ninety-three states _____ the final act.
3. Ukraine _____ the jurisdiction of the ICC for crimes committed on its territory since 2014.
4. The General Assembly _____ Russia's aggression when the Security Council met for the third time.
5. The jus cogens prohibition of torture _____ by every major international tribunal without exception.
6. The parties _____ in good faith for three years before the treaty text was finalized.
7. By the next review conference, all state parties _____ their implementation reports.
8. Under Article 102 of the UN Charter, every treaty _____ with the Secretariat.
9. The ICJ _____ a substantial body of case law on state immunity since the 1980s.
10. The pacta sunt servanda principle _____ into Article 26 of the Vienna Convention on the Law of Treaties.

NB: the perfect passive – the structure most frequent in international legal instruments and court decisions.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT ORAL SUBMISSION ON TREATY LAW

Listen to a 2-minute student oral submission arguing that a state has violated the pacta sunt servanda principle by failing to implement a treaty obligation. Evaluate: a) whether perfect tenses are used correctly, b) whether the tense choices reflect the current legal relevance of the acts described, and c) whether the substantive international law content is accurate.

- *Note at least three correctly formed perfect tense constructions and identify the specific legal point each supports.*
- *Find at least two tense errors: e.g. Simple Past used where Present Perfect is required, or Past Perfect misused for a single past event with no prior reference point.*
- *Find at least one content error about international treaty law – e.g. a misstatement about the VCLT's pacta sunt servanda provision, the role of the depositary, or the conditions for reservations.*
- *For each error, write a corrected sentence using the appropriate perfect tense and accurate legal content.*

NB: E.g. a student uses "The state signed the treaty (should be has signed – still party) and the parties ratified the protocol before it entered into force" but uses simple past throughout without Past Perfect sequencing. Content error: the student states that reservations are always permitted – VCLT Articles 19–23 permit reservations only if not incompatible with the treaty's object and purpose. EVALUATE requires not just spotting errors but explaining the legal significance of the correction.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DEFINE INTERNATIONAL LAW TERMS USING PERFECT TENSES

Select five terms from the glossary. For each term, give: 1) a definition in your own words, 2) the Ukrainian equivalent, and 3) one sentence using a perfect tense to illustrate a legal fact, process, or consequence related to that term. Speak for 2 minutes.

- *Definition with Present Perfect: Jus cogens norms are peremptory rules of international law from which no derogation is permitted. The prohibition of genocide has been recognized as a jus cogens norm by the International Court of Justice since the Reservations Advisory Opinion of 1951.*
- *Use at least three different perfect tenses across your five terms: Present Perfect (current relevance), Past Perfect (sequence), and either Future Perfect or Perfect Continuous (duration/completion).*
- *For at least two terms, use the perfect passive: e.g. Erga omnes obligations have been identified by the ICJ; The jus cogens status of the prohibition of torture has been confirmed in multiple jurisdictions.*
- *After each definition-plus-example, briefly explain why the tense you chose reflects the current legal status of the term you are describing.*

NB: Perfect tenses in oral legal presentation signal whether a legal situation is settled (has been recognized), still developing (has been evolving), was resolved before a key moment (had been established by the time the case was brought), or will be complete at a future date (will have entered into force). Practice moving naturally between tenses as the legal timeline shifts in your monologue.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: SENIOR AND JUNIOR ADVOCATE DISCUSS A TREATY DISPUTE

Student A plays a senior international law advocate; Student B plays a junior colleague. Student A must use perfect tenses throughout to explain the legal history and current status of a treaty dispute between two states. Student B asks questions that prompt specific tense choices.

SCENARIO: A state (State X) signed but never ratified a multilateral human rights treaty. It is now being criticized by other states for failing to fulfil the treaty's obligations. The question is whether it has assumed any legal obligations at all – and whether it has acted inconsistently with the treaty's object and purpose under Article 18 VCLT.

- *Student A explains the legal history using Past Perfect: By the time the criticism arose, State X had been a signatory for over a decade without ratifying. During that period, it had enacted legislation that directly contradicts the treaty's provisions.*
- *Student A uses Present Perfect for current legal status: State X has not ratified and has therefore not become a party. However, it has signed – and has thereby assumed the Article 18 VCLT obligation not to defeat the treaty's object and purpose.*
- *Student B asks: Has the ICJ ever addressed Article 18 directly? / Have any other states protested? / Had State X indicated any intention to ratify when it signed?*

NB: The distinction between signed (bound by Article 18 VCLT obligation only) and has ratified (fully party, bound by all provisions) is legally fundamental – and tense conveys it precisely. State X signed in 2005 (historical fact) vs. State X has signed but not ratified (current legal status). The Present Perfect is the tense of operative law; the Simple Past is the tense of legal history.

Task 7
Speaking – Monologue
APPLY

PRESENT A CHRONOLOGICAL ANALYSIS OF A DISPUTE BEFORE THE ICJ

You are a student advocate delivering a 3-minute chronological overview of a dispute before the International Court of Justice. Use perfect tenses to establish the sequence of events and the current procedural posture. Draw on terms from the glossary.

CASE: Ukraine brought proceedings against the Russian Federation before the ICJ under the Genocide Convention (2022). The case involves jurisdictional objections, provisional measures, and the merits of Ukraine's claim that Russia has misused the Genocide Convention to justify its aggression.

- *Establish sequence using Past Perfect: Before Ukraine filed its application, Russia had invoked the Genocide Convention to justify its military operations – a legal claim Ukraine disputes fundamentally.*
- *Use Present Perfect for current procedural status: The ICJ has issued binding provisional measures ordering Russia to suspend its military operations. Russia has ignored those orders, generating a further breach of its international obligations.*
- *Use Perfect Continuous for ongoing processes: Since the proceedings were instituted, the parties have been exchanging written pleadings and the Court has been building a substantial record on the jurisdictional question.*
- *Conclude with Future Perfect: By the time the Court reaches the merits, the jurisdictional phase will have produced one of the most significant rulings on the Genocide Convention's scope in decades.*

NB: use the four perfect tenses as distinct analytical tools in a single presentation: Past Perfect = legal history and sequence; Present Perfect = current

legal position; Perfect Continuous = ongoing processes; Future Perfect = anticipated completion. Each tense carries a specific signal about where a legal act or process sits on the timeline – mastering the distinction is essential for international legal advocacy.

Task 8
Speaking – Debate
ANALYSE

DEBATE: HAS CUSTOMARY INTERNATIONAL LAW KEPT PACE WITH NEW GLOBAL CHALLENGES?

Hold a structured debate. Position A argues that customary international law has adapted and has developed effective new norms to address cyber warfare, climate obligations, and the responsibility to protect. Position B argues that custom has not been able to keep up – states have not yet established the consistent practice and opinio juris needed for binding rules in these areas.

- *Position A must use Present Perfect to assert settled law: The responsibility to protect has been recognized by the UN World Summit. States have developed emerging norms on cyber conduct through the UNGGE process. The international community has been moving towards recognizing climate obligations as erga omnes in character.*
- *Position B must use Present Perfect to contest completeness: No binding customary norm on cyber warfare has been established. State practice has not yet been consistent enough to generate opinio juris. The R2P principle has never been formally codified in a binding instrument and has been applied selectively at best.*
- *Both sides must use Past Perfect at least once to acknowledge what had already been achieved before the new challenge arose: By the time cyber operations became a strategic tool, international law had already developed robust rules on the prohibition of force – but their application to non-kinetic attacks had not been resolved.*

• *After the debate, identify: which perfect tense was used most often? Did either side use the Perfect Continuous? What did it signal?*
NB: the debate reveals how present legal uncertainty is grammatically coded. A lawyer who says a norm has emerged is making a stronger claim than one who says a norm has been developing (continuous – incomplete) or states had not yet reached agreement (past perfect – prior to a later moment). In international legal argument, tense choice is advocacy – it signals how settled, how current, and how legally operative a rule is.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY WITH PERFECT TENSE ILLUSTRATION

Choose one term from the glossary. Write a complete entry: the term in English, its Ukrainian equivalent, a two-sentence definition in your own words, and two example sentences – one using the Present Perfect and one using the Past Perfect.

• *Definition example (opinio juris): Opinio juris is the psychological element of customary international law – the conviction that a given state practice is legally required, not merely habitual or courteous. Without opinio juris, consistent state conduct amounts only to usage, not binding custom.*
• *Example 1 – Present Perfect: International courts have consistently required the presence of opinio juris before recognizing a practice as customary international law. [Present Perfect – the requirement still applies today.]*
• *Example 2 – Past Perfect: By the time the ICJ decided the North Sea Continental Shelf cases,*

states had already begun treating equidistance as a practical delimitation method, but the Court found they had not yet accepted it as legally obligatory. [Past Perfect – sequence within a past legal narrative.]

• After each example, note in brackets: a) the perfect tense used, b) why it is the appropriate choice, c) whether the construction is active or passive.

NB: Writing a glossary entry with perfect tense illustrations trains three skills simultaneously: legal content knowledge (the term's definition and context), grammatical precision (tense choice and formation), and analytical depth (explaining why a specific tense is appropriate). The Present Perfect signals that the legal rule is operative today; the Past Perfect places a legal event before another in a historical sequence.

Task 10
Writing
APPLY

REWRITE A LEGAL SUMMARY – CORRECTING TENSE CHOICES

The paragraph below uses only Simple Past tense throughout. Rewrite it in two versions: Version A replaces Simple Past constructions with Present Perfect where the legal act retains current relevance; Version B adds Past Perfect sequencing where events need to be placed in chronological order relative to each other.

ORIGINAL: States concluded the Vienna Convention on the Law of Treaties in 1969. The Convention codified the customary rules of treaty law. The ICJ applied the VCLT in numerous cases. The international community accepted the pacta sunt servanda principle as foundational. Ukraine ratified the ECHR in 1997 and accepted the European Court's jurisdiction. The General Assembly adopted resolution 2625 in 1970, declaring the fundamental principles of international law. States recognized the

sovereignty principle as the cornerstone of the international order.

• *Version A (Simple Past → Present Perfect where currently operative): States concluded the Vienna Convention in 1969 and have since built the entire treaty law regime on its framework...*

• *Version B (adding Past Perfect for sequence): By the time Ukraine ratified the ECHR in 1997, the Convention had already operated for nearly four decades...*

• *After rewriting, explain in two sentences why Version A changes the legal meaning and why Version B clarifies the legal narrative.*

NB: legal rewriting is not cosmetic. Replacing Simple Past with Present Perfect signals that a legal norm is operative today, not merely historical. Adding Past Perfect establishes sequence – which act preceded which – essential for arguments about causation, prior consent, and chronological jurisdiction. Both tense shifts carry substantive legal meaning.

Task 11
Writing
EVALUATE

IDENTIFY AND CORRECT PERFECT TENSE ERRORS IN AN INTERNATIONAL LAW TEXT

The paragraph below contains six tense errors. Find each error, explain why it is incorrect in legal writing, and rewrite the full paragraph with all corrections made.

PARAGRAPH: The International Court of Justice has been established in 1945 as the principal judicial organ of the United Nations. By the time the Nicaragua case was decided, the Court already confirmed its jurisdiction over customary international law claims. The General Assembly had condemned the aggression last week in an emergency session. The Rome Statute entered into force in 2002 and has been creating the International Criminal Court. All state parties

have been ratified the Rome Statute before the ICC issued its first arrest warrant. The *pacta sunt servanda* principle had governed treaty relations since ancient times and continues to do so today.

• *Error 1: has been established in 1945 → was established in 1945 (a specific past date requires Simple Past, not Present Perfect – or has operated since 1945 if ongoing relevance is the point).*

Rewrite the corrected paragraph in full.

NB: The six errors represent the most common perfect tense mistakes in international law writing. Each error carries a legal risk: it makes the text legally ambiguous or factually misleading.

Task 12
Writing
CREATE

WRITE A LEGAL MEMORANDUM ON THE CURRENT STATUS OF A TREATY OBLIGATION

Write a 250-word structured legal memorandum to a supervising partner, analyzing whether a state has fulfilled, breached, or partially fulfilled three specific treaty obligations. Use perfect tenses as the primary analytical tool – present, past, and perfect continuous – to characterize the legal situation precisely. Draw on glossary terms throughout.

HEADING: TO: Senior Partner / FROM: Associate / RE: Treaty Compliance Assessment – State X and the Vienna Convention on the Law of Treaties / DATE: [current date]

• *Para 1 – Signature without ratification: State X signed the treaty in 2019 but has not yet ratified it. Under Article 18 VCLT, a signatory state has assumed the obligation to refrain from acts that defeat the treaty's object and purpose. State X has enacted domestic legislation that directly conflicts with the treaty's core provisions – a potential violation of the Article 18 obligation that has been flagged by several state parties.*

- *Para 2 – A reservation State X entered on ratification of a separate treaty: On ratifying the human rights convention, State X entered a reservation to Article 7. The treaty monitoring body has examined the reservation and has found it incompatible with the convention's object and purpose under VCLT Article 19(c). State X has not withdrawn the reservation, despite the body's recommendation, and has continued to apply domestic law inconsistently with the provision it reserved against.*
- *Para 3 – Termination attempt: State X has purported to invoke rebus sic stantibus to withdraw from a bilateral investment treaty. The ICJ has consistently applied this doctrine restrictively – it has never accepted the argument in contentious proceedings. The circumstances State X cites had already existed at the time the treaty was concluded; they cannot qualify as unforeseen under Article 62 VCLT.*

NB: the memorandum uses perfect tenses because they are the natural tools for legal status analysis. Has signed but has not ratified describes the present legal position precisely. Has not withdrawn signals a current breach. Had already existed is the Past Perfect establishing that conditions pre-dated the treaty – fatal to the rebus sic stantibus argument. Aim for a memo that a supervising lawyer could use without grammatical correction.

14.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses the Present Perfect to describe a legal fact with current relevance?
a) The UN Charter signed in 1945;
b) The UN Charter has governed international relations since 1945;
c) The UN Charter was governing international relations since 1945;
d) The UN Charter had governed international relations since 1945.

2. Which sentence correctly uses the Past Perfect to establish a legal sequence?
a) By the time the ICJ issued its judgment, the parties reached a settlement;
b) By the time the ICJ issued its judgment, the parties have reached a settlement;
c) By the time the ICJ issued its judgment, the parties had already reached a settlement;
d) By the time the ICJ issued its judgment, the parties will have reached a settlement.

3. Which sentence correctly uses the Present Perfect Passive to describe an established international law norm?
a) The prohibition of torture is recognized by every international tribunal;
b) The prohibition of torture has been recognized by every international tribunal;
c) The prohibition of torture had been recognized by every international tribunal;
d) The prohibition of torture recognized by every international tribunal.

4. The Paris Agreement _____ into force on 4 November 2016, after the required number of states had ratified it. Which tense correctly completes the gap?

a) has entered;
b) had entered;
c) entered;
d) has been entering.

5. Which sentence correctly uses the Past Perfect Continuous to describe a prolonged past legal process?

a) The parties negotiated for two years before reaching consensus;
b) The parties have been negotiating for two years before reaching consensus;
c) The parties had been negotiating for two years before they finally reached consensus;
d) The parties will have been negotiating for two years by the next session.

6. The principle of *pacta sunt servanda*, codified in Article 26 VCLT, means:

a) treaties must be interpreted in good faith according to their ordinary meaning;
b) every treaty in force is binding on the parties and must be performed in good faith;
c) states may withdraw from a treaty if fundamental circumstances have changed;
d) reservations to a treaty are permitted unless incompatible with its object and purpose.

7. By the end of the review conference, all 124 state parties _____ their implementation reports. Which tense is correct?

a) will submit;
b) have submitted;
c) will have submitted;
d) had submitted.

8. Which sentence contains a tense error in the context of international legal writing?

a) The Security Council has passed numerous binding resolutions under Chapter VII;

b) Ukraine has ratified the European Convention on Human Rights;

c) The ICJ has been established in 1945 as the principal judicial organ of the UN;

d) The General Assembly has adopted a resolution condemning the aggression.

9. Jus cogens norms, as defined in Article 53 VCLT, are distinguished from ordinary treaty norms because:

a) they apply only to states that have ratified the VCLT;

b) no derogation from them is permitted by treaty or custom, and any treaty conflicting with them is void;

c) they are created exclusively by Security Council resolutions;

d) they apply only in armed conflict situations governed by international humanitarian law.

10. The ICJ _____ its jurisdiction over customary international law claims well before the Nicaragua case was argued. Which tense is correct?

a) has confirmed;

b) had confirmed;

c) confirmed;

d) has been confirming.

11. The two cumulative elements required to establish a norm of customary international law under Article 38(1)(b) of the ICJ Statute are:

a) a treaty provision and a general principle of law;

b) state practice and *opinio juris*;

c) a Security Council resolution and General Assembly confirmation;

d) a bilateral agreement and multilateral recognition.

12. Which sentence correctly uses the Present Perfect Continuous to describe an ongoing international legal process?

a) The parties negotiated for six years and reached agreement in 2023;

b) The parties had negotiated before the mediator withdrew;

c) The parties have been negotiating under UNCLOS dispute settlement procedures since 2018;

d) The parties will have been negotiating for a decade by the time the tribunal rules.

13. Under Article 18 VCLT, a state that has signed but not yet ratified a treaty:

a) bears no obligations whatsoever until it ratifies;

b) is bound by all treaty provisions from the moment of signature;

c) is obliged to refrain from acts that would defeat the treaty's object and purpose;

d) may only be bound if the treaty has already entered into force for other parties.

14. Three further states _____ the treaty since the last review conference, bringing the total number of parties to 192. Which tense correctly completes this sentence?

a) ratified;

b) have ratified;

c) had ratified;

d) will ratify.

15. The *erga omnes* character of an international obligation, as identified by the ICJ in the Barcelona Traction case (1970), means that:

a) only the directly injured state may invoke the responsible state's legal responsibility;

b) the obligation is owed to specific bilateral treaty partners only;

c) all states have a legal interest in the obligation's observance and may invoke state responsibility for its breach;

d) the obligation applies only to permanent members of the Security Council.

16. Which sentence correctly uses the Future Perfect to describe a legal act that will be complete by a stated future point?

a) By the deadline, the parties ratify the amendment;
b) By the deadline, the parties have ratified the amendment;
c) By the deadline, the parties will have ratified the amendment;
d) By the deadline, the parties had ratified the amendment.

17. The rebus sic stantibus doctrine under Article 62 VCLT permits treaty termination only when:

a) a state finds the treaty economically disadvantageous to continue performing;
b) a new government that did not negotiate the treaty comes to power;
c) a fundamental, unforeseen change of circumstances radically transforms the extent of obligations still to be performed;
d) the Security Council passes a resolution declaring the treaty incompatible with the UN Charter.

18. The depositary _____ all parties of the new accession by the time the state's instrument was formally received. Which tense is correct?

a) has notified;
b) notified;
c) had notified;
d) will have notified.

19. Ukraine's declaration accepting the ICC's jurisdiction under Article 12(3) of the Rome Statute is significant because:

a) it made Ukraine a full state party to the Rome Statute with all associated obligations;
b) it extended the ICC's jurisdiction over crimes committed on Ukrainian territory from 2014 onwards, even without full Rome Statute ratification;
c) it conferred jurisdiction on the ICC only over crimes of aggression committed after 2022;
d) it required the Security Council's prior authorization to be legally effective.

20. Which sentence is the most accurate use of perfect tenses to describe the legal status of the principle of sovereign equality?

a) The principle of sovereign equality governed international relations;

b) The principle of sovereign equality has been incorporated in Article 2(1) of the UN Charter and has underpinned the international legal order since 1945;

c) The principle of sovereign equality had been recognized long before the UN Charter was signed;

d) The principle of sovereign equality will have been recognized as foundational by all states.

ANSWER KEY

Q1: b	**Q2: c**	**Q3: b**	**Q4: c**	**Q5: c**	**Q6: b**	**Q7: c**	**Q8: c**	**Q9: b**	**Q10: b**
Q11: b	**Q12: c**	**Q13: c**	**Q14: b**	**Q15: c**	**Q16: c**	**Q17: c**	**Q18: d**	**Q19: b**	**Q20: b**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

14.7. GLOSSARY

TERM	DEFINITION
Customary international law *Міжнародний звичай*	A primary source of international law arising from the convergence of two cumulative elements: a general, consistent, and representative state practice over time, and opinio juris – the shared conviction of states that the practice is legally obligatory rather than merely habitual, courteous, or politically motivated. Customary rules bind all states, including those that did not actively contribute to their formation.
Entry into force *Набуття чинності*	The moment at which a treaty becomes legally binding on the states that have expressed their consent to be bound, determined by the conditions the treaty itself specifies – most commonly the deposit of a minimum number of instruments of ratification or the passage of a fixed period thereafter. Before entry into force, signatory states are obligated to refrain from acts that would defeat the treaty's object and purpose.
Erga omnes obligations *Зобов'язання erga omnes*	Obligations owed by a state not merely to specific treaty partners but to the international community as a whole, the breach of which entitles every state – not only those directly injured – to invoke state responsibility and demand cessation, reparation, and guarantees of non-repetition. They include the prohibitions of aggression, genocide, slavery, and racial discrimination.

TERM	DEFINITION
General principles of law *Загальні принципи права*	The third source of international law listed in Article 38(1) of the ICJ Statute: legal principles recognized by and common to the major domestic legal systems of the world that can be transposed to the international plane, such as good faith, the prohibition of unjust enrichment, res judicata, the obligation to make reparation for wrongful acts, and estoppel.
ILC Articles on State Responsibility *Статті КМП про відповідальність держав*	The authoritative restatement of customary international law on state responsibility, adopted by the UN International Law Commission in 2001, which identifies the conditions under which conduct is attributable to a state, defines what constitutes an internationally wrongful act, and prescribes the legal consequences – including cessation, reparation, and satisfaction – that flow from a breach of an international obligation.
International Court of Justice *Міжнародний суд ООН*	The principal judicial organ of the United Nations, established by the UN Charter and governed by its own Statute, which exercises two types of jurisdiction: contentious jurisdiction over legal disputes between states that have consented to its authority, and advisory jurisdiction to render non-binding legal opinions on questions submitted by authorized UN organs and specialized agencies.
International Criminal Court *Міжнародний кримінальний суд*	A permanent international judicial institution established by the Rome Statute (1998, in force 2002) with jurisdiction over natural persons accused of the gravest crimes of international concern: genocide, crimes against humanity, war crimes, and the crime of aggression. It operates on the principle of complementarity, intervening only when national courts are genuinely unable or unwilling to prosecute.

TERM	DEFINITION
International law *Міжнародне право*	The body of legally binding rules, principles, and norms governing relations between states and other subjects of the international legal order – including international organizations and, in defined respects, individuals – created primarily through the consent of states expressed in treaties and custom, and directed at promoting peace, security, cooperation, and respect for human rights.
International legal personality *Міжнародна правосуб'єктність*	The capacity of an entity to be a bearer of rights and obligations under international law and to act directly within the international legal order – to conclude treaties, bring international claims, enjoy immunities, and bear international responsibility. States possess full legal personality; other entities such as international organizations and individuals hold it only to the extent recognized by states and required by their mandate.
International treaty *Міжнародний договір*	An agreement between subjects of international law – principally states and international organizations – governed by international law and intended to create binding legal rights and obligations, regardless of its specific designation. A treaty is characterized by the mutual consent of the parties and their shared intention that the agreement be governed by international rather than domestic law.
Interpretation of treaties *Тлумачення договорів*	The process of ascertaining the meaning of treaty provisions, governed by Articles 31 and 32 of the Vienna Convention on the Law of Treaties: the primary rule requires interpretation in good faith in accordance with the ordinary meaning of the terms in their context and in light of the treaty's object and purpose; supplementary means including the preparatory work and circumstances of conclusion may be used to confirm or resolve ambiguity.

TERM	DEFINITION
Jus cogens *Норми jus cogens*	Peremptory norms of general international law from which no derogation is permitted by treaty or custom, defined by Article 53 of the Vienna Convention as norms accepted and recognized by the international community of states as a whole as permitting no departure. Any treaty conflicting with a jus cogens norm is void. Recognized examples include the prohibitions of aggression, genocide, slavery, and torture.
Multilateral treaty *Багатосторонній договір*	An international agreement concluded between three or more states, frequently with near-universal participation, establishing general rules of law applicable across a broad class of situations and relationships. Open multilateral treaties serve as the primary legislative mechanism of the international community for developing binding norms in fields such as human rights, environmental protection, and the laws of armed conflict.
Non-interference principle *Принцип невтручання*	The rule of customary international law and Article 2(7) of the UN Charter prohibiting states and international organizations from intervening in matters essentially within the domestic jurisdiction of another state – including its constitutional order, economic system, and internal political processes – subject to the exception of collective security measures authorized by the Security Council under Chapter VII.
Opinio juris *Opinio juris*	The subjective psychological element of customary international law: the conviction held by states that a particular practice is required, permitted, or prohibited as a matter of legal obligation, rather than being followed out of mere courtesy, habit, or political expediency. Without opinio juris, even a widespread and long-standing practice remains a usage rather than a legally binding custom.

TERM	DEFINITION
Pacta sunt servanda *Pacta sunt servanda*	The foundational principle of treaty law codified in Article 26 of the Vienna Convention on the Law of Treaties: every treaty in force is binding upon the parties to it and must be performed by them in good faith. It is simultaneously a rule of customary international law and an explicit treaty obligation, constituting the bedrock of the entire international treaty system.
Peaceful settlement of disputes *Мирне вирішення спорів*	The obligation in Article 2(3) of the UN Charter that all member states settle their international disputes by peaceful means – including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, and recourse to regional agencies – in such a manner that international peace, security, and justice are not endangered. States have full freedom to choose the method of settlement.
Ratification *Ратифікація*	The act by which a state formally confirms at the international level, through the deposit of an instrument of ratification, its definitive consent to be bound by a treaty that its authorized representative has previously signed. Ratification typically requires prior approval by the national parliament or other constitutionally designated authority and is distinct from, and does not occur automatically upon, signature.
Reservations *Застереження*	A unilateral statement made by a state when signing, ratifying, or acceding to a treaty, by which it purports to exclude or modify the legal effect of certain treaty provisions in their application to that state. Reservations are permissible only where the treaty does not expressly prohibit them and the reservation is not incompatible with the treaty's object and purpose.

TERM	DEFINITION
Security Council *Рада Безпеки ООН*	The principal UN organ bearing primary responsibility for the maintenance of international peace and security, composed of five permanent members with veto power and ten elected non-permanent members. Its binding resolutions adopted under Chapter VII of the UN Charter – imposing sanctions, arms embargoes, and authorizations to use force – create enforceable obligations for all 193 UN member states.
Self-determination *Право народів на самовизначення*	The right of peoples to determine freely their own political status and to pursue their economic, social, and cultural development without external interference, recognized in the UN Charter, the International Covenants on Human Rights, and numerous UN resolutions. International law distinguishes between internal self-determination (meaningful autonomy within a state) and external self-determination (secession), which is permitted only in cases of colonial domination, foreign occupation, or systematic denial of internal autonomy.
Sovereignty *Суверенітет*	The supreme and exclusive authority of a state over its territory and population, comprising an internal dimension – the power to govern without foreign interference – and an external dimension – the state's juridical equality and independence in the international arena, including the capacity to enter binding international commitments. Sovereignty is simultaneously the foundation of international law and a principle that international law both protects and limits.

TERM	DEFINITION
Termination of treaties *Припинення дії договорів*	The lawful ending of a treaty's binding force on one or more parties on the grounds established by the Vienna Convention: consent of all parties; withdrawal in accordance with a treaty clause; material breach by the other party; supervening impossibility of performance; fundamental change of circumstances (rebus sic stantibus); or the emergence of a new peremptory norm of international law with which the treaty is incompatible.
Use of force *Застосування сили*	The prohibition in Article 2(4) of the UN Charter that all member states shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. The Charter recognizes two exceptions to this prohibition: individual and collective self-defence under Article 51 in response to an armed attack, and force expressly authorized by the Security Council under Chapter VII.

UNIT 15
HUMAN RIGHTS PROTECTION

15.1. HUMAN RIGHTS CONCEPT
15.2. CLASSIFICATION OF HUMAN RIGHTS
15.3. EUROPEAN CONVENTION ON HUMAN RIGHTS
15.4. THE EUROPEAN COURT OF HUMAN RIGHTS
15.5. TASKS
15.6. QUIZ
15.7. GLOSSARY

15.1. HUMAN RIGHTS CONCEPT

Human rights (права людини) are the inherent, universal, inalienable, and indivisible entitlements of every human being, grounded in the recognition of the inherent dignity of all members of the human family.

They impose obligations on states to respect, protect, and fulfil the rights of all persons within their jurisdiction, and are enforceable through international, regional, and domestic mechanisms.

The foundational international text is the Universal Declaration of Human Rights (1948).

THREE GENERATIONS OF RIGHTS | Три покоління прав людини

Historical classification by period of recognition and type of state obligation · Vienna Declaration (1993)

▼ evolution through history ▼

FIRST GENERATION *Права першого покоління*	SECOND GENERATION *Права другого покоління*	THIRD GENERATION *Права третього покоління*
Civil & Political Rights • 18th–19th century origin • Enlightenment and liberal tradition • Negative obligations on the state • Right to life, fair trial, expression • ICCPR (1966) · ECHR (1950)	Economic, Social & Cultural Rights • 20th century – welfare state era • Labour movements and socialist thought • Positive obligations – resource allocation • Right to work, housing, health, education • ICESCR (1966) – progressive realisation	Solidarity / Collective Rights • Late 20th–21st century • Post-colonial and environmental origins • Held by peoples and groups • Right to development, right to peace • African Charter on Human and Peoples Rights (1981)

▼ all generations are equally valid – Vienna Declaration 1993 ▼

INDIVISIBILITY *Неподільність*	PROGRESSIVE REALISATION *Прогресивне здійснення*
No generation of rights is superior to another. Civil, political, economic, social, and cultural rights are of equal status and must all be protected and realised.	Second generation rights under the ICESCR require states to take steps to the maximum of available resources. Immediate full realisation is not required, but retrogressive steps are prohibited.

NB: The generational model is descriptive, not normative. Vienna Declaration (1993) confirmed that all rights – regardless of generation – are universal, indivisible, interdependent, and interrelated and must be treated on the same footing.

HUMAN RIGHTS | Права людини

Inherent, universal entitlements of every person · Grounded in human dignity · UDHR (1948)

▼ derived from ▼

FOUNDATION: HUMAN DIGNITY | Людська гідність

▼ characterised by four core properties ▼

Universal *Загальність*	Inalienable *Невідчужуваність*	Indivisible *Неподільність*	Interdependent *Взаємозалежність*
• Apply to all persons everywhere • Regardless of nationality or status • No cultural exception permitted	• Cannot be transferred or forfeited • Remain with the person always • Even criminals retain basic rights	• All rights of equal importance • No hierarchy between categories • Vienna Declaration (1993)	• Rights reinforce each other • Denial of one affects others • Cascading effects across categories

▼ protected through ▼

INTERNATIONAL INSTRUMENTS *Міжнародні договори*	REGIONAL MECHANISMS *Регіональні механізми*
• UDHR (1948) – foundational declaration • ICCPR & ICESCR (1966) – binding treaties • CEDAW · CRC · CAT · CERD • International Bill of Human Rights	• European Convention on Human Rights (1950) • European Court of Human Rights • Council of Europe – 46 Member States • Ukraine ratified ECHR: 11 September 1997

NB: Human dignity (Людська гідність) is both the foundation of all rights and the ultimate limit on state power – no right may be exercised in a way that treats another person as a mere means to an end.

STATE OBLIGATIONS | Зобов'язання держав

Three-tier framework of international human rights law · Art. 2(1) ICCPR

▼ three dimensions of every obligation ▼

RESPECT *Поважати*	PROTECT *Захищати*	FULFIL *Виконувати*
Negative obligation • Refrain from direct interference • State must not itself violate rights • Example: do not torture detainees • Do not arbitrarily deprive of liberty	Positive obligation • Prevent third-party violations • Enact protective legislation • Investigate and prosecute abusers • Example: criminalise domestic violence	Positive obligation • Take active steps for realisation • Provide services and institutions • Progressive realisation (ICESCR) • Example: ensure access to education

▼ applied to the right to life – concrete example ▼

RIGHT TO LIFE – Three-Tier Application | Право на життя – ст. 2 ЄКПЛ

RESPECT	PROTECT	FULFIL
State agents must not unlawfully kill. Security forces may only use lethal force within strict legal limits defined in Art. 2(2) ECHR.	Criminalise murder; ensure effective investigation of suspicious deaths; prosecute those responsible (Giuliani and Gaggio v Italy, 2011).	Adopt public safety measures and take preventive operational steps to protect life from known threats (Osman v United Kingdom, 1998).

NB: Negative obligations (Негативні зобов'язання) require the state to refrain from interference; positive obligations (Позитивні зобов'язання) require the state to act. Both arise from the same right and must be fulfilled simultaneously.

NON-DISCRIMINATION | Недискримінація

Everyone is entitled to enjoy human rights without distinction · Art. 14 ECHR · Art. 26 ICCPR

▼ prohibited grounds of distinction ▼

Personal Characteristics *Особисті характеристики*	Socio-Political Status *Соціально-політичний статус*	Other Status *Інший статус*
• Race / Colour / Ethnicity • Sex / Gender • Sexual orientation • Disability • Age	• Religion or conscience • Political or other opinion • National or social origin • Property / Birth • Association with a national minority	• Language • Immigration status • Marital status • Any comparable ground • Open-ended: other status

▼ two forms of discrimination ▼

DIRECT DISCRIMINATION *Пряма дискримінація*	INDIRECT DISCRIMINATION *Непряма дискримінація*
Treating a person less favourably on a prohibited ground compared with a person in an analogous situation – without objective and reasonable justification. *Example: refusing employment solely because of pregnancy.*	A facially neutral rule that has a disproportionately adverse impact on persons sharing a protected characteristic – without objective justification. *Example: D.H. v Czech Republic (2007) – placement of Roma children in special schools.*

Article 14 ECHR is accessory – it can only be invoked together with another Convention right. Protocol No. 12 provides a free-standing general prohibition of discrimination extending to any right set forth by law, not limited to Convention rights.

15.2. CLASSIFICATION OF HUMAN RIGHTS

THREE CATEGORIES OF RIGHTS UNDER THE ECHR |
Три категорії прав за ступенем обмежуваності
Rights differ in whether – and how – states may lawfully interfere with them

▼ three categories – the nature of the right determines the analysis ▼

ABSOLUTE RIGHTS *Абсолютні права*	LIMITED RIGHTS *Обмежені права*	QUALIFIED RIGHTS *Кваліфіковані права*
No interference permitted • No exceptions, no derogation • No balancing against other interests • Art. 3 – Prohibition of torture • Art. 4(1) – Prohibition of slavery • Cannot be justified even in wartime	Interference on exhaustive grounds only • Grounds listed in the article itself • No proportionality balancing exercise • Art. 5 – Right to liberty (5(1)(a–f)) • Art. 6 – Right to a fair trial • Art. 7 – No punishment without law	Interference permitted if justified • Three-part test applies • Prescribed by law • Legitimate aim • Necessary and proportionate • Arts. 8, 9, 10, 11 ECHR

▼ the three-part test – qualified rights only ▼

1. PRESCRIBED BY LAW *Приписана законом*	2. LEGITIMATE AIM *Законна мета*	3. NECESSARY & PROPORTIONATE *Необхідна й пропорційна*
The restriction must have a basis in accessible domestic law. Its effects must be foreseeable so the individual can regulate their conduct accordingly.	The restriction must pursue an aim expressly listed in the article: national security, public safety, prevention of disorder or crime, protection of health or morals, rights of others.	The restriction must be the minimum necessary to achieve the aim – responding to a pressing social need. Benefits must outweigh the harm to the right-holder.

NB: Absoluteness (Абсолютність) distinguishes Art. 3 ECHR from all other Convention rights. The ECtHR has consistently held that no emergency, threat, or conduct of the individual can justify torture – making Art. 3 the floor beneath the entire system.

Derogation and Non-Derogable Rights

DEROGATION | Дерогація |
Temporary suspension of Convention rights during a public emergency threatening the life of the nation · Art. 15 ECHR

▼ four conditions for a valid derogation ▼

1. Public Emergency *Публічна надзвичайна ситуація*	**2. Proportionality** *Пропорційність заходів*	**3. Consistency** *Відповідність міжнародному праву*	**4. Notification** *Повідомлення*
• Genuine threat to the life of the nation • Must be exceptional in nature • Cannot be an ordinary crisis	• Measures strictly required • Minimum interference with rights • Must not exceed the exigency	• Compatible with other international obligations • No violation of peremptory norms (jus cogens) • E.g. prohibition of genocide	• Notify Council of Europe (ECHR) • Notify UN Secretary-General (ICCPR) • State the measures and reasons

▼ even during derogation – non-derogable rights remain absolute ▼

NON-DEROGABLE RIGHTS UNDER ART. 15(2) ECHR | Недерогаційні права

Rights from which NO derogation is permitted:	Rights that CAN be derogated from (examples):
• Art. 2 – Right to life (except lawful acts of war) • Art. 3 – Prohibition of torture and inhuman treatment • Art. 4(1) – Prohibition of slavery and servitude • Art. 7 – No punishment without law (nullum crimen)	• Art. 5 – Right to liberty (e.g. internment in conflict) • Art. 8 – Right to private life (e.g. surveillance) • Art. 10 – Freedom of expression • Art. 11 – Freedom of assembly and association *⚠ Derogation subject to proportionality and notification requirements.*

NB: Non-derogability (Недерогаційність) and absoluteness are connected but distinct. All non-derogable rights are also absolute, but absoluteness applies in normal times while derogation arises only in genuine public emergencies. Ukraine notified a derogation under Art. 15 ECHR in February 2022.

Proportionality – The Central Analytical Tool

PROPORTIONALITY | Пропорційність | Any restriction on a qualified right must pursue a legitimate aim, be minimally restrictive, and proportionate in its impact

▼ three-stage proportionality analysis ▼

STAGE 1 *Перший етап* **LEGITIMATE AIM**	STAGE 2 *Другий етап* **NECESSARY IN A DEMOCRATIC SOCIETY**	STAGE 3 *Третій етап* **PROPORTIONATE BALANCE**
Does the restriction pursue an aim expressly listed in the article? • National security • Public safety • Prevention of disorder or crime • Protection of health or morals • Protection of rights of others	Is there a pressing social need? Is the restriction no greater than necessary? • Rational connection to the aim • Minimum impairment of the right • Pressing social need must exist • Not merely convenient or desirable	Are the benefits of the measure proportionate to the severity of interference? • Severity of interference with right • Importance of the aim pursued • Availability of less restrictive means • Impact on the individual concerned

▼ proportionality interacts with the margin of appreciation ▼

WIDE MARGIN *Широкий розсуд – більша свобода держави*	NARROW MARGIN *Вузький розсуд – суворий контроль ЄСПЛ*
• No European consensus on the issue • Sensitive social or moral policy • Complex socioeconomic matters	• Core democratic rights (political speech) • Intimate aspects of personal identity • European consensus strongly against restriction

NB: Proportionality (Пропорційність) only applies to qualified rights (Arts. 8–11 ECHR). It does not apply to absolute rights (Art. 3) or limited rights where the grounds of interference are exhaustively listed in the article itself.

15.3. EUROPEAN CONVENTION ON HUMAN RIGHTS

ECHR Key Articles – At a Glance

Article & Ukrainian Term	Type	Core Guarantee
Art. 2 – Right to Life *Право на життя*	**LIMITED**	Everyone's right to life shall be protected by law. Duty to investigate suspicious deaths. Positive obligation to protect life from known threats.
Art. 3 – Prohibition of Torture *Заборона катування*	**ABSOLUTE**	No one shall be subjected to torture or inhuman or degrading treatment. Absolute – no exceptions, derogation, or proportionality balancing, regardless of circumstances.
Art. 4 – Prohibition of Slavery *Заборона рабства*	**ABSOLUTE***	Slavery / servitude: absolute prohibition. Forced labour: prohibited subject to defined exceptions (prison work, military service, civic obligations). Extended to human trafficking (Rantsev, 2010).
Art. 5 – Right to Liberty *Право на свободу*	**LIMITED**	Liberty may be restricted only on exhaustive grounds in Art. 5(1)(a–f). Safeguards: prompt reasons, judicial review, trial within reasonable time or release, compensation for unlawful detention.

Art. 6 – Right to Fair Trial *Право на справедливий суд*	**LIMITED**	Fair and public hearing by independent, impartial tribunal within reasonable time. Criminal: presumption of innocence, defence rights, right to call and cross-examine witnesses.
Art. 7 – No Punishment Without Law *Ніякого покарання без закону*	**LIMITED**	Nullum crimen, nulla poena sine lege. No heavier penalty than the one applicable at the time of the offence. Non-derogable under Art. 15(2).
Art. 8 – Right to Private Life *Право на приватне життя*	**QUALIFIED**	Respect for private and family life, home and correspondence. Restriction requires: basis in law, legitimate aim, necessity and proportionality in a democratic society.
Art. 9 – Freedom of Religion *Свобода релігії*	**QUALIFIED**	Freedom of thought, conscience and religion. Internal dimension (forum internum) is absolute. External manifestation is a qualified right subject to the three-part test.
Art. 10 – Freedom of Expression *Свобода вираження поглядів*	**QUALIFIED**	Freedom to hold opinions and to receive and impart information. Essential foundation of a democratic society. Public figures must tolerate wider criticism than private individuals.

Art. 11 – Freedom of Assembly *Свобода зібрань та об'єднань*	**QUALIFIED**	Right to peaceful assembly and to freedom of association, including trade union rights. Political assemblies receive strict scrutiny. Restrictions must be proportionate to actual disruption.
Art. 13 – Effective Remedy *Право на ефективний засіб захисту*	–	Everyone whose Convention rights are violated shall have an effective remedy before a national authority, capable of adjudicating the complaint and awarding adequate redress.
Art. 14 – Non-Discrimination *Заборона дискримінації*	–	Enjoyment of Convention rights without discrimination on any ground. Accessory – must be combined with another Convention right. Protocol No. 12 provides a free-standing prohibition.
Art. 15 – Derogation *Відступ від зобов'язань*	–	Derogation permitted in public emergency threatening the life of the nation. Non-derogable core: Arts. 2, 3, 4(1), 7. Must notify Council of Europe. Ukraine derogated in February 2022.

NB: Article 3 (Заборона катування) is the most absolute provision in the ECHR – it admits no exceptions, no balancing, and no derogation even in wartime, making it the irreducible floor of human rights protection across all 46 Council of Europe member states.

15.4. THE EUROPEAN COURT OF HUMAN RIGHTS

The European Court of Human Rights – Structure

EUROPEAN COURT OF HUMAN RIGHTS |
Європейський суд з прав людини
Permanent international judicial body · Strasbourg, France · 46 judges – one per member state

▼ four formations – from simplest to most authoritative ▼

SINGLE JUDGE *Одноосібний суддя*	COMMITTEE (3 judges) *Комітет із 3 суддів*	CHAMBER (7 judges) *Палата із 7 суддів*	GRAND CHAMBER (17) *Велика Палата*
• Filters inadmissible cases • Majority of all applications • No reasoned judgment needed • Decision final and binding	• Repetitive well-established cases • Simplified procedure • Can rule on admissibility and merits • Used for pilot procedure cases	• Standard contentious procedure • Decides admissibility and merits • Delivers final judgment • May relinquish to Grand Chamber	• Most important cases • Serious interpretation questions • Art. 30 relinquishment • Art. 43 referral by parties

▼ two types of cases before the Court ▼

INDIVIDUAL APPLICATIONS (Art. 34) *Індивідуальні заяви*	INTER-STATE APPLICATIONS (Art. 33) *Міждержавні заяви*
Any person, NGO, or group claiming to be a victim of a violation by a state party. Admissibility criteria apply: victim status, exhaustion of domestic remedies, four-month time limit, significant disadvantage.	One state party against another for systemic or widespread violations. No need to exhaust domestic remedies. Used for conflict-related cases. Example: Ukraine v Russia (Crimea and eastern Ukraine).

▼ after a judgment is delivered – enforcement ▼

JUST SATISFACTION (Art. 41)	BINDING FORCE (Art. 46)	COMMITTEE OF MINISTERS
• Pecuniary damages (financial loss) • Non-pecuniary damages (distress) • Costs and expenses of proceedings	• Final judgments binding on respondent state • Individual measures for the applicant • General measures to prevent recurrence	• Supervises execution of judgments • Reviews action plans from states • Infringement proceedings (Art. 46(4))

NB: Ukraine is consistently among the top five states with applications pending before the ECtHR. Systemic issues identified in pilot judgments include detention conditions (Art. 3), arbitrary detention (Art. 5), and non-enforcement of domestic court judgments (Art. 6).

Admissibility Criteria – Arts. 34–35 ECHR

ADMISSIBILITY | Прийнятність

Before the ECtHR examines the merits, each application must satisfy all conditions in Articles 34–35 ECHR

▼ six conditions – failure at any one stage = inadmissibility ▼

Criterion	Ukrainian term	Rule and consequence of failure
Victim status	*Статус жертви*	Applicant must be a direct, indirect, or potential victim with a personal and specific interest. Actio popularis (general interest) applications are inadmissible – NGOs cannot apply on behalf of the public.

Non-anonymity	*Неанонімність*	The application must not be anonymous. The identity of the applicant must be disclosed to the Court, even if they later apply for confidentiality in the published judgment.
Exhaustion of domestic remedies	*Вичерпання внутрішніх засобів*	All effective domestic remedies must be used before applying to Strasbourg. Only remedies that are accessible and capable of providing adequate redress are required to be exhausted.
Four-month time limit	*Чотиримісячний строк*	Application must be submitted within four months of the final domestic decision. (Reduced from six months by Protocol No. 15, in force since 2022). The time limit is strictly applied.
No substantially similar application	*Відсутність аналогічної заяви*	Application must not be substantially the same as a matter already examined by the Court or submitted to another international body. Prevents double submissions and repetitive applications.
Significant disadvantage	*Значна шкода*	Applicant must have suffered a significant disadvantage (Art. 35(3)(b)). Minor or trivial matters may be declared inadmissible unless human rights require examination or domestic courts have not duly considered the matter.

▼ consequence of inadmissibility decision ▼

DECLARED INADMISSIBLE *Визнано неприйнятним*	COMMUNICATED TO GOVERNMENT *Повідомлено уряду*
Decision is final and cannot be appealed. Application struck from the Court's list. Single judge may decide without reasons; committee of three gives brief reasons.	If admissible or observations needed, the application is communicated to the respondent state, which submits written observations. The applicant then replies. A hearing may be held before judgment.

NB: Exhaustion of domestic remedies (Вичерпання внутрішніх засобів захисту) is the most frequently invoked admissibility criterion. Only remedies effective in practice – accessible, available, and capable of providing adequate redress – must be exhausted before applying to Strasbourg.

Effective Remedy and Execution of Judgments

EFFECTIVE REMEDY | Ефективний засіб захисту | Art. 13 ECHR – a practical mechanism for obtaining binding redress at national level before applying to Strasbourg

▼ three requirements for a remedy to be effective ▼

LEGALLY AVAILABLE *Юридично доступний*	PRACTICALLY ACCESSIBLE *Практично досяжний*	CAPABLE OF ADEQUATE REDRESS *Забезпечує реальний захист*
• Established by domestic law • Open to the person claiming violation • Not merely theoretical – must work • Need not be a court (can be ombudsperson)	• Applicant can realistically use it • No unreasonable procedural barriers • Legal aid available where required • Remedy must not be excessively costly	• Can adjudicate the complaint • Can award binding compensation • Can prevent continuation of violation • Judgment must be enforceable

▼ when a violation is found – the five-step execution process ▼

EXECUTION OF ECtHR JUDGMENTS | Виконання рішень ЄСПЛ – Art. 46 ECHR

STEP	Measure	Content
1	**Pay just satisfaction**	Pecuniary damages, non-pecuniary damages, and costs awarded under Art. 41 ECHR must be paid to the applicant within three months of the judgment becoming final.
2	**Individual measures**	Remedying the specific violation for the applicant: releasing a detainee, reopening domestic proceedings, granting a residence permit, or returning confiscated property.
3	**General measures**	Preventing recurrence of similar violations: amending legislation, issuing guidance to courts and law enforcement, reforming institutional practices, training officials.
4	**Report to Committee of Ministers**	The respondent state submits an action plan to the Committee of Ministers detailing measures taken and a timetable for remaining steps.
5	**Supervision**	The Committee reviews compliance, adopts interim and final resolutions, and may bring infringement proceedings (Art. 46(4)) for persistent non-compliance – the ultimate sanction.

NB: Ukraine has the largest backlog of unenforced ECtHR judgments in the Council of Europe. Pilot judgments on non-enforcement of domestic court decisions, ill-treatment by police (Kaverzin v Ukraine, 2012), and detention conditions have required systemic legislative and institutional reform.

MARGIN OF APPRECIATION | Свобода розсуду держав | The latitude accorded by the ECtHR to national authorities in implementing Convention rights – reflects the principle of subsidiarity

▼ theoretical foundation ▼

SUBSIDIARITY

Субсидіарність

The primary obligation to protect human rights rests on the state. National authorities are better placed to assess the particular social conditions and needs of their society. The ECtHR's role is supervisory – it intervenes only where national authorities have failed.

WHY THE MARGIN VARIES

Чому розсуд змінюється

The margin is not fixed – it expands or contracts depending on:

- The nature of the right (absolute = no margin at all)
- The degree of European consensus on the issue
- The sensitivity of the subject matter
- Whether fundamental democratic values are at stake

▼ two ends of the spectrum ▼

NARROW MARGIN

Вузький розсуд – суворий контроль

Applies when:

- Core democratic rights (political speech, free press)
- Intimate aspects of personal identity
- Strong European consensus against restriction
- Suspect classifications: race, sex, sexual orientation

Example: conviction of journalist for criticising politician – narrow margin, strict scrutiny (Lingens v Austria, 1986).

WIDE MARGIN

Широкий розсуд – поступка державі

Applies when:

- Sensitive social or moral policy areas
- No European consensus on the issue
- Complex socioeconomic or criminal justice policy
- Religious symbols and national identity questions

Example: display of crucifixes in state schools – wide margin, Italy's discretion respected (Lautsi v Italy, Grand Chamber, 2011).

▼ relationship to proportionality – a spectrum of intensity ▼

WIDE MARGIN + PROPORTIONALITY	NARROW MARGIN + PROPORTIONALITY	NO MARGIN – ABSOLUTE RIGHTS
Court asks whether the national assessment was reasonable, not whether it would have reached the same conclusion. Deference to domestic judgment.	Court applies strict proportionality review – state must demonstrate a pressing social need and that the measure was the minimum restriction necessary to achieve the aim.	Where a right is absolute (Art. 3 ECHR), there is no margin at all. Proportionality and the margin of appreciation are entirely excluded – the prohibition is unconditional.

NB: Margin of appreciation (Свобода розсуду держав) is a tool of judicial restraint – it prevents the ECtHR from becoming a fourth instance court that re-examines every domestic decision. But it is always subject to European supervision: the Court retains the final word on whether the margin was exceeded.

15.5. TASKS

Grammar focus in the context of Human Rights Protection terminology: **modal verbs in passive voice – including present, past, and future passive modal constructions expressing obligation, permission, prohibition, possibility, and necessity.**

GRAMMAR REVIEW

Modal + Passive Form	Meaning / Function	Human Rights Law Example
must be + past participle	*obligation / legal requirement*	Every state authority that carries out an arrest must be notified of the legal basis for detention within a reasonable time.
must be + being + pp (cont.)	*ongoing compulsory process*	Detainees must be being monitored continuously when placed in conditions that could threaten their physical integrity.
can be + past participle	*possibility / theoretical capacity*	A restriction on freedom of expression can be justified only if it pursues one of the legitimate aims listed in Article 10(2) ECHR.
cannot be + past participle	*impossibility / absolute prohibition*	The right not to be tortured cannot be balanced against state security interests – it is an absolute prohibition admitting no exceptions.
may be + past participle	*conditional permission*	Liberty may be restricted under Article 5 ECHR only on the exhaustive grounds listed in Article 5(1)(a)–(f), and for no other reason.

may not be + past participle	*conditional prohibition*	Non-derogable rights may not be suspended even during a public emergency threatening the life of the nation.
should be + past participle	*recommendation / best practice*	Victims of Convention violations should be afforded adequate just satisfaction, including both pecuniary and non-pecuniary damages.
ought to be + past participle	*strong moral obligation*	Every arguable claim of torture ought to be investigated promptly, independently, and thoroughly by competent national authorities.
might be + past participle	*remote possibility*	Where a state fails to adopt general measures after a pilot judgment, further applications might be reintroduced before the ECtHR.
could be + past participle	*past ability / theoretical option*	Prior to the ECtHR's jurisdiction being established, Convention rights could only be enforced through diplomatic channels or domestic courts.
will be + past participle	*certain future obligation*	A state that ignores binding provisional measures will be found to have committed an additional breach of its Convention obligations.
would be + past participle	*hypothetical consequence*	Any reservation that excluded the right to a fair trial in criminal cases would be declared incompatible with the ECHR's object and purpose.

had to be + past participle	*past necessity (completed)*	All domestic remedies had to be exhausted before the applicant's case could be declared admissible by the ECtHR.
should have been + pp	*past unfulfilled obligation*	The state's investigation into the suspicious death should have been initiated immediately – the months-long delay violated Article 2 ECHR.
could have been + pp	*unrealized past possibility*	The Article 3 violation could have been avoided had the authorities transferred the applicant to a facility meeting minimum detention standards.

1. HOW TO FORM MODAL PASSIVES

The structure is always: modal verb + be + past participle. The modal carries the meaning (obligation, permission, possibility); be marks the passive; the past participle names the action.

PRESENT: modal + be + pp → Rights must be respected. / Torture cannot be justified.

PAST: modal + have been + pp → The investigation should have been opened immediately.

CONTINUOUS: modal + be + being + pp → Detainees must be being held in adequate conditions.

NEGATIVE: insert not immediately after the modal → Rights may not be restricted arbitrarily. / The applicant could not have been informed in advance. The modal and not are never separated by ***"be"***

2. MODAL PASSIVES IN HUMAN RIGHTS LAW – A MEANING MAP

STRONG OBLIGATION – must be / has to be / is required to be

Every person deprived of liberty must be brought promptly before a judge. Use when the legal norm is binding with no discretion.

CONDITIONAL PERMISSION – may be

Freedom of expression may be restricted only if the limitation is prescribed by law, pursues a legitimate aim, and is proportionate. Use when the Convention itself permits restriction under defined conditions.

ABSOLUTE PROHIBITION – cannot be / must not be / may not be

Torture cannot be justified under any circumstances. / Non-derogable rights must not be suspended. Use for absolute rights where no balancing is permitted.

POSSIBILITY – can be / might be / could be

A violation can be established without proof of actual harm if the risk is sufficiently serious. Use when the outcome is uncertain or fact-dependent.

3. WHY HUMAN RIGHTS LAW PREFERS PASSIVE MODAL CONSTRUCTIONS

Human rights instruments deliberately use passive modals to: a) focus on the right-holder and the legal obligation rather than the specific state actor; b) create universally applicable norms rather than actor-specific commands; c) express absolute rules impersonally to signal their unconditional character.

COMPARE: States must protect the right to life. (active – actor-focused)

vs. The right to life must be protected by law. (passive – right-focused, universally framed)

NB: The passive modal is standard in Article drafting: Article 2 ECHR reads "Everyone's right to life shall be protected by law" – not States must protect the right to life. The passive foregrounds the entitlement; the active foregrounds the duty-bearer.

4. COMMON ERRORS WITH MODAL PASSIVES IN HUMAN RIGHTS WRITING AND HOW AVOID THEM

ERROR 1: Omitting be in the present passive modal

WRONG: Torture cannot justified. CORRECT: Torture cannot be justified. – be is obligatory.

ERROR 2: Using have instead of have been in past passive modals

WRONG: The investigation should have conducted immediately. CORRECT: The investigation should have been conducted immediately.

ERROR 3: Confusing may be (permission) with might be (remote possibility)

Liberty may be restricted on the grounds in Article 5 (conditional permission – correct) vs. Liberty might be restricted if the law is amended (theoretical future possibility – different meaning).

ERROR 4: Placing not after be instead of after the modal

WRONG: Rights can be not restricted. CORRECT: Rights cannot be restricted. / Rights may not be restricted. – negation attaches to the modal, not to be.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY MODAL PASSIVE CONSTRUCTIONS IN AN ECHR TEXT

Read the passage below, which draws on ECHR provisions and ECtHR doctrine. Underline every modal passive construction. For each one, state: a) the modal verb, b) the full passive form, c) the tense (present / past / future), and d) the legal meaning the construction conveys (obligation, permission, prohibition, or possibility).

TEXT: Under the European Convention on Human Rights, the right to life must be protected by law. No one may be deprived of life intentionally, save in specified and exhaustively defined circumstances. Where a person dies in state custody, an independent and effective investigation must be conducted without delay. The prohibition of torture cannot be justified by any competing interest, however compelling – it may not be suspended even in a state of public emergency. Freedom of expression may be restricted only where the limitation is prescribed by law and is proportionate to a legitimate aim. Any person who has been arrested must be informed promptly, in a language they understand, of the reasons for their detention. Adequate compensation should be awarded where a violation has been established and domestic law allows only partial reparation.

Create a table: Column 1 – the modal passive construction (e.g. must be protected); Column 2 – the modal and its type (e.g. must – strong obligation); Column 3 – the passive tense (e.g. present passive); Column 4 – the legal meaning in context.

Identify which constructions are absolute (cannot be varied by any state action) and which are conditional (the Convention itself permits restriction under defined conditions). Explain your classification for each.

NB: Modal passive constructions are the grammatical backbone of human rights instruments. Each modal carries a specific legal signal: must be denotes a binding obligation with no discretion; may be signals a conditional permission granted by the Convention itself; cannot be marks an absolute prohibition; should be expresses a normative standard rather than a hard legal rule. Recognizing these distinctions is inseparable from reading human rights law accurately.

Task 2
Reading
ANALYSE

COMPARE MODAL PASSIVE STRENGTH ACROSS FOUR HUMAN RIGHTS SCENARIOS

Each group below contains four sentences about the same human rights situation, each using a different modal passive. Analyse: a) how the legal strength of the obligation shifts with each modal, b) which version most accurately reflects the relevant ECHR provision or ECtHR standard, and c) what the practical legal consequence of choosing the wrong modal would be.

GROUP A – Detention conditions: Adequate conditions of detention might be maintained. Adequate conditions of detention should be maintained. Adequate conditions of detention must be maintained. Adequate conditions of detention could be maintained at the state's discretion.

GROUP B – Fair trial guarantee: A hearing may be conducted in the accused's absence. A hearing must be conducted within a reasonable time. A hearing might be conducted if the court finds it appropriate. A hearing cannot be denied to a person facing a criminal charge.

GROUP C – Proportionality: Freedom of expression cannot be restricted. Freedom of expression may not be restricted without a legal basis. Freedom of expression might be restricted in certain circumstances. Freedom of expression must be restricted to protect national security.

For each group, rank the four sentences from weakest to strongest legal obligation. Identify which modal passive best reflects the ECHR's actual standard and explain, in one sentence per example, what legal risk arises if the wrong modal is used in a court submission.

NB: the modal passive is not merely stylistic – it is a precise legal instrument. In an advocacy document, writing conditions should be maintained when the law says must be maintained creates a false impression that the state has discretion it does not possess. Conversely, writing cannot be restricted for a qualified right misrepresents the Convention's own permission to restrict. The legal weight of the modal is inseparable from the legal accuracy of the argument.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: MODAL PASSIVES IN HUMAN RIGHTS CONTEXTS

Listen to audio recording #14, write the missing word in full, and identify: a) the modal verb, b) whether the construction is present, past, or future passive, and c) the legal function (obligation / prohibition / permission / possibility).

1. Under Article 3 ECHR, no one _____.
2. Before an application to the ECtHR is admissible, all domestic remedies _____ .
3. In a criminal trial, the accused _____ until proved guilty beyond reasonable doubt.
4. A state's derogation under Article 15 ECHR _____ to the extent required by the exigency of the situation.
5. Non-derogable rights _____ under any circumstances, including armed conflict.
6. Just satisfaction _____ where the Court finds a violation and national law allows only partial reparation.
7. Where a suspicious death occurs in state custody, an effective investigation _____ immediately.
8. A reservation to the ECHR _____ only if it is not incompatible with the Convention's object and purpose.
9. Freedom of assembly _____ only if the restriction is prescribed by law, necessary in a democratic society, and proportionate.
10. The pilot judgment procedure _____ when a systemic structural deficiency generates large numbers of repetitive applications before the Court.

NB: The passive modal is standard in Article drafting.

Task 4
Listening
EVALUATE

LISTEN AND ASSESS: A STUDENT ORAL ARGUMENT ON AN ECHR VIOLATION

Listen to a 2-minute student oral argument asserting that a state has violated Article 8 ECHR (right to private life) by carrying out bulk digital surveillance without adequate legal safeguards. Evaluate: a) whether modal passive constructions are formed correctly, b) whether the modals chosen accurately reflect the legal standard required by Article 8 and the ECtHR's three-part test, and c) whether the human rights content is legally accurate.

Listen for and note: at least three correctly used modal passives that reflect the ECtHR's proportionality framework for Article 8 (e.g. the interference must be prescribed by law; surveillance data may not be retained beyond the period strictly necessary; adequate safeguards must be put in place).
Identify at least two modal errors: e.g. using might be restricted where the law requires must be restricted; using should be informed (recommendation) where the standard requires must be informed (binding obligation); omitting been in a past passive modal.
Identify at least one content error about Article 8 ECHR or the Big Brother Watch jurisprudence – e.g. claiming that bulk interception is always prohibited under Article 8 (incorrect: it may be permitted with adequate safeguards), or misstating the three-part test.
For each error found, write a corrected version using the appropriate modal passive and accurate legal content. Explain in one sentence why the correction matters legally.

NB: evaluate requires not only spotting errors but reasoning about their legal consequences. A student who says surveillance should be authorized by law when Article 8 demands that it must be prescribed by law understates the binding nature of the requirement – a significant difference in an advocacy context. Similarly, confusing the absolute prohibition of Article 3 (where cannot be is the only accurate modal) with the qualified right of Article 8 (where may be restricted under conditions) reflects a misunderstanding of the absolute/qualified right distinction.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DEFINE HUMAN RIGHTS TERMS USING MODAL PASSIVE CONSTRUCTIONS

Select five terms from the glossary. For each term, give: 1) a definition in your own words, 2) the Ukrainian equivalent, and 3) one sentence using a modal passive to illustrate a legal rule, obligation, or prohibition connected to that term. Speak for 2 minutes.

Example – Non-derogation: Non-derogation is the principle that certain fundamental rights remain in force even when a state declares a public emergency. Недерогаційність. The right not to be tortured cannot be suspended under any circumstances – it may not be limited even during armed conflict.
Example – Proportionality: Proportionality requires that any interference with a Convention right be no more restrictive than necessary to achieve the legitimate aim pursued. Пропорційність. A blanket ban on all public assemblies cannot be justified as proportionate – less restrictive measures must be considered first.

Use at least three different modals across your five terms. Cover: a) one strong obligation (must be); b) one absolute prohibition (cannot be / may not be); c) one conditional permission (may be); d) where possible, one past modal passive (should have been / could have been).
After each definition-plus-example, briefly explain to your partner why the modal you chose is the most legally precise option for that particular right or principle.
NB: Modal choice is not merely grammatical when speaking about human rights – it is a statement of legal precision. Saying rights should be respected signals aspiration; saying rights must be respected signals binding obligation. Saying torture may not be justified signals permission; torture cannot be justified signals impossibility – a stronger, more accurate statement of the absolute nature of Article 3 ECHR. Practice selecting the modal that most faithfully reflects the legal character of the rule you are describing.

Task 6
Speaking – Dialogue
UNDERSTAND

ROLE-PLAY: HUMAN RIGHTS LAWYER ADVISES A CLIENT ON AN ECTHR APPLICATION

Student A is a human rights lawyer; Student B is a client who believes their Article 5 rights (right to liberty) were violated when they were detained without prompt judicial review. Student A must use modal passives throughout to explain the legal framework, the admissibility conditions, and the prospects of success.

SCENARIO: The client was detained for seven days without being brought before a judge. The national courts rejected their habeas corpus application. They now wish to apply to the ECtHR. Key legal points to address: a) the requirement that all domestic remedies must

have been exhausted; b) the obligation that any person arrested must be brought promptly before a judge; c) the possibility that just satisfaction may be awarded if a violation is established.

Student A explains: Before your application can be declared admissible, all domestic remedies must have been exhausted. You have satisfied this – your habeas corpus application was rejected by the national court. Under Article 5(3) ECHR, any person arrested must be brought promptly before a judge – seven days cannot be regarded as "prompt" under the Court's case law. The state's failure to bring you before a judge cannot be justified by workload or resource constraints.

Student B asks: Can the stat"s actions be defended on national security grounds? / Could the application have been filed earlier? / Should compensation be expected if the case succeeds?

Student A responds using modal passives: National security may be invoked as a reason for extended detention, but only within the strictly defined grounds of Article 5 – it may not be used to override the promptness requirement entirely. / Just satisfaction may be awarded for both pecuniary and non-pecuniary damage if a violation is established.

NB: The lawyer-client dialogue trains two simultaneous skills: grammatical precision in modal passive choice, and substantive legal accuracy about Article 5 ECHR. The ECtHR's case law establishes that promptly under Article 5(3) means hours to a very few days at most – seven days clearly fails the standard. The dialogue should reflect the difference between what must be done (binding procedural obligation) and what may be invoked (legitimate grounds a state may raise but must substantiate).

Task 7
Speaking – Monologue
APPLY

PRESENT THE THREE-PART TEST FOR QUALIFIED RIGHTS USING MODAL PASSIVES

You are presenting to a group of college students. Explain how the ECtHR applies its three-part test to assess whether a restriction on a qualified right (Articles 8–11 ECHR) is permissible. Use modal passive constructions throughout as the primary grammatical vehicle for each step of the test.

STEP 1 – Prescribed by law: For a restriction on freedom of expression to be permissible, it must be prescribed by law. This means the legal basis must be accessible to the person affected and its consequences must be foreseeable. A restriction that cannot be predicted from reading the law cannot be regarded as prescribed by law, and the interference will be found to violate Article 10.
STEP 2 – Legitimate aim: The restriction must be shown to pursue one of the aims listed in Article 10(2) – such as protecting national security, public safety, or the rights of others. An aim that is not listed in the Convention cannot be relied upon to justify the restriction – no additional aims may be invented by the state.
STEP 3 – Necessary in a democratic society / proportionate: Even if the first two conditions are met, the restriction must be proportionate to the aim pursued and must be shown to be necessary in a democratic society. A blanket ban cannot be considered proportionate where a targeted, time-limited restriction could achieve the same aim. Less restrictive alternatives must be considered before the most invasive measure may be adopted.
After explaining each step, give one real ECtHR case example (from the glossary) and explain how the Court applied the modal obligation you described.

NB: the three-part test is structured precisely as a sequence of modal passive obligations: first must be prescribed by law, then must pursue a legitimate aim, then must be proportionate. Each step is a cumulative gate – if any one fails, the restriction cannot be justified and the violation is established. Mastering the modal passive lets you present this structure with both grammatical and legal accuracy. Practice articulating all three steps in under 3 minutes.

Task 8
Speaking – Debate
ANALYSE

DEBATE: SHOULD THE MARGIN OF APPRECIATION DOCTRINE BE CURTAILED?

Hold a structured debate. Position A argues that the margin of appreciation is a legitimate and necessary tool that must be preserved: states should be trusted to determine how Convention rights are applied in their specific social and legal contexts. Position B argues that the margin has been extended too far and must be narrowed: the same rights cannot be treated as having different content in different states.

Position A must use modal passives to defend deference: In sensitive areas of social policy, states must be permitted a wide latitude. Restrictions cannot always be assessed by a single universal standard – cultural and constitutional differences must be taken into account. The Court's role is one of subsidiarity: primary responsibility must be borne by national authorities, who are best placed to assess local conditions.
Position B must use modal passives to argue for uniformity: Absolute rights cannot be subject to any margin – torture may not be permitted in one state and merely discouraged in another. Where European consensus can be identified, the margin must be reduced accordingly. The Convention

was designed to protect minimum standards that must be guaranteed equally across all member states: these standards cannot be diluted by deference.
Both sides must use at least one past modal passive to acknowledge a moment in the Court's history: e.g. The margin should not have been accorded in cases involving core civil rights where consensus already existed (Position B) or The Court could not have functioned without the margin doctrine given the diversity of 46 legal systems (Position A).
After the debate, identify: which modal passives signal what each side regards as non-negotiable? Which signal areas of admitted flexibility? How does modal choice map onto legal certainty in this debate?
NB: the margin of appreciation debate reveals how modal passives encode legal certainty. Must be permitted signals that the speaker treats deference as a binding structural requirement; should be permitted signals it is a recommendation. Attend to modal choice as a legal argument in itself.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A GLOSSARY ENTRY WITH MODAL PASSIVE ILLUSTRATIONS

Choose one term from the glossary. Write a complete entry: the term in English, its Ukrainian equivalent, a two-sentence definition in your own words, and two example sentences – one using a present modal passive and one using a past modal passive.

Definition example (Absolute rights): Absolute rights are Convention guarantees that may not be interfered with under any circumstances –

not limited, balanced, or suspended regardless of the emergency prevailing. Unlike qualified rights, they admit no proportionality analysis and cannot be restricted by any competing state interest, however compelling.

Example 1 – Present modal passive: The prohibition of torture must be upheld in every situation, including during armed conflict and counter-terrorism operations – it cannot be overridden by any claim of national security necessity. [must be + cannot be – strong obligation and absolute prohibition, present passive]

Example 2 – Past modal passive: The treatment to which the applicants were subjected during interrogation should have been investigated immediately by an independent body – the state's failure to do so gave rise to a separate procedural violation of Article 3. [should have been investigated – past unfulfilled obligation]

After each example, note in brackets: a) the modal passive form, b) the legal function it performs, c) whether it accurately reflects the absolute or qualified character of the right you have chosen.

NB: Writing a glossary entry with modal passive illustrations trains three skills simultaneously: legal content knowledge (the term's definition and its place in the human rights system), grammatical precision (correct formation and negation of modal passives), and analytical depth (explaining why a specific modal is the legally precise choice for that right). An absolute right demands cannot be or may not be; a qualified right tolerates may be restricted if… – confusing the two is both a grammatical and a legal error.

Task 10
Writing
APPLY

REWRITE A HUMAN RIGHTS TEXT – CONVERTING ACTIVE MODALS TO PASSIVE

The paragraph below uses active modal constructions throughout. Rewrite it entirely using passive modal constructions. After rewriting, explain in two sentences how the passive version changes the emphasis of the text and why the passive is the preferred register in formal human rights legal writing.

ORIGINAL (active): States must protect every person's right to life by law. Authorities cannot justify torture under any circumstances. A court must try any person charged with a criminal offence within a reasonable time. States may restrict freedom of expression only on the grounds listed in Article 10(2). States should provide effective remedies to all persons who claim their rights have been violated. States could have prevented the violation had they taken reasonable operational measures. National courts must have exhausted all available procedural options before the ECtHR declares the case admissible.
REWRITTEN (passive): The right to life must be protected by law…
After rewriting, answer: a) Which subject has changed in each sentence – from actor-focused (state) to right-focused (the right / the person)? b) Does this shift strengthen or weaken the statement of the obligation? c) Which rewritten sentence best illustrates why passive modals are standard in formal human rights instruments?
NB: the conversion exercise reveals the structural logic of modal passives in legal writing. The active form States must protect… names the duty-bearer; the passive form The right to life must be protected… names the entitlement. Both are legally accurate, but the passive is standard in treaty drafting because it creates a universally applicable norm: the right must be protected by whoever holds the obligation, in whatever legal system. Passive modal constructions are tools of universalization in human rights law.

Task 11
Writing
EVALUATE

IDENTIFY AND CORRECT MODAL PASSIVE ERRORS IN A HUMAN RIGHTS BRIEF

The paragraph below, drawn from a hypothetical student legal brief on an Article 6 ECHR violation, contains seven errors in modal passive construction. Find each error, explain why it is wrong in a formal human rights law context, and rewrite the corrected paragraph in full.

PARAGRAPH: Under Article 6 ECHR, every person facing a criminal charge must be giving a fair and public hearing within a reasonable time. The right to legal assistance cannot being denied to a defendant who lacks sufficient means. The accused should been informed of the nature of the charge against them promptly and in detail. Expert witnesses may be call by either party in proceedings where technical evidence is at issue. The judgment might not been delivered in public without the court's express authorization. The state's failure to provide an interpreter should of been remedied at the domestic level before the application reached the ECtHR. The presumption of innocence must being maintained throughout the proceedings until the prosecution has discharged its burden of proof.

Error 1: must be giving → must be given – passive requires past participle, not present participle.

Rewrite the corrected paragraph in full.

NB: The seven errors represent the most common modal passive mistakes in student legal writing. In human rights law, where modal passives define the legal character of rights, these errors carry substantive as well as grammatical consequences.

Task 12
Writing
CREATE

DRAFT A LEGAL OPINION ON THE ADMISSIBILITY OF AN ECTHR APPLICATION

Write a 250-word structured legal opinion advising a client on whether their individual application to the ECtHR is likely to be declared admissible and whether a violation of Article 3 ECHR (prohibition of inhuman treatment) is arguable. Use modal passive constructions as the primary analytical tool throughout. Draw on glossary terms.

HEADING: LEGAL OPINION / TO: Client / RE: Admissibility and Merits – Article 3 ECHR Application / Prepared by: [Student name]

Para 1 – Admissibility: For your application to be declared admissible by the ECtHR, certain procedural conditions must be satisfied. All domestic remedies must have been exhausted – your case was rejected by the Court of Appeal, satisfying this condition. The application must be lodged within four months of the final domestic decision. Anonymous applications cannot be accepted; your identity must be disclosed to the Court. On the facts, admissibility can be established.

Para 2 – Article 3 merits: Article 3 ECHR provides that no one may be subjected to inhuman or degrading treatment. This prohibition cannot be derogated from under any circumstances. The treatment you described – solitary confinement for fourteen consecutive days without human contact or adequate sanitation – must be assessed against the Court's minimum standards. Conditions of detention must be compatible with human dignity; the conditions you experienced cannot be regarded as meeting this threshold. A violation can be established on the facts as presented.

Para 3 – Remedy: Should a violation be established, just satisfaction may be awarded under Article 41 ECHR. Non-pecuniary damages should be sought for the distress and loss of dignity suffered. Pecuniary damages could be claimed if financial loss can be shown to have been caused by the treatment. A structural reform measure may also be recommended where the violation reflects a systemic problem.

NB: a well-drafted legal opinion uses modal passives not as decoration but as precision instruments. Must be satisfied (binding requirement); must have been exhausted (past passive necessity, admissibility threshold); cannot be derogated from (absolute prohibition – the most emphatic form, reflecting Article 3's absolute character); may be awarded (conditional remedy). The reader should be able to identify, from the modal alone, whether each point describes a binding rule, a conditional entitlement, or an advisory recommendation.

15.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly forms a present modal passive expressing a binding legal obligation?
a) Rights must respected by all states;
b) Rights must be respected by all states;
c) Rights must be respecting by all states;
d) Rights must have respected by all states.

2. Which modal passive construction most accurately expresses the absolute character of Article 3 ECHR (prohibition of torture)?
a) Torture should not be practiced in normal circumstances;
b) Torture might not be justified in most cases;
c) Torture cannot be justified under any circumstances;
d) Torture may not usually be permitted.

3. Which sentence correctly forms a past modal passive expressing an unfulfilled obligation?
a) The investigation must be opened immediately;
b) The investigation should have been opened immediately;
c) The investigation should of been opened immediately;
d) The investigation should been opened immediately.

4. Under Article 5 ECHR (right to liberty), deprivation of liberty:
a) cannot be imposed in any circumstance under the Convention;
b) may be imposed on any of the grounds in Article 5(1)(a)–(f) and no others;
c) must be imposed whenever a criminal charge is brought;
d) can be extended indefinitely if national security is invoked.

5. Which sentence correctly uses may be to express the conditional permission granted by Article 10(2) ECHR?
a) Freedom of expression may be restricted on any ground the state considers appropriate;
b) Freedom of expression must be restricted to protect national security;
c) Freedom of expression may be restricted only if the restriction is prescribed by law, pursues a legitimate aim, and is proportionate;
d) Freedom of expression may not be restricted under any circumstances.

6. Non-derogable rights under Article 15 ECHR include all of the following EXCEPT:
a) the right not to be subjected to torture (Article 3);
b) the right not to be held in slavery (Article 4(1));
c) the right to a fair trial (Article 6);
d) the prohibition of punishment without law (Article 7).

7. Which sentence correctly expresses a past unrealized possibility using a modal passive?
a) The violation could have been prevented had adequate safeguards been in place;
b) The violation could be prevented had adequate safeguards been in place;
c) The violation could been prevented had adequate safeguards been in place;
d) The violation could have prevent had adequate safeguards been in place.

8. The ECtHR's three-part test for interference with a qualified right (Articles 8–11 ECHR) requires that the restriction:
a) be enacted by parliament, approved by the Security Council, and reviewed annually;
b) be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society;
c) be proportionate, non-discriminatory, and applied only in peacetime;
d) be approved by the Committee of Ministers and ratified by all member states.

9. Which modal passive correctly describes the standard for admissibility of an individual ECtHR application?

a) All domestic remedies might be exhausted before the application is lodged;

b) All domestic remedies should have been exhausted before the application is lodged;

c) All domestic remedies must have been exhausted before the application can be declared admissible;

d) All domestic remedies could be exhausted at the applicant's discretion.

10. The principle of non-derogation means that certain rights:

a) may not be suspended even during a public emergency threatening the life of the nation;

b) must be suspended when a state of emergency is declared;

c) can be restricted but only with the prior approval of the ECtHR;

d) should not be interfered with unless a war has been declared.

11. Which of the following is an error in modal passive formation?

a) The accused must be presumed innocent until proved guilty;

b) Adequate conditions of detention must be maintained at all times;

c) The right to a fair trial cannot being denied to any person;

d) Just satisfaction may be awarded where a violation is established.

12. The pilot judgment procedure may be applied by the ECtHR when:

a) an applicant requests it in their written submissions;

b) a structural deficiency in national law generates large numbers of repetitive applications;

c) a state refuses to pay just satisfaction in a single case;

d) the Grand Chamber disagrees with an earlier Chamber judgment.

13. Which sentence correctly uses a modal passive to describe a conditional prohibition?

a) Evidence obtained through torture must be excluded from all criminal proceedings;

b) Evidence obtained through torture should be excluded in most circumstances;

c) Evidence obtained through torture could be excluded at the judge's discretion;

d) Evidence obtained through torture might not usually be admitted.

14. Under Article 3 ECHR, states have both a substantive and a procedural obligation. The procedural obligation means that:

a) states must enact legislation defining the offence of torture;

b) an effective official investigation must be conducted whenever a credible allegation of ill-treatment is made;

c) victims must be compensated automatically upon making a complaint;

d) courts must impose a minimum sentence for torture convictions.

15. The margin of appreciation doctrine means that:

a) all Convention rights must be interpreted identically across all member states;

b) states cannot be held responsible for violations committed by private actors;

c) national authorities may be permitted a degree of latitude in giving effect to Convention rights within their own legal context;

d) the ECtHR must always defer to national courts findings of fact.

16. Which sentence correctly uses must have been to express past modal passive necessity?

a) The application must have been lodged within the time-limit prescribed by the Convention;

b) The application must be lodged within the time-limit prescribed by the Convention;

c) The application must have lodged within the time-limit prescribed by the Convention;

d) The application must been lodged within the time-limit prescribed by the Convention.

17. Just satisfaction under Article 41 ECHR:
a) must be awarded in every case where the ECtHR finds a violation;
b) may be awarded where the Court finds a violation and the state's internal law allows only partial reparation;
c) cannot be awarded for non-pecuniary damage such as distress or anxiety;
d) must be claimed by the applicant within 28 days of the judgment.

18. Which modal passive correctly reflects the ECtHR's standard for extraterritorial jurisdiction?
a) A state's ECHR obligations can only be exercised within its own territorial borders;
b) ECHR obligations may be extended to areas outside the state's territory where the state exercises effective control;
c) Extraterritorial jurisdiction must be declared by the state before it can be invoked;
d) ECHR obligations cannot be applied outside Europe under any circumstances.

19. State obligations in international human rights law are structured as a three-tier framework. Which of the following best captures the protect obligation?
a) The state must refrain from directly violating human rights through its own agents;
b) The state must take positive steps to prevent violations of rights by third parties and provide effective remedies where violations occur;
c) The state must provide economic and social goods to ensure the progressive realization of all rights;
d) The state must enforce its domestic constitutional bill of rights in all circumstances.

20. Which sentence is the most precise modal passive formulation of the proportionality requirement for interference with Article 8 ECHR?

a) Interference with private life should be proportionate in most situations;

b) Interference with private life cannot be proportionate if national security is involved;

c) Interference with private life must be proportionate to the legitimate aim pursued and must not go beyond what is strictly necessary;

d) Interference with private life might be proportionate depending on the circumstances the court considers relevant.

ANSWER KEY

Q1: b	**Q2: c**	**Q3: b**	**Q4: b**	**Q5: c**	**Q6: c**	**Q7: a**	**Q8: b**	**Q9: c**	**Q10: a**
Q11: c	**Q12: b**	**Q13: a**	**Q14: b**	**Q15: c**	**Q16: a**	**Q17: b**	**Q18: b**	**Q19: b**	**Q20: c**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

15.7. GLOSSARY

TERM	DEFINITION
Absolute rights *Абсолютні права*	Rights that admit of no interference under any circumstances – not subject to limitation, restriction, proportionality balancing, or derogation regardless of the aim pursued or the emergency prevailing. Under the ECHR, the prohibition of torture and inhuman or degrading treatment in Article 3 and the prohibition of slavery in Article 4(1) are absolute: no competing interest, however weighty, can ever justify their breach.
Admissibility criteria *Критерії прийнятності*	The conditions an individual application must satisfy before the European Court of Human Rights will examine it on the merits, including: the applicant must have victim status; all effective domestic remedies must have been exhausted; the application must be filed within four months of the final domestic decision; the complaint must not be anonymous or substantially identical to a previously examined case; and the applicant must have suffered a significant disadvantage unless respect for human rights requires examination.
Article 3 ECHR – Prohibition of torture *Стаття 3 ЄКПЛ – Заборона катування*	The absolute guarantee that no one shall be subjected to torture or to inhuman or degrading treatment or punishment. It is the most fundamental substantive provision of the Convention after the right to life, admits of no exceptions or derogations in any circumstances, and imposes both a negative obligation to refrain from ill-treatment and a positive procedural obligation to conduct an effective official investigation whenever a credible allegation of ill-treatment arises.

TERM	DEFINITION
Article 5 ECHR – Right to liberty *Стаття 5 ЄКПЛ – Право на свободу*	The guarantee that everyone has the right to liberty and security of person and that deprivation of liberty is lawful only on the exhaustively listed grounds in Article 5(1)(a)–(f), subject to procedural safeguards including: the right to be promptly informed of the reasons for arrest, the right to prompt judicial review of detention, the right to trial within a reasonable time or release on bail, and the right to compensation for unlawful deprivation of liberty.
Article 6 ECHR – Right to a fair trial *Стаття 6 ЄКПЛ – Право на справедливий суд*	The guarantee that everyone is entitled, in the determination of their civil rights and obligations or any criminal charge against them, to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. In criminal proceedings, additional specific guarantees apply: the presumption of innocence, the right to be promptly informed of the charge, adequate time and facilities for preparing a defence, the right to legal assistance, and the right to examine witnesses.
Article 8 ECHR – Right to private life *Стаття 8 ЄКПЛ – Право на приватне життя*	The qualified guarantee that everyone has the right to respect for their private and family life, home, and correspondence. Interference by a public authority is permissible only if prescribed by law, directed at a legitimate aim enumerated in Article 8(2), and necessary in a democratic society – meaning that it corresponds to a pressing social need and is proportionate to the aim pursued.

TERM	DEFINITION
Article 10 ECHR – Freedom of expression *Стаття 10 ЄКПЛ – Свобода вираження поглядів*	The qualified guarantee that everyone has the right to freedom of expression, encompassing the freedom to hold opinions and to receive and impart information and ideas without interference by public authority. Restrictions are permissible only if prescribed by law, directed at a legitimate aim listed in Article 10(2), and necessary in a democratic society. The Court regards freedom of expression as one of the essential foundations of a democratic society, especially when it concerns matters of public interest.
Binding force of ECtHR judgments *Обов'язковість рішень ЄСПЛ*	The obligation under Article 46(1) ECHR by which every High Contracting Party undertakes to abide by the final judgments of the European Court of Human Rights in cases to which it is a party, requiring the state to pay any awarded just satisfaction, to adopt individual measures remedying the specific violation, and to take general measures preventing similar violations in future, monitored by the Committee of Ministers.
Derogation *Дерогація*	The formal mechanism under Article 15 ECHR and Article 4 ICCPR permitting a state to temporarily derogate from certain treaty obligations during a public emergency genuinely threatening the life of the nation, subject to strict conditions: the emergency must be officially proclaimed; measures must be strictly limited to what the exigency requires; they must not conflict with other international obligations; and prompt notification must be given to the Council of Europe or the UN Secretary-General. Non-derogable rights remain fully protected throughout.

TERM	DEFINITION
European Convention on Human Rights *Європейська конвенція з прав людини*	The principal human rights treaty of the Council of Europe, concluded in Rome on 4 November 1950 and in force since 3 September 1953, ratified by all 46 Council of Europe member states. It guarantees a catalogue of civil and political rights and establishes the European Court of Human Rights as the judicial enforcement body before which individuals and states may bring applications alleging violations of those rights.
European Court of Human Rights *Європейський суд з прав людини*	The permanent international judicial body established by the European Convention on Human Rights, sitting in Strasbourg, France, which adjudicates individual and inter-state applications alleging violations of Convention rights by the 46 Council of Europe member states. It consists of judges elected in respect of each member state, sitting in single-judge formation, committees of three, chambers of seven, and a Grand Chamber of seventeen for the most significant cases.
Exhaustion of domestic remedies *Вичерпання внутрішніх засобів захисту*	The admissibility requirement in Article 35(1) ECHR that an applicant must first use all effective remedies available in the respondent state before applying to the European Court of Human Rights. The obligation extends only to remedies that are legally available, practically accessible, and capable of providing adequate redress – not to remedies that are theoretical, illusory, or incapable of addressing the substance of the Convention complaint.

TERM	DEFINITION
Human dignity *Людська гідність*	The inherent and inviolable worth of every human being that exists solely by virtue of their humanity, independently of any qualities, conduct, legal status, or social recognition. It constitutes the philosophical and normative foundation of the entire international human rights system, is invoked in the preambles of the UN Charter, the Universal Declaration, and both International Covenants, and functions as the ultimate justification for and limit on the exercise of state power.
Human rights *Права людини*	The inherent, universal, inalienable, indivisible, and interdependent entitlements of every human being, deriving from the recognition of the inherent dignity of all members of the human family and imposing on states three tiers of obligation: to respect rights by refraining from direct interference; to protect them by preventing violations by private parties; and to fulfil them by taking active steps to ensure their progressive realisation.
Inalienability of human rights *Невідчужуваність прав людини*	The principle that human rights cannot be permanently transferred, forfeited, or surrendered by their holder – and that no person may be permanently excluded from their protection – because they vest in the person by virtue of their humanity alone. Even a person who has committed the gravest crimes retains their basic human rights, though specific rights may be lawfully restricted by a state acting within defined procedural and substantive limits.

TERM	DEFINITION
Indivisibility and interdependence of rights *Неподільність і взаємозалежність прав*	The principles, authoritatively affirmed in the Vienna Declaration and Programme of Action (1993), that all categories of human rights – civil, political, economic, social, and cultural – are of equal standing and importance, that the enjoyment of rights in one category facilitates and depends upon the enjoyment of rights in others, and that no category may be hierarchically privileged or treated in isolation from the rest.
Just satisfaction *Справедлива сатисфакція*	The monetary remedy awarded by the European Court of Human Rights under Article 41 ECHR when it finds a Convention violation and the respondent state's internal law permits only partial reparation. It may include pecuniary damages for financial losses causally linked to the violation, non-pecuniary damages for distress and loss of quality of life, and reimbursement of costs and legal expenses reasonably incurred in the Strasbourg proceedings.
Margin of appreciation *Свобода розсуду держав*	The degree of latitude accorded by the European Court of Human Rights to national authorities in fulfilling their Convention obligations within their own legal and social contexts. The margin varies in width: it is broad in sensitive areas of social policy where there is no European consensus and where domestic institutions are better placed to assess local conditions; and it is narrow – or entirely absent – where fundamental democratic values, political expression, or absolute rights are at stake.

TERM	DEFINITION
Non-derogation *Заборона на відступ*	The principle that certain Convention rights constitute an irreducible minimum that may not be suspended even in times of public emergency threatening the life of the nation. Under Article 15(2) ECHR, the non-derogable core comprises: the right to life (except in respect of deaths resulting from lawful acts of war), the prohibition of torture and inhuman or degrading treatment, the prohibition of slavery, and the principle of no punishment without law.
Non-discrimination *Недискримінація*	The principle that all persons are entitled to enjoy human rights without distinction on any ground – including race, colour, sex, language, religion, political opinion, national or social origin, property, birth, disability, or other status – and that differential treatment on such grounds is prohibited unless it pursues a legitimate aim, is rationally connected to that aim, and is proportionate in its impact. Both direct discrimination and indirect discrimination – facially neutral rules with disproportionate adverse impact – are prohibited.
Pilot judgment procedure *Процедура пілотного рішення*	A procedural mechanism developed by the European Court of Human Rights to address systemic violations of the Convention that generate large numbers of repetitive applications. In a pilot judgment the Court identifies a structural deficiency in the respondent state's law or practice, specifies the general remedial measures required, sets a time limit for compliance, and may adjourn the examination of similar pending cases until the state has adopted the measures needed to resolve the systemic problem at national level.

TERM	DEFINITION
Positive obligations *Позитивні зобов'язання*	Duties imposed by the Convention requiring states to take active and affirmative steps to protect and give practical effect to human rights – not merely to refrain from interference. They include obligations to enact protective legislation, to establish effective investigative mechanisms, to take preventive operational measures when a real and immediate risk to life is known, and to provide the institutional framework through which rights can be meaningfully enjoyed.
Proportionality *Пропорційність*	The principle requiring that any interference with a qualified Convention right must satisfy three cumulative conditions: it must be prescribed by law; it must pursue a legitimate aim enumerated in the relevant Convention provision; and it must be necessary in a democratic society, meaning that it corresponds to a pressing social need, is rationally connected to the aim, and is no more restrictive than necessary – with the benefits of the measure proportionate to the harm caused to the right-holder.
Qualified rights *Кваліфіковані права*	Rights protected by the Convention in which the instrument itself expressly permits states to interfere for specified legitimate aims, provided the interference is prescribed by law, necessary in a democratic society, and proportionate to the aim pursued. Articles 8 to 11 ECHR – the rights to private and family life, freedom of thought and religion, freedom of expression, and freedom of assembly and association – are qualified rights subject to this three-part justification test.

TERM	DEFINITION
Universal Declaration of Human Rights *Загальна декларація прав людини*	The foundational international human rights instrument, adopted by the UN General Assembly on 10 December 1948 by Resolution 217A(III), proclaiming a comprehensive catalogue of civil, political, economic, social, and cultural rights as a common standard of achievement for all peoples and nations. Although originally adopted as a non-binding declaration, many of its provisions have since crystallised into binding customary international law and have inspired the major human rights treaties that followed.

UNIT 16
EUROPEAN UNION LAW

16.1. THE CONCEPT OF EUROPEAN UNION LAW
16.2. SOURCES OF EU LAW
16.3. EU INSTITUTIONS
16.4. APPLICATION OF EU LAW
16.5. TASKS
16.6. QUIZ
16.7. GLOSSARY

16.1. THE CONCEPT OF EUROPEAN UNION LAW

European Union law (право Європейського Союзу) is the autonomous legal order established by the EU's founding treaties. It governs the relationship between the EU and its member states, between the member states themselves, and between the EU and its citizens. It is characterised by direct effect, the principles of primacy and loyal cooperation. EU law is authoritatively interpreted by the Court of Justice of the European Union (CJEU).

EU LAW | Право Європейського Союзу

An autonomous, supranational legal order · Created by the founding Treaties (TEU & TFEU, 2009) · Binding on 27 member states

▼ four defining characteristics ▼

AUTONOMOUS *Автономний правопорядок*	SUPRANATIONAL *Наднаціональне право*	SUPREME *Верховенство права ЄС*	DIRECTLY EFFECTIVE *Пряма дія*
• Independent from both national and international law • Validity assessed only by the CJEU • Neither domestic nor ordinary treaty law	• Operates above the level of the nation-state • Binding without transformation into national law • Creates rights enforceable by individuals directly • Enforced by independent supranational institutions	• Prevails over all conflicting national law • National courts disapply conflicts • Extends, in the CJEU's view, to national constitutions	• Rights conferred on individuals directly • Enforceable before national courts • No national implementing measure required

▼ three constitutional principles that hold the system together ▼

PRIMACY *Верховенство права ЄС*	DIRECT EFFECT *Пряма дія*	LOYAL COOPERATION *Лояльна співпраця* ·
In any conflict between EU law and national law, the former takes precedence. A national court must immediately set aside the conflicting domestic provision – without waiting for the legislature to act or amend the rule.	Sufficiently clear, precise, and unconditional EU law provisions confer rights on individuals that are directly enforceable before national courts – without any national implementing act being needed.	Member states and EU institutions must assist each other, fulfil all treaty obligations, and refrain from any measure that could jeopardize EU objectives. It is the constitutional foundation of state liability and consistent interpretation.

NB: The autonomy of EU law (автономія права ЄС) – means the system does not derive its force from international law or from national constitutional grants. Primacy, direct effect, and loyal cooperation are three interdependent pillars: each depends on the others to give the EU legal order its practical force.

EU COMPETENCE PRINCIPLES | Принципи компетенцій ЄС

Three interlocking constitutional limits on EU legislative action

▼ each principle asks a different threshold question ▼

CONFERRAL

Принцип наділення компетенцією

Question: Does the EU have power at all?

- EU acts only within limits conferred by Treaties
- Competences not conferred remain with member states
- No implied general legislative power
- Act without legal basis: void for lack of competence

SUBSIDIARITY

Субсидіарність

Question: Should the EU act here?

- Applies only to shared and supporting competences
- EU acts only if objectives cannot be sufficiently achieved by member states alone
- Better achieved at Union level – by scale or cross-border effects
- National parliaments may issue reasoned opinions challenging compliance

PROPORTIONALITY

Пропорційність (ЄС)

Question: How much should the EU do?

- Content and form must not exceed what is necessary
- Applies to legislative and administrative EU action
- Choose the least restrictive instrument adequate to the aim
- CJEU reviews EU acts on all three principles

▼ three categories of EU competence – classified by degree of exclusivity ▼

EXCLUSIVE (Art. 3 TFEU) *Виключна компетенція ЄС*	**SHARED (Art. 4 TFEU)** *Спільна компетенція*	**SUPPORTING (Art. 6 TFEU)** *Компетенція підтримки*
Only the EU may legislate. Member states may act only if authorized by the EU or to implement EU acts. • Customs union • Competition rules for the internal market • Monetary policy (euro-area states) • Common commercial policy	Both the EU and member states may legislate. Once the EU exercises its competence in an area, member states may no longer legislate in that field. • Internal market • Environment, transport, energy • Social policy (certain aspects) • Consumer protection	EU may only support, coordinate, or supplement member-state action. National laws may not be harmonized. • Education and culture • Tourism and sport • Civil protection • Example: Erasmus+ – funding, not dictating curricula

NB: Conferral sets the outer boundary of EU action; subsidiarity asks whether action is needed at EU level; proportionality limits how far the action goes. An EU act that passes conferral but fails subsidiarity is as constitutionally invalid as one that lacks any legal basis in the Treaties.

INTERNAL MARKET | Внутрішній ринок ЄС

An area without internal frontiers ensuring free movement of goods, persons, services and capital · Art. 26 TFEU

▼ four fundamental freedoms guaranteed by the TFEU ▼

FREE MOVEMENT OF GOODS *Вільний рух товарів* Arts. 28–37 TFEU	**FREE MOVEMENT OF PERSONS** *Вільний рух осіб* Arts. 45–55 TFEU	**FREEDOM TO PROVIDE SERVICES** *Свобода надання послуг* Arts. 56–62 TFEU	**FREE MOVEMENT OF CAPITAL** *Вільний рух капіталу* Arts. 63–66 TFEU
• Customs union – no tariffs between states • Prohibition of quantitative restrictions • No measures of equivalent effect (MEQRs) • Derogations: Art. 36 TFEU – health, security, morals • Mutual recognition: Cassis de Dijon (1979)	• Workers: seek employment in any member state • Equal treatment with nationals • EU citizenship (Art. 20 TFEU): reside, vote in local elections • Freedom of establishment for self-employed • Restrictions: public policy, security, health only	• Cross-border provision without local establishment • Host state must justify any restriction • Services Directive 2006/123 – general framework • Distinct from permanent freedom of establishment • Affects banking, insurance, digital services	• Widest freedom – applies also to third countries • Prohibits restrictions on capital movements and payments • Derogations narrower than for other freedoms • Closely linked to economic and monetary union • Underpins the single eurozone

▼ restrictions on the four freedoms – the analytical test ▼

PROHIBITED RESTRICTIONS *Заборонені обмеження*	PERMISSIBLE JUSTIFICATIONS *Допустимі виправдання обмежень*
Any national measure – whether distinctly or indistinctly applicable – that hinders market access, makes cross-border activity less attractive, or treats intra-EU movement less favorably than purely domestic transactions.	Treaty derogations (Art. 36 TFEU): public morality, policy, security, health of persons, animals or plants, protection of industrial / commercial property. Mandatory requirements (Cassis de Dijon): consumer protection, environmental protection, press diversity, road safety. All justifications are subject to proportionality.

NB: Mutual recognition (взаємне визнання – Cassis de Dijon, 1979) holds that goods, services, and qualifications lawfully produced or certified in one member state must generally be accepted in all others without the host state imposing its own standards. It is the internal market's shortcut to integration – avoiding full legislative harmonization.

16.2. SOURCES OF EU LAW

HIERARCHY OF EU LAW SOURCES

SOURCES OF EU LAW | Джерела права ЄС
A strict hierarchy – any lower-tier act conflicting with a higher-tier source is void

▼ descending order of legal supremacy ▼

Tier & Source	Ukrainian term	Legal force and examples
1 – PRIMARY LAW	*Первинне право ЄС*	The apex. TEU, TFEU, Charter of Fundamental Rights (Art. 6(1) TEU), Protocols, Annexes, and Accession Treaties. All secondary legislation must conform. Only the CJEU may review the validity of EU acts against primary law.
2 – GENERAL PRINCIPLES	*Загальні принципи права ЄС*	Unwritten norms developed by the CJEU: fundamental rights, legal certainty, legitimate expectations, proportionality, equality, right to be heard, effective judicial protection. Bind all EU acts and member states acting within EU law.
3 – INTERNATIONAL AGREEMENTS	*Міжнародні договори ЄС*	Concluded by the EU with third states or international organizations under Art. 216 TFEU. Rank above secondary legislation but below primary law. Over 1,000 agreements, including the EU–Ukraine Association Agreement (2014/2017).

4 – REGULATIONS	*Регламент ЄС*	Binding, general application, directly applicable in all member states from entry into force – no national transposition required. Maximum instrument of uniformity. Example: GDPR applies identically in all 27 states.
5 – DIRECTIVES	*Директива ЄС*	Binding as to the result to be achieved; form and methods left to member states. Must be transposed within the implementation deadline. Failure may trigger direct effect and Francovich state liability.
6 – DECISIONS	*Рішення ЄС*	Binding in their entirety on their addressees only – a state, company, or individual. No general application. Used for competition fines, state aid approvals, authorizing enhanced cooperation.
7 – SOFT LAW	*"М'яке право ЄС"*	Non-binding acts: recommendations, opinions, guidelines, communications. Shape administrative practice and assist interpretation. National courts must take recommendations into account when interpreting related binding obligations.

NB: The distinction between a regulation and a directive (регламент і директива) is the most tested source-of-law question in EU law. A regulation ensures uniformity – identical rules in every state from day one. A directive allows national variation in form while mandating a common result, leaving member states the choice of form and methods (Art. 288 TFEU).

EU LEGISLATIVE INSTRUMENTS – REGULATION, DIRECTIVE AND DECISION COMPARED

EU SECONDARY LAW INSTRUMENTS |
Вторинне право ЄС – інструменти
Art. 288 TFEU defines five act types: regulation, directive, decision, recommendation, opinion

▼ the three binding instruments ▼

REGULATION *Регламент ЄС*	DIRECTIVE *Директива ЄС*	DECISION *Рішення ЄС*
• General application – not addressed to anyone specifically • Binding in its entirety • Directly applicable – no transposition required • Creates immediate rights and obligations from day one • Ensures maximum uniformity across all 27 states • Example: GDPR – identical rules everywhere	• Binding only as to the result to be achieved • Addressed to one or more member states • Form and method of implementation left to states • Must be transposed within the implementation deadline • Failure triggers: direct effect + Francovich liability • Example: Consumer Rights Directive – states choose their form	• Binding in its entirety on its addressees only • No general application – targeted instrument • Addressees: a state, a company, or an individual • Used for competition fines, state aid approvals • Authorizes enhanced cooperation • Example: Commission fine notice addressed to Google

▼ two non-binding instruments ▼

RECOMMENDATION *Рекомендація ЄС*	OPINION *Висновок ЄС*
Invites addressees to adopt a particular course of action. Legally non-binding, but national courts must take them into account when interpreting binding obligations related to the recommendation's subject matter.	Expresses an institution's view without imposing any obligation. The CJEU may issue opinions on the compatibility of proposed international agreements with the Treaties (Art. 218(11) TFEU) – binding if negative.

▼ sub-legislative level – delegated and implementing acts ▼

DELEGATED ACTS (Art. 290 TFEU) *Делеговані акти*	IMPLEMENTING ACTS (Art. 291 TFEU) *Виконавчі акти*
Commission supplements or amends non-essential elements of a basic legislative act under an explicit delegation. Parliament and Council may revoke the delegation or object within a set period. Essential elements are reserved for the legislature itself.	Commission or Council ensures uniform conditions for implementing a legally binding Union act. Subject to comitology – committees of member-state experts supervise the Commission. Three procedures: advisory, examination, and regulatory with scrutiny.

NB: Directly applicable (безпосередня застосовність) means an act automatically becomes part of national law on entry into force – no national act needed. Direct effect (пряма дія) is a distinct concept: it means individuals may invoke the provision before national courts. A regulation is both; a directive may acquire direct effect only after the implementation deadline passes without proper transposition.

EU LEGISLATIVE PROCEDURES – HOW EU LAW IS MADE

EU LEGISLATIVE PROCEDURES |
Законодавчі процедури ЄС
Formal processes for adopting EU secondary law · Arts. 289–294 TFEU · Commission holds near-exclusive right of initiative

▼ the standard procedure – used for most EU legislation ▼

ORDINARY LEGISLATIVE PROCEDURE |
Звичайна законодавча процедура – Art. 294 TFEU

STEP 1	STEP 2	STEP 3
Commission Proposal *Пропозиція Комісії* Commission holds the near-exclusive right of legislative initiative. It drafts the proposal with an impact assessment and transmits it simultaneously to the Parliament and the Council.	**First Reading** *Перше читання* Parliament adopts its position. If Council accepts it without modification, the act is adopted at first reading. If Council amends it, the Council's first-reading position goes back to Parliament for a second reading.	**Second Reading / Conciliation** *Друге читання / Примирення* Parliament may approve, reject, or further amend the Council position. If unresolved, a joint Conciliation Committee negotiates a compromise text that both institutions must then adopt. Rejection at any stage kills the proposal.

▼ special procedures and alternative mechanisms ▼

UNANIMITY + CONSULTATION	ENHANCED COOPERATION
Одностайність + консультація парламенту	*Посилена співпраця*
Used in sensitive areas preserving national sovereignty: taxation, constitutional changes, EU own resources, and common foreign policy. Council acts unanimously – each member state has a veto. Parliament is consulted but is not a co-legislator. *Example: any change to EU tax rules requires unanimity in Council.*	At least nine member states may use the EU institutional framework to integrate further among themselves when the full Union cannot agree. The resulting acts bind only participating states. Non-participants may join later, without renegotiation. *Example: EU patent – applicable only in participating states.*

NB: The ordinary legislative procedure (звичайна законодавча процедура) makes Parliament and Council co-equal legislators – the EU's version of a bicameral legislature. The Commission's monopoly on legislative initiative (право законодавчої ініціативи) means Parliament and Council can only amend or reject Commission proposals; they cannot unilaterally introduce EU legislation in most policy areas.

16.3. EU INSTITUTIONS

EU INSTITUTIONAL FRAMEWORK – THE SEVEN PRINCIPAL INSTITUTIONS

EU INSTITUTIONAL FRAMEWORK |
Інституційна система ЄС
Seven principal institutions · Arts. 13–19 TEU · Principle of institutional balance · Each acts within its Treaty-assigned role

▼ the seven principal institutions ▼

EUROPEAN PARLIAMENT *Європейський парламент*	EUROPEAN COUNCIL *Європейська рада*	COUNCIL OF THE EU *Рада ЄС*	COMMISSION *Європейська комісія*
• 720 MEPs – directly elected every 5 years • Co-legislates under the ordinary procedure • Adopts budget jointly with Council • Democratic scrutiny and censure of Commission • Represents EU citizens directly	• Heads of state/ government – 27 + President • Defines EU's general political direction and priorities • Does NOT exercise legislative functions • Acts by consensus or QMV depending on provision • Sets strategic EU agenda – but cannot legislate	• One minister per state per policy configuration • Co-legislates and co-adopts the budget • Standard voting rule: qualified majority voting • Unanimity reserved: tax, CFSP, constitutional matters • Coordinates member-state policies	• 27 Commissioners – independent of states • Near-exclusive right of legislative initiative • Guardian of the Treaties – enforces EU law • Negotiates international agreements • Manages the EU budget

CJEU *Суд Справедливості ЄС*	**EUROPEAN CENTRAL BANK** *Євр. центральний банк*	**COURT OF AUDITORS** *Рахункова палата ЄС*
• Court of Justice + General Court • Ensures uniform interpretation and application • Preliminary rulings – uniform EU law across all states • Annulment, infringement, failure-to-act actions • Final word on EU law validity	• Primary objective: price stability (2 % target) • Fully independent of political instruction • Exclusive authority to authorize euro banknotes • Banking supervision in banking union since 2014 • Art. 127 TFEU mandate	• Independent external auditor – Art. 285 TFEU • Reviews revenue, expenditure, and sound management • Annual report, special reports, and opinions • Findings are NOT legally binding • Audit body – not a judicial institution

NB: Institutional balance (інституційний баланс) is the EU's constitutional equivalent of the separation of powers: each institution must stay within its Treaty role and cannot usurp the functions of another. The CJEU enforces this through annulment actions based on wrong legal basis or misuse of powers – including the critical distinction between the political European Council (no legislative power) and the legislative Council of the EU.

COUNCIL VOTING RULES | Правила голосування в Раді ЄС

Art. 16(4) TEU – qualified majority voting is the standard rule · Unanimity reserved for sensitive policy fields

▼ two voting rules – defining the power of each member state ▼

QUALIFIED MAJORITY VOTING (QMV)

Кваліфікована більшість

Two conditions must both be met:

- At least 55 % of member states (≥ 15 of 27)
- Representing at least 65 % of total EU population

Blocking minority: at least 4 member states representing at least 35 % of the population.

Applies to: internal market, environment, transport, agriculture, competition, and most other areas.

UNANIMITY

Одностайність

All 27 member states must agree. One abstention does not block. One negative vote kills the measure:

- Taxation (Art. 113 TFEU) – every state has a veto
- Common Foreign and Security Policy
- Constitutional changes (treaty revision)
- Accession of new member states

Example: Hungary's single veto blocked an EU-wide minimum corporate tax rate in 2022.

▼ supervising the Commission's implementing powers – comitology ▼

ADVISORY PROCEDURE

Консультативна процедура

- Commission consults committee of member-state experts
- Committee delivers non-binding opinion
- Commission takes utmost account of the opinion
- Used for less sensitive implementing measures

EXAMINATION PROCEDURE

Процедура розгляду

- Commission must obtain committee qualified majority
- If committee delivers negative opinion – Commission cannot adopt
- Commission may resubmit or refer to Appeal Committee
- Standard procedure for sensitive implementing acts

REGULATORY WITH SCRUTINY

Нормотворча з контролем

- Parliament and Council both may veto the draft act
- Used where the basic act was adopted by ordinary procedure
- Preserves legislative scrutiny over implementing power
- Reg. 182/2011 governs all comitology

NB: The double majority in QMV (кваліфікована більшість) ensures that no single large state can impose its will – the population threshold prevents a coalition of small states overruling larger ones – and no single small state can block. The unanimity rule (одностайність) remains the last constitutional guarantee of national sovereignty in the EU's most sensitive policy areas.

16.4. APPLICATION OF EU LAW

THE COURT OF JUSTICE OF THE EU – STRUCTURE AND JURISDICTION

COURT OF JUSTICE OF THE EU (CJEU) | Суд Справедливості Європейського Союзу

EU's supreme judicial institution · Court of Justice + General Court · Art. 19 TEU · Luxembourg

▼ six principal jurisdictions ▼

Procedure	Ukrainian term	Purpose and parties
Preliminary ruling (Art. 267 TFEU)	*Попереднє рішення*	National courts may – and courts of last instance must – refer questions of EU law interpretation to the CJEU. The Court answers the legal question; the national court applies the answer to the facts. Ensures uniform EU law across all 27 states.
Action for annulment (Art. 263 TFEU)	*Позов про скасування*	Member states, institutions, and (with standing limits) individuals challenge the legality of EU acts on grounds of: lack of competence, procedural breach, Treaty infringement, or misuse of powers. General Court hears individual/company applications at first instance.

Infringement proceedings (Arts. 258–260)	*Провадження про порушення*	Commission (or another member state) brings a member state before the Court for failing to fulfil a Treaty obligation. The Court may impose lump-sum fines and periodic penalty payments for continued non-compliance (Art. 260 TFEU).
Action for failure to act (Art. 265)	*Позов за бездіяльність*	Member states, institutions, and (in limited cases) individuals may compel an institution or body to act where it was legally obliged but failed to do so – after a two-month wait following a formal call to act.
Plea of illegality (Art. 277 TFEU)	*Заперечення незаконності*	Incidental challenge to the legality of a general act (e.g. a regulation) that forms the basis of a contested individual decision, even after the annulment deadline has passed. Not a direct action – no direct annulment of the general act.
Action for damages (Art. 340 TFEU)	*Позов про відшкодування збитків*	Non-contractual liability of EU institutions for damage caused by their unlawful acts or omissions. Requires: a sufficiently serious breach of a rule conferring rights, direct causation, and actual damage.

▼ two-court structure – who hears what ▼

COURT OF JUSTICE *Суд Справедливості*	GENERAL COURT *Загальний суд ЄС*
27 judges + 11 Advocates-General. Hears all preliminary rulings, infringement proceedings, appeals from the General Court on points of law, inter-institutional disputes, and most actions brought by member states. Issues the binding interpretations that national courts must apply.	First-instance court for: annulment and failure-to-act actions brought by individuals and companies, competition and state aid appeals, and staff cases. Its judgments are subject to appeal to the Court of Justice on points of law only. Handles the highest volume of commercial litigation.

NB: The preliminary ruling procedure (процедура попереднього рішення – Art. 267 TFEU) is the CJEU's most constitutionally significant jurisdiction. It is the mechanism through which Van Gend en Loos (direct effect), Costa v ENEL (primacy), Francovich (state liability), and the Cassis de Dijon (mutual recognition) were all established – transforming the EU through case-by-case rulings on questions sent up by national courts.

DIRECT EFFECT – VERTICAL, HORIZONTAL, AND DIRECTIVES

DIRECT EFFECT | Пряма дія

The capacity of EU law provisions to be invoked by individuals before national courts · Van Gend en Loos (1963)

▼ three cumulative conditions – apply to all provisions claiming direct effect ▼

CLEAR *Чіткість*	PRECISE *Точність*	UNCONDITIONAL *Безумовність*
The provision must be expressed in clear, unambiguous terms • No discretion left to states or institutions • A court must be able to determine its meaning • Ambiguous policy commitments – do not qualify	The provision must define a legal position with sufficient precision • Must create an identifiable right or obligation • Not a mere aspiration or statement of principle • The court must be able to enforce it	The provision must not be subject to any further condition or discretion • Not dependent on a state implementing measure • No margin of appreciation for the addressee state • Self-executing – no additional act needed

▼ two directions in which direct effect can operate ▼

VERTICAL DIRECT EFFECT *Вертикальна пряма дія*	HORIZONTAL DIRECT EFFECT *Горизонтальна пряма дія*
Individual invokes EU law against the state or an emanation of the state (a body under state authority and control). Available for: Treaty articles, regulations, and directives (after the implementation deadline). The state may not benefit from its own failure to transpose. *Example: worker at a state hospital relies on an unimplemented working-time directive against their state employer.*	Individual invokes EU law against another private individual or company. Available for: Treaty competition rules (Arts. 101–102 TFEU), general principles (e.g. non-discrimination). Directives do not generally have horizontal direct effect – Marshall (1986) confirmed this limitation. *Example: private company sues another private company for cartel damages under Art. 101 TFEU.*

▼ when a directive is not properly transposed – three tools ▼

DIRECT EFFECT OF DIRECTIVES *Вертикальна пряма дія директив*	CONSISTENT INTERPRETATION *Принцип відповідного тлумачення*	INCIDENTAL DIRECT EFFECT *Побічна пряма дія директив*
After the deadline, an unimplemented directive's clear, precise, and unconditional provisions may be invoked vertically against the state. The state cannot benefit from its own failure to transpose. Horizontal direct effect is generally unavailable.	National courts must interpret all national law – including rules predating the directive – as far as possible in conformity with the directive's requirements (Von Colson, 1984; Marleasing, 1990). This is the first and preferred remedy, before direct effect.	In private disputes, a directive may produce legal effects by triggering a general principle of EU law – such a s the principle of non-discrimination – that does have horizontal direct effect. This is not true horizontal direct effect but produces the same practical result (Kücükdeveci, 2010).

NB: The No Horizontal Direct Effect rule for directives (принцип відсутності горизонтальної прямої дії директив) means a private employee cannot use an unimplemented directive against their private employer. The remedy in that case is Francovich state liability – suing the state for failing to transpose, rather than suing the private employer under the directive directly.

STATE LIABILITY – FRANCOVICH DOCTRINE | Відповідальність держави · Francovich v Italy (1991)

A member state is liable in damages for loss caused by its sufficiently serious breach of EU law

▼ three cumulative conditions – all must be satisfied ▼

1. CONFERS RIGHTS

Надання прав особам

The breached EU rule must be intended to confer rights on individuals

- Not all EU rules qualify
- Rule must identify the beneficiary class
- Directive on employee insolvency – qualifies
- Pure market regulation – may not

2. SUFFICIENTLY SERIOUS BREACH

Достатньо серйозне порушення

The state's disregard must be manifest and grave

- Automatic: complete non-transposition of a directive
- Policy discretion errors – case-by-case assessment
- Brasserie du Pêcheur (1996) factors apply
- A clear and inexcusable disregard of CJEU case law
- Legislative margin not exceeded ≠ automatically serious

3. DIRECT CAUSAL LINK

Прямий причинний зв'язок

Loss must flow directly from the breach

- Speculative or remote losses excluded
- Causal link assessed under national law subject to equivalence and effectiveness
- National courts determine quantum
- Damages must be adequate – not merely symbolic

▼ procedural framework protecting EU law rights before national courts ▼

EQUIVALENCE PRINCIPLE *Принцип еквівалентності*	EFFECTIVENESS PRINCIPLE *Принцип ефективності*
National procedural rules must not apply less favourable conditions to EU law claims than to comparable domestic law claims. Prevents states from creating procedural obstacles that specifically target EU rights without also targeting equivalent national rights. *Example: a shorter limitation period applied only to EU law claims violates equivalence.*	National procedural rules must not make it practically impossible or excessively difficult to enforce EU law rights. Together, equivalence and effectiveness form the dual test for assessing the compatibility of national procedural autonomy with the requirements of EU law. *Example: requiring full tax payment before a challenge may make enforcement excessively difficult.*

EFFECTIVE JUDICIAL PROTECTION |
Ефективний судовий захист – Art. 47 EU Charter

Art. 47 of the EU Charter guarantees every person whose EU law rights are violated the right to an effective remedy before a court or tribunal. It requires:

- Access to a court that can rule on the merits of the EU law claim
- A fair hearing within a reasonable time before an independent, impartial tribunal
- Legal aid where necessary to ensure effective access to justice

NB: Francovich (Доктрина Франкович – 1991) transformed EU law enforcement. Before this judgment, a state that failed to transpose a directive faced only Commission infringement proceedings. After Francovich, individuals harmed by non-transposition could sue the state for damages in domestic courts – creating a private enforcement mechanism that operates alongside, and often more powerfully than, the Commission's public enforcement role.

EU LAW AND UKRAINE – ASSOCIATION, CANDIDATE STATUS & ACCESSION

EU LAW & UKRAINE | Право ЄС і Україна

Association Agreement (2014) → Candidate status (2022) → Accession negotiations (2024) · Art. 49 TEU

▼ three phases of Ukraine's engagement with EU law ▼

PHASE 1: ASSOCIATION *Асоціація*	PHASE 2: CANDIDATE STATUS *Статус кандидата*	PHASE 3: ACCESSION PROCESS *Процес вступу до ЄС*
EU–Ukraine Association Agreement (2014/2017) • Deep and Comprehensive Free Trade Area (DCFTA) • Legally binding approximation obligations • Aligning competition, customs, IP, and public procurement law • Ukraine's legal order begins converging with the EU acquis • Art. 217 TFEU legal basis	EU candidate status granted June 2022 • Conditional on seven specific reform areas • Rule of law, anti-corruption, judicial independence • Alignment with EU values (Art. 2 TEU) • Assessment against the Copenhagen criteria • Accession negotiations formally opened June 2024	Art. 49 TEU – membership for European states respecting EU values • Copenhagen criteria: democracy, rule of law, market economy, acquis capacity • Negotiations chapter by chapter – 35 chapters • Unanimous Council decision required • European Parliament consent required • Ratification by all 27 existing member states

▼ key concepts of EU law Ukraine is implementing through approximation ▼

APPROXIMATION OF LAWS *Зближення законодавства*	ACQUIS COMMUNAUTAIRE *Правова спадщина ЄС – acquis*
Aligning Ukrainian national law with EU standards through transposing directives and implementing regulations. Ukraine's Association Agreement specifies which EU acts must be implemented and within what timeframes – creating a legally binding approximation agenda.	The complete body of EU law – primary law, secondary legislation, CJEU case law, general principles, and international agreements of the EU. Candidate states must demonstrate the capacity to implement the entire acquis before accession. Over 100,000 pages of binding rules across 35 negotiating chapters.

▼ EU citizenship and the Charter – what accession means for Ukrainian citizens ▼

EU CITIZENSHIP ON ACCESSION *Громадянство ЄС під час вступу · Art. 20 TFEU*	EU CHARTER & UKRAINE *Хартія основних прав ЄС і Україна*	RULE OF LAW CONDITIONALITY *Верховенство права як умова вступу*
On accession, all Ukrainian nationals automatically acquire EU citizenship – adding to, not replacing, Ukrainian nationality. They will gain the right to reside and move freely across all member states, vote in local and European Parliament elections in their state of residence, and receive diplomatic protection from any EU state.	The Charter of Fundamental Rights (Art. 6(1) TEU, same legal value as the Treaties) will bind Ukrainian authorities whenever they implement EU law after accession. Its six titles – Dignity, Freedoms, Equality, Solidarity, Citizens Rights, and Justice – will become justiciable rights for everyone in Ukraine.	Art. 2 TEU values – including rule of law, democracy, and respect for human rights – are both accession conditions and ongoing membership requirements. The Art. 7 TEU procedure and the Conditionality Regulation link EU funds to rule-of-law compliance by member states.

NB: Ukraine's approximation obligation (зближення законодавства) under the Association Agreement already binds it to implement specific EU acts – but without yet having access to CJEU enforcement or Union membership rights. Candidate status upgrades this commitment: compliance with EU law becomes a condition of accession under Art. 49 TEU, making each reform chapter a legal step toward full membership in the EU legal order.

16.5. TASKS

Grammar focus in the context of the European Union Law: **comparative structures – including comparative and superlative adjectives and adverbs, parallel comparisons (as...as), comparative connectors (whereas, while, unlike, by contrast, more...than), and clauses of proportion (the more...the more) – used to analyze and contrast EU institutions, legal instruments, competences, and doctrines.**

GRAMMAR REVIEW

Comparative Structure	Function / Meaning	EU Law Example
more + adj/adv + than	*standard comparison (inequality)*	A regulation is more immediately enforceable than a directive, as it requires no national transposition.
less + adj/adv + than	*lower degree comparison*	Soft law instruments are less binding than regulations, but they can still influence the interpretation of binding rules.
as + adj/adv + as	*equality comparison*	The Council's legislative role is as significant as the Parliament's under the ordinary legislative procedure.
not as + adj/adv + as	*inequality (lower degree)*	A recommendation is not as legally enforceable as a directive, since it creates no binding obligations on member states.
the + comparative, the + comp.	*proportional relationship*	The more exclusive the EU's competence, the less room member states have to legislate independently in that area.

comparative + and + comp.	*progressive change over time*	As EU integration deepened, the Parliament's legislative powers became broader and broader, culminating in the Lisbon Treaty.
far / much / significantly + comp.	*intensified comparison*	The CJEU's jurisdiction is far wider than that of any national supreme court, covering all 27 member states uniformly.
whereas / while	*direct contrast (same sentence)*	A regulation is directly applicable in all member states, whereas a directive must be transposed into national law.
unlike + noun phrase	*contrast via noun phrase*	Unlike a decision, which is addressed to specific parties, a regulation has general application across the entire EU.
by contrast / in contrast	*contrast connector (new clause)*	Exclusive competence allows only the EU to act. By contrast, shared competence permits member states to legislate where the EU has not yet done so.
similarly / likewise	*parallel similarity connector*	The subsidiarity principle limits EU action in shared competence areas; similarly, the proportionality principle constrains the form and content of EU measures.
the most + adjective	*absolute superlative (positive)*	The preliminary ruling procedure is arguably the most influential mechanism for ensuring uniform application of EU law across member states.

the least + adjective	*absolute superlative (negative)*	Supporting competence is the least intrusive form of EU involvement: the Union may coordinate but cannot harmonies national laws in these areas.
superior / inferior to	*formal register comparison*	Primary law is superior to secondary legislation; any regulation or directive that conflicts with the Treaties is void.
more…than ever	*comparison with past state*	Since the Lisbon Treaty, the European Parliament plays a more central co-legislative role than ever before in the EU's legislative history.

1. HOW TO FORM COMPARATIVES AND SUPERLATIVES IN EU LAW WRITING

SHORT adjectives (one syllable or -y ending): add -er / -est. LONG adjectives (two or more syllables): use more / most or less / least. Irregular: good → better → best; bad → worse → worst; far → further / farther → furthest / farthest.

COMPARATIVE: A directive is more flexible than a regulation. / The CJEU's jurisdiction is broader than that of the General Court.

SUPERLATIVE: The preliminary ruling is the most frequently used EU law procedure. / Exclusive competence is the narrowest grant of legislative freedom to member states.

EQUALITY: as + adjective/adverb + as: QMV is as important as unanimity for understanding Council decision-making. NOT as important than – the second element is always as, never than.

2. CONTRAST CONNECTORS IN EU LAW ANALYSIS

EU law analysis constantly requires contrast between instruments, institutions, and doctrines. Use the right connector for the right sentence structure:

WHEREAS / WHILE – within a single sentence, two contrasting clauses of equal grammatical weight:

Regulations are directly applicable, whereas directives require national transposition. Both clauses must have a subject + verb.

UNLIKE + NOUN PHRASE – contrasts one noun with another, no second verb clause:

Unlike decisions, regulations have general application. NOTE: unlike is a preposition, not a conjunction – it is followed by a noun phrase, never a full clause.

BY CONTRAST / IN CONTRAST – at the start of a new sentence or clause, signaling a reversal:

In areas of exclusive competence, only the EU may act. By contrast, in areas of shared competence, both the EU and member states retain legislative capacity, with EU law taking precedence where it exists.

3. THE MORE…THE MORE: PROPORTIONAL COMPARATIVES IN EU LAW

The double comparative structure the + comparative…the + comparative expresses a proportional relationship: as one factor increases (or decreases), other changes correspondingly. It is particularly useful in EU law for expressing the relationship between integration, competence, sovereignty, and subsidiarity.

STRUCTURE: The + comparative adjective/adverb + subject + verb, the + comparative + subject + verb.

The deeper the integration achieved by an area of EU law, the less flexibility member states retain in implementing it.

The more seriously a member state breaches EU law, the higher the financial penalties the CJEU may impose under Article 260 TFEU.

The broader the EU's exclusive competence becomes, the narrower the space for independent national legislation in those areas.

COMMON ERROR: omitting the before one or both comparatives, or using more with a short adjective that takes -er. WRONG: More integrated the EU becomes, the less sovereign member states are. CORRECT: The more integrated the EU becomes, the less sovereign member states are.

4. COMMON COMPARATIVE ERRORS IN EU LAW WRITING AND HOW TO AVOID THEM

ERROR 1: Using more with a short adjective that takes -er

WRONG: A regulation is more wide than a directive. CORRECT: A regulation is wider in scope than a directive.

ERROR 2: Double comparative (more stricter, most clearest)

WRONG: The CJEU applies a more stricter standard in fundamental rights cases. CORRECT: The CJEU applies a stricter standard in fundamental rights cases.

ERROR 3: Using than in an equality comparison

WRONG: The Parliament is as powerful than the Council. CORRECT: The Parliament is as powerful as the Council under the ordinary legislative procedure.

ERROR 4: Using unlike as a conjunction (followed by a full clause)

WRONG: Unlike a directive requires transposition, a regulation does not. CORRECT: Unlike a directive, a regulation does not require national transposition. (unlike + noun phrase only)

ERROR 5: Omitting the in proportional comparatives

WRONG: More exclusive the competence, less room for national law. CORRECT: The more exclusive the competence, the less room remains for national legislation.

Reading	Listening	Speaking	Writing
Tasks 1–2	*Tasks 3–4*	*Tasks 5–8*	*Tasks 9–12*

SECTION A: READING

Task 1
Reading
REMEMBER

IDENTIFY COMPARATIVE STRUCTURES IN AN EU LAW TEXT

Read the passage below, which draws on the EU Law Glossary. Underline every comparative (comparative adjective, superlative, as…as equality, structure. For each one, state: a) the type of structure contrast connector, or proportional comparative), b) the two elements being compared, and c) the legal significance of the comparison in the context of EU law.

TEXT: A regulation is far more directly enforceable than a directive: it enters into force across all 27 member states simultaneously, whereas a directive must be transposed by each state individually within the implementation deadline. The preliminary ruling procedure is arguably the most powerful tool the CJEU possesses for ensuring uniform application of EU law, since it binds not just the referring court but every court in every member state facing the same legal question. Exclusive competence is more restrictive than shared competence: the more exclusive the EU's authority in a given area, the less room member states retain to act autonomously. The Parliament's co-legislative role has grown significantly broader since the Maastricht Treaty, and it now enjoys powers as extensive as those of the Council in most internal market areas. Unlike a recommendation, which carries no binding force, a decision is binding in its entirety on those to whom it is addressed – a considerably stronger legal effect.

Create a table: Column 1 – the comparative structure; Column 2 – type of structure; Column 3 – the two elements compared; Column 4 – the legal point it communicates.

Find all three contrast connectors or contrast structures in the passage (whereas, unlike, by contrast or similar). For each, explain: a) why that particular connector was chosen rather than an alternative, and b) what structural rule it follows.

NB: In EU law writing, comparative structures carry precise analytical meaning. More…than signals a hierarchy of legal force; whereas marks a rule and its exception or contrast; the more…the more expresses a systemic relationship between integration and sovereignty. Recognizing and parsing these structures is inseparable from reading EU law accurately – the comparison is often the legal argument itself.

Task 2
Reading
ANALYSE

ANALYSE COMPARATIVE LOGIC IN FOUR EU LAW DISTINCTIONS

Each group below presents a key EU law distinction using comparative language. Analyze: a) whether the comparison is grammatically correct, b) whether it accurately reflects the legal content of the distinction, and c) which of the four versions in each group is the most precise legal comparison.

GROUP A – Regulation vs. Directive: Regulations are more uniform than directives. Regulations are as flexible as directives in their implementation. Unlike directives, regulations do not require national transposition and produce identical effects across all member states. Directives are more binding than regulations because they require member states to act.

GROUP B – QMV vs. Unanimity: Unanimity is stricter than QMV. QMV is faster and less vulnerable to single-state blocking than unanimity. Unanimity is as efficient as QMV in most legislative areas. QMV is the most common voting rule, whereas unanimity applies in fewer but more politically sensitive areas.

GROUP C – Vertical vs. Horizontal direct effect: Horizontal direct effect is broader than vertical direct effect. Vertical direct effect is more widely available than horizontal direct effect: it arises whenever a directive's provisions are clear and unconditional, whereas horizontal effect is generally unavailable for directives. Vertical and horizontal direct effect are as limited as each other. Horizontal direct effect is the more important of the two because it applies between private parties.

For each group, rank the four sentences from least to most legally accurate. Explain, for the strongest sentence in each group, which comparative structure makes it more precise than the alternatives. Correct any grammatical errors you find.

NB: comparing legal instruments is not just a grammar exercise – it is a fundamental skill in EU law. A student who writes directives are more binding than regulations has made both a grammatical error (degrees of binding force are not accurate – both are binding, but in different ways) and a legal error (regulations are the more immediately enforceable instrument). The comparative structure must match the legal reality it describes.

SECTION B: LISTENING

Task 3
Listening
UNDERSTAND

LISTEN AND COMPLETE: COMPARATIVE STRUCTURES IN EU LAW CONTEXTS

Listen to audio recording #16 and write the correct form in full and identify: a) the type of comparative structure, and b) what legal comparison is being made.

1. A regulation has _____ a directive, because it does not require any national implementation measure.
2. The _____ the EU's competence in a field, _____ the scope for member-state legislation in that area.
3. The Parliament's legislative powers are now _____ _____ they were before the Lisbon Treaty.
4. _____ a directive, which allows states flexibility in transposition, a regulation imposes identical rules across all member states from the day it enters into force.
5. The CJEU is arguably the _____ court in Europe: its preliminary rulings bind every national court in every member state.
6. State liability under Francovich is _____ as it might appear: the breach must be sufficiently serious, and there must be a direct causal link between the breach and the individual's loss.

7. The ordinary legislative procedure gives the Parliament _____ role _____ the Council as co-legislator.
8. Infringement proceedings are _____ direct effect litigation before national courts, but they offer the Commission broader structural remedies.
9. The _____ a state breaches EU law, _____ the financial penalties the CJEU may impose under Article 260 TFEU.
10. Soft law instruments such as guidelines are _____ as regulations, _____ they may still guide the interpretation of binding EU rules by national courts and the CJEU.

NB: Accept grammatically valid alternatives where the legal comparison is preserved.

Task 4

Listening

EVALUATE

LISTEN AND ASSESS: A STUDENT PRESENTATION ON EU INSTITUTIONAL ROLES

Listen to a 2-minute student presentation comparing the roles of the European Parliament, the Council of the EU, and the European Commission in the ordinary legislative procedure. Evaluate: a) whether comparative structures are formed correctly, b) whether the comparisons accurately reflect the institutional roles described in the EU Law Glossary, and c) whether the analysis reaches a well-supported conclusion about which institution holds the most significant legislative influence.

Listen for and note: at least three correctly formed comparative structures (e.g. the Commission plays a more exclusive role in initiating legislation than either the Parliament or the Council; the Parliament's scrutiny function is as important as its co-legislative role; the Council is no less

powerful than the Parliament in the ordinary procedure).

Identify at least two comparative errors: e.g. more stricter standards (double comparative); unlike the Council acts by QMV, the Parliament acts by simple majority (incorrect use of unlike as a conjunction); the Commission is the most powerful than all other institutions (superlative + than).

Identify at least one content error about institutional roles – e.g. claiming the Commission can veto Parliament amendments (incorrect), or stating that the European Council exercises legislative functions (it does not), or confusing the Council of the EU with the European Council.

For each error, write a corrected version using the appropriate comparative structure and accurate EU law content. Explain in one sentence why the correction matters analytically.

NB: the presentation requires students to compare three institutions simultaneously, which demands command of both two-way comparisons (A is more…than B) and three-way analyses (A is the most…of the three; B is less…than A but more…than C). The content error about the European Council is particularly significant: confusing the political summit body with the Council of the EU is one of the most frequent substantive errors in EU law, and it almost always surfaces in comparisons.

SECTION C: SPEAKING

Task 5
Speaking – Monologue
REMEMBER

DESCRIBE AND COMPARE EU LEGISLATIVE INSTRUMENTS

Select three EU legislative instruments from the Sources of EU Law topic of the Glossary (e.g. regulation, directive, decision, recommendation). For each one, give: 1) a definition in your own words, 2) the Ukrainian equivalent, and 3) one sentence that compares it to at least one other instrument using a comparative structure. Speak for 2 minutes.

Example comparison – Regulation vs. Directive: A regulation is more immediately applicable than a directive: it enters into force automatically across all 27 member states without any national implementing act, whereas a directive requires member states to transpose its objectives into national law within a set deadline.

Example comparison – Decision vs. Recommendation: A decision is far more legally powerful than a recommendation: unlike a recommendation, which merely invites the addressee to adopt certain conduct, a decision is binding in its entirety on those to whom it is addressed – whether a state, a company, or an individual.

Use at least one superlative (the most… / the least…) to characterize one of the instruments overall: Of all the acts in Article 288 TFEU, the regulation is arguably the most uniform legislative instrument, producing identical legal effects across the entire EU from the moment it enters into force.

Use at least one proportional comparative to reflect on the relationship between instrument type and legislative flexibility: The more discretion a legislative goal requires at national

level, the more appropriate a directive becomes as the instrument of choice over a directly applicable regulation.
NB: When comparing EU instruments in speech, precision of form matches precision of meaning. More binding than implies a hierarchy of legal force; as binding as but different in scope expresses a lateral distinction. Practice moving fluidly between comparative adjectives (more flexible), superlatives (the most harmonizing), and contrast connectors (whereas…/unlike…) so that each comparison builds the legal analysis rather than simply restating the glossary definition.

Task 6
Speaking – Dialogue
UNDERSTAND

Role-Play: First-Year Student and Tutor Discuss EU Competence

Student A is a first-year law student; Student B is a tutor. Student A must use comparative structures to ask questions about the difference between exclusive, shared, and supporting EU competences. Student B must answer each question using a well-formed comparative structure and accurate EU law content.

SCENARIO: Student A is revising for an EU law exam and is confused about why some areas of law are governed entirely by the EU, while others allow national law to co-exist with EU law, and still others leave national law almost entirely intact.
Student A asks: Is exclusive competence stronger than shared competence? / Which competence gives member states the most freedom? / Is supporting competence as legally significant as shared competence? / The more exclusive the EU's competence, the less important national law becomes – is that correct?

Student B answers using precise comparatives: Exclusive competence is more restrictive than shared competence: in exclusive areas, only the EU may legislate, whereas in shared areas, member states may still act where the EU has not. Supporting competence is the least intrusive of the three: unlike shared competence, it does not permit harmonization at all. / You're right that the more exclusive the competence, the less legislative space member states retain – but even in areas of exclusive competence, member states may act if specifically empowered by the EU or implementing EU acts.

Student A asks a follow-up: Is the internal market the most important area of shared competence? Student B responds with a superlative and a qualification: It is certainly the most extensively legislated area of shared competence, generating the greatest volume of EU law – but "important" depends on the perspective: environmental and energy competence may be equally significant in the long term.

NB: The tutor-student dialogue trains the ability to use comparative structures responsively rather than in prepared monologue. Real legal discussion demands on-the-spot comparison: Is X stronger than Y?, Which is the most…?, Is A as significant as B? – these are natural legal thinking patterns, and answering them accurately requires both grammatical precision and solid substantive knowledge. The proportional comparative (the more exclusive…the less room) is particularly useful for explaining systemic relationships.

Task 7
Speaking – Monologue
APPLY

PRESENT A COMPARATIVE ANALYSIS OF THE CJEU'S TWO MAIN ENFORCEMENT MECHANISMS

You are presenting to a study group. Compare the preliminary ruling procedure (Article 267 TFEU) and infringement proceedings (Articles 258–260 TFEU) as mechanisms for enforcing EU law, using comparative structures throughout. Identify: which is more accessible, which produces broader legal effects, and which is better suited to systemic compliance failures.

ACCESSIBILITY: The preliminary ruling procedure is far more accessible to individuals than infringement proceedings: any person in national litigation may benefit from a preliminary ruling if the national court refers the question, whereas infringement proceedings can only be brought by the Commission or another member state, giving individuals no direct role.

SCOPE OF EFFECT: A CJEU preliminary ruling is as binding on every national court in every member state as a parliamentary statute is binding nationally – it produces uniform interpretive effects across the entire EU. Infringement proceedings, by contrast, produce a binding judgment directed at a single member state: the broader systemic effect is achieved more slowly, through the threat of financial penalties.

SUITABILITY FOR SYSTEMIC BREACHES: The more systemic the breach, the more appropriate infringement proceedings become: the Commission can pursue structural deficiencies across an entire legal system – such as Poland's judicial independence reforms – in a way that individual preliminary references cannot achieve. A single preliminary ruling, however brilliant, changes the law but cannot compel a state to reform its institutions.

CONCLUSION: In short, preliminary rulings are the most democratic and the most immediately accessible EU law enforcement tool, while infringement proceedings are the most coercive and the most structurally far-reaching. The two mechanisms are therefore more complementary than competitive.

NB: using comparative structures in oral legal analysis requires you to build an argument, not just list facts. Each comparison should advance a point: more accessible leads to therefore more individual-friendly; more coercive leads to therefore better for state-level enforcement. The conclusion – more complementary than competitive – shows the highest level of comparative reasoning: not just A vs. B, but the relationship between the two.

Task 8
Speaking – Debate
ANALYSE

DEBATE: IS THE EUROPEAN COMMISSION MORE POWERFUL THAN THE COUNCIL OF THE EU?

Hold a structured debate. Position A argues that the Commission is the most powerful EU institution because it holds the near-exclusive right of legislative initiative and acts as guardian of the Treaties. Position B argues that the Council is at least as powerful, if not more so, because it ultimately votes on and can block every piece of EU legislation.

***Position A** must use comparatives to support Commission dominance: No institution is more central to EU law-making than the Commission: without a Commission proposal, neither the Parliament nor the Council can legislate in most areas – the right of initiative makes the Commission the most agenda-setting institution in the EU system. The Commission's enforcement role is also broader than that of any other institution: only the Commission may bring infringement proceedings, impose competition fines, and approve state aid.*

Position B *must use comparatives to challenge this: The Council's legislative veto is far more powerful than the Commission's initiative right, because a veto stops law that a proposal merely starts. In areas of unanimity, any single member state is as powerful as the entire Commission – one vote can block years of legislative effort. The Council is at least as significant as the Commission in the EU's institutional balance, and considerably more so in sensitive political areas such as taxation and foreign policy.*

Both sides must use at least one proportional comparative: The more politically sensitive the legislative area, the more influential the Council becomes relative to the Commission. (Position B) / The more technical and regulatory the policy domain, the more decisive the Commission's agenda-setting role becomes. (Position A).

After the debate, both sides must agree on one conclusion using a balanced comparative: Rather than asking which institution is more powerful overall, it is more accurate to say that the Commission and Council are equally indispensable but in different phases of the legislative process – the Commission shapes what is proposed; the Council determines what is adopted.

NB: the debate trains the highest level of comparative reasoning: not just A is more…than B, but A is more…in context X while B is more…in context Y. EU institutional power is not a single dimension – it varies by policy area (QMV vs. unanimity), procedural phase (initiative vs. adoption), and function (legislation vs. enforcement). The agreed conclusion models the kind of nuanced institutional analysis expected in EU law examinations.

SECTION D: WRITING

Task 9
Writing
UNDERSTAND

WRITE A COMPARATIVE GLOSSARY ENTRY FOR TWO RELATED EU LAW TERMS

Choose one pair of related terms from the same topic (e.g. vertical direct effect / horizontal direct effect; exclusive competence / shared competence; regulation / directive; QMV / unanimity). Write a combined entry: define each term in your own words, give the Ukrainian equivalents, and write a paragraph of 5–6 sentences comparing the two terms using at least four different comparative structures.

Example pair – Regulation and Directive: A regulation (регламент) is a directly applicable EU act that enters into force in all member states automatically and produces identical legal effects from the date it enters into force. A directive (директива) is equally binding as to the result to be achieved, but it leaves member states the choice of form and method for achieving that result and must be transposed into national law.

Comparative paragraph: A regulation is more immediately enforceable than a directive, since no national implementing act is required. Whereas a directive allows for national variation in transposition, a regulation ensures complete uniformity across all 27 member states. Unlike a directive, which may give rise to direct effect only after the implementation deadline has passed without proper transposition, a regulation is always directly applicable from the outset. The more harmonization a legislative objective requires, the more suitable a regulation becomes as the instrument of choice. Overall, regulations are the most powerful tool for achieving internal

market integration, although directives remain indispensable where national diversity in implementation is both legally acceptable and politically necessary.
After the entry, add a note (2–3 sentences) explaining which comparative structure was most useful for capturing the legal distinction between your two terms, and why.
NB: The joint glossary entry format trains a skill that is central to EU law examination writing: defining two concepts precisely and then distinguishing them with analytical comparisons. The best answers will use different comparative structures for different aspects of the distinction – whereas for the structural rule/exception contrast; more…than for hierarchy of legal force; unlike + noun for a quick categorical distinction; the more…the more for the systemic relationship between them.

Task 10
Writing
APPLY

REWRITE A LEGAL SUMMARY USING VARIED COMPARATIVE STRUCTURES

The paragraph below uses no comparative structures at all – it simply lists facts. Rewrite it in two versions: Version A introduces at least five comparative structures throughout to make the analysis more precise; Version B restructures the paragraph to build from a simple comparison to a superlative conclusion.

ORIGINAL: The European Parliament and the Council of the EU both participate in the ordinary legislative procedure. The Parliament represents EU citizens. The Council represents member state governments. Under QMV, 55 % of member states representing 65 % of the population must agree. Under unanimity, all member states must agree. Unanimity applies to taxation, foreign policy,

and constitutional matters. QMV applies to most internal market legislation. The Parliament has the right to reject legislation. The Parliament has the right to propose amendments. The Commission proposes legislation.

VERSION A (comparative analysis): Both the European Parliament and the Council participate as co-legislators in the ordinary legislative procedure, though their representative bases differ…

VERSION B (building to superlative): In the ordinary procedure, the Commission holds a more exclusive role than either co-legislator, as only it may initiate…

After rewriting, identify which comparative structure was most useful in each version, and explain why.

NB: rewriting exercises reveal the analytical power of comparative structures. A paragraph without comparisons presents EU institutions as parallel lists; a paragraph with comparisons builds an argument about which institution does what, when, and with what effect. The superlative conclusion in Version B (the most balanced…process) gives the paragraph a point – it does not just describe but evaluates. This is the shift from summary writing to analytical legal writing.

Task 11
Writing
EVALUATE

IDENTIFY AND CORRECT COMPARATIVE STRUCTURE ERRORS IN AN EU LAW ESSAY PARAGRAPH

The paragraph below contains eight comparative errors. Find each error, explain why it is incorrect in formal EU law writing, and rewrite the corrected paragraph in full.

PARAGRAPH: A regulation is more uniform from a directive, because it applies automatically in all member states without requiring no national transposition. The most powerful institution than all others is the Commission, since only it can propose legislation in most areas. The Parliament is as strong than the Council under the ordinary procedure, yet it has more broader amendment rights in the first reading. Unlike the Council uses QMV for most decisions, unanimity is required in sensitive areas like taxation. The more exclusive is the EU's competence, the most limited becomes national legislation. Infringement proceedings are significantly more lengthen than preliminary rulings. The CJEU is the most supreme court in EU law, with jurisdiction that is wider as any national court. Soft law is not as binding like a regulation, but it can still influence legal interpretation considerably.

Error 1: more uniform from → more uniform than – comparative adjectives are followed by than (never from).

NB: The eight errors in this paragraph represent the full range of comparative mistakes found in student EU law writing. Each error is worth correcting because it distorts the legal comparison being made.

Task 12
Writing
CREATE

WRITE A COMPARATIVE LEGAL ESSAY: HOW DOES THE APPLICATION OF EU LAW DIFFER FROM THE APPLICATION OF NATIONAL LAW?

Write a 300-word structured comparative essay analyzing how the application of EU law in national courts differs from the application of purely national law. Use comparative structures as the primary analytical framework throughout. Draw on at least six terms from the glossary.

INTRODUCTION: Frame the comparison using a proportional comparative or a superlative: The deeper the integration of EU law into the national legal order, the more complex – and more powerful – the obligations it places on national courts…

PARAGRAPH 1 – Hierarchy: The most fundamental difference between applying EU law and applying national law is hierarchy. National law applies…

PARAGRAPH 2 – Procedural tools: National courts applying EU law have access to tools that are far more powerful than those available…

PARAGRAPH 3 – Remedies: The remedies available for EU law breaches are also more extensive than those available for… NB: the comparative essay tests the highest level of grammatical and legal integration. A strong essay does not just list differences – it builds a hierarchical argument: the most fundamental difference (primacy), followed by procedural differences (preliminary rulings), followed by remedial differences (state liability). Each paragraph should use at least two different comparative structures, with whereas, unlike, the more…the more, and the superlative all appearing at least once across the essay. The aim is a 300-word piece that reads like professional EU law scholarship, not a student summary.

16.6. QUIZ

COMPREHENSION QUIZ – 20 QUESTIONS·
Choose one correct answer (a–d)

1. Which sentence correctly uses a comparative structure to distinguish a regulation from a directive?
a) A regulation is more immediately applicable than a directive, since it requires no national transposition;
b) A regulation is as immediately applicable than a directive;
c) A regulation is more immediately applicable from a directive;
d) A regulation is the most immediately applicable from all EU acts.

2. Which sentence correctly uses unlike as a contrast structure?
a) Unlike a directive requires transposition, a regulation does not;
b) Unlike directives, regulations do not require national transposition measures;
c) Unlike a directive, which it requires transposition, a regulation does not;
d) Unlike that directives require transposition, regulations do not.

3. Complete the proportional comparative: The _____ the EU's competence in an area, the _____ room member states retain to act independently.
a) most exclusive…the least;
b) more exclusive…less;
c) more exclusive…the less;
d) exclusive…less.

4. Which of the following best describes the relationship between the primacy and direct effect principles?

a) Primacy is less important than direct effect because it only applies in cases of conflict;

b) Direct effect is the same as primacy: both mean that EU law takes precedence over national law;

c) Primacy determines which law governs in case of conflict; direct effect determines whether individuals can enforce EU law rights in national courts. The two principles are complementary rather than identical;

d) Primacy is more recent than direct effect: it was only established after the Van Gend en Loos judgment.

5. Which sentence correctly forms a superlative in the context of EU institutional powers?

a) The preliminary ruling procedure is the most powerful than any other enforcement mechanism;

b) The preliminary ruling procedure is one of the most influential tools for ensuring uniform application of EU law;

c) The preliminary ruling procedure is more powerful than the most infringement proceedings;

d) The preliminary ruling procedure is as the most influential mechanism in EU law.

6. Under the ordinary legislative procedure, the Parliament and Council act:

a) with the Parliament playing a more significant legislative role than the Council;

b) as co-legislators with equal footing, both required to agree before a measure can be adopted;

c) with the Council acting as the more powerful institution because it can always veto Parliament amendments;

d) with the Commission holding more legislative power than either co-legislator.

7. Which comparative structure is grammatically correct?

a) Shared competence is more wider in scope than exclusive competence;

b) Shared competence is as narrower as exclusive competence;

c) Shared competence is broader in scope than exclusive competence;

d) Shared competence is most broad than exclusive competence.

8. The state liability doctrine (Francovich) differs from the direct effect doctrine in that:

a) direct effect is more widely available but provides less comprehensive compensation than state liability;

b) state liability provides compensation in damages for EU law breaches, whereas direct effect allows individuals to rely on EU law provisions directly before national courts;

c) state liability is as important as direct effect in cases where a directive has been correctly transposed;

d) both doctrines are identical in effect: the more direct effect applies, the more state liability also applies.

9. Which sentence best describes the relationship between QMV and unanimity in the Council?

a) QMV and unanimity are as difficult as each other to achieve in practice;

b) Unanimity is stricter and less frequently required than QMV, but applies in politically more sensitive areas such as taxation and constitutional matters;

c) QMV is stricter than unanimity because it requires a higher percentage of member states to agree;

d) Unanimity is far more commonly used than QMV in the Council's legislative work.

10. Which comparative connector is used correctly?

a) Whereas the Commission may propose legislation, but the Council may also propose legislation in most areas;

b) Unlike the Parliament, which the Council must also agree to legislation before it is adopted;

c) By contrast, regulations are directly applicable; whereas directives require transposition;

d) Directives allow national variation in implementation; by contrast, regulations impose identical rules in every member state.

11. Which sentence correctly uses an equality comparison (as…as)?

a) The General Court is as powerful than the Court of Justice;

b) The General Court is as important as the Court of Justice for first-instance review of EU acts;

c) The General Court is not as powerful like the Court of Justice;

d) The General Court is equally important than the Court of Justice in the EU judicial system.

12. The subsidiarity principle is best described in comparative terms as:

a) requiring the EU to act more frequently than member states in areas of shared competence;

b) providing that the EU should act only where objectives can be more effectively achieved at EU level than by member states acting individually;

c) making EU action as necessary as national action in all areas of shared competence;

d) limiting EU action to areas where it is the most cost-effective level of governance.

13. Which sentence correctly uses the proportional comparative (the more…the more)?

a) The more the EU legislates, the most harmonized the internal market becomes;

b) More the EU legislates, more harmonized the internal market becomes;

c) The more extensively the EU legislates in a shared competence area, the less room member states retain to adopt divergent national rules;

d) The more extensively is the EU's legislation, the more is limited the national law.

14. Consistent interpretation (the Von Colson / Marleasing principle) differs from direct effect in that:

a) it is far more powerful than direct effect because it applies to all national law, not just those implementing EU directives;

b) unlike direct effect, consistent interpretation does not confer rights on individuals – it simply requires national courts to read national law in light of EU obligations as far as possible;

c) consistent interpretation is less important than direct effect in practice because national courts rarely apply it;

d) both consistent interpretation and direct effect are equally effective ways of achieving the same legal result.

15. Which of the following pairs of EU institutions is compared accurately?

a) The European Council is more powerful than the Council of the EU because it has legislative functions;

b) The European Commission exercises a broader right of legislative initiative than the Parliament or Council, though all three institutions share equal legislative power once a proposal is made;

c) The Court of Justice is less important than the General Court because the General Court hears more cases at first instance;

d) The European Central Bank is as politically accountable as the European Parliament because both are elected institutions.

16. Which sentence about the EU's enforcement mechanisms is grammatically and legally correct?

a) Infringement proceedings are most coercive than preliminary rulings;

b) Infringement proceedings are as accessible to individuals as preliminary rulings;

c) Infringement proceedings are more coercive than preliminary rulings but far less accessible to individual litigants;

d) Preliminary rulings are less effective than infringement proceedings for ensuring uniform interpretation of EU law.

17. The internal market is described in Article 26 TFEU as an area ensuring the free movement of goods, persons, services, and capital. Which comparative statement is most accurate?

a) The free movement of goods is more important than the free movement of persons in the internal market;

b) All four freedoms are equally fundamental to the internal market, though they differ in the grounds on which restrictions may be justified;

c) The free movement of capital is less well developed than the other three freedoms because it entered into force more recently;

d) The free movement of services is the most restricted of the four freedoms, since member states have broader discretion to limit it than the other freedoms.

18. Which of the following correctly describes the hierarchy of EU legal sources?

a) Secondary legislation is as superior as primary law when they conflict on internal market matters;

b) International agreements of the EU rank higher than secondary legislation but lower than the TEU and TFEU;

c) Soft law instruments such as Commission guidelines rank equally with regulations in the EU legal order;

d) General principles of EU law are the least important sources, subordinate to both primary and secondary law.

19. Ukraine's approximation of national law to EU standards under the Association Agreement is best compared to:

a) a process that is as legally binding as full EU membership but produces fewer institutional obligations;

b) a one-time adoption of EU rules that is more straightforward than ongoing membership obligations;

c) a continuous process that is less comprehensive than EU membership but requires progressively closer alignment with EU law in defined areas, making Ukraine's legal order increasingly compatible with the internal market;

d) a diplomatic exercise that is less legally significant than a bilateral trade agreement.

20. Which sentence is the most accurate and grammatically correct comparative summary of the EU's lawmaking hierarchy?

a) Primary law is the most important, secondary law is more important than soft law, and soft law is the least important but still more important than national law;

b) Primary law is superior to secondary legislation, which is in turn more binding than soft law instruments; national law applies where it does not conflict with any of these higher norms;

c) Secondary legislation is as binding as primary law because both are adopted by EU institutions;

d) The more soft law the Commission produces, the more binding it becomes over time, eventually becoming as powerful as a regulation.

ANSWER KEY

Q1: a	**Q2: b**	**Q3: c**	**Q4: c**	**Q5: b**	**Q6: b**	**Q7: c**	**Q8: b**	**Q9: b**	**Q10: d**
Q11: b	**Q12: b**	**Q13: c**	**Q14: b**	**Q15: b**	**Q16: c**	**Q17: b**	**Q18: b**	**Q19: c**	**Q20: b**

NB Score guide: 18–20 = Excellent | 14–17 = Good | 10–13 = Satisfactory | below 10 = Needs revision

16.7. GLOSSARY

TERM	DEFINITION
Action for annulment *Позов про скасування*	The judicial remedy under Article 263 TFEU by which member states, EU institutions, and – with strict standing requirements – individuals and companies may challenge the legality of binding EU acts before the Court of Justice or the General Court on grounds of lack of competence, breach of essential procedural requirements, infringement of the Treaties, or misuse of powers.
Autonomy of EU law *Автономія права ЄС*	The quality of EU law that sets it apart as a separate legal system, not subject to the rules of either national law or general international law. Its meaning is determined solely by the Court of Justice of the EU, whose judgments on EU matters cannot be overridden by any outside authority.
Charter of Fundamental Rights of the EU *Хартія основних прав ЄС*	The instrument proclaimed in 2000 and given binding legal force by Article 6(1) TEU following the Treaty of Lisbon, which enumerates the civil, political, economic, and social rights that bind the EU institutions in all their activities and bind member states whenever they act within the scope of EU law. It is organized under six titles covering dignity, freedoms, equality, solidarity, citizens' rights, and justice.
Conferral principle *Принцип наділення компетенцією*	The foundational principle in Article 5(2) TEU that the EU possesses only those competences expressly conferred upon it by the Treaties, that it must act within those limits, and that all competences not so conferred remain with the member states. It functions as the primary constitutional boundary on EU legislative and executive power.

TERM	DEFINITION
Council of the EU *Рада ЄС*	The EU institution composed of one government minister from each member state, competent for the relevant policy area under discussion, which shares legislative and budgetary functions with the European Parliament and coordinates member-state policies. It acts by qualified majority voting in most areas and by unanimity in constitutionally sensitive fields such as taxation, foreign policy, and treaty amendment.
Court of Justice of the EU (CJEU) *Суд Справедливості ЄС*	The supreme judicial institution of the European Union, comprising the Court of Justice and the General Court, whose mandate is to ensure uniform interpretation and application of EU law across all member states. Its jurisdiction encompasses preliminary rulings, actions for annulment, infringement proceedings, actions for failure to act, and appeals from the General Court on points of law.
Direct effect *Пряма дія*	The principle that EU law provisions which are sufficiently clear, precise, and unconditional confer enforceable rights directly on individuals that national courts must uphold, without any need for an intervening national implementing measure. It encompasses both vertical direct effect – invocable against the state – and, in certain circumstances, horizontal direct effect – invocable against private parties.
Directive *Директива ЄС*	An EU legislative measure that fixes a result that every member state is legally required to reach by a given deadline, while allowing each government to choose the methods and national legal tools it will use to bring about that outcome within its own legal system.

TERM	DEFINITION
European Union citizenship *Громадянство ЄС*	A status that arises automatically for every person holding the nationality of an EU member state, granting them a distinct set of entitlements: the right to move and settle freely across EU territory, to vote and stand in local and European elections, and to seek diplomatic help from any member state when outside the EU.
European Union law *Право Європейського Союзу*	A self-standing legal system created through the EU's founding treaties, separate in character from the national laws of member states and from traditional international law. It allocates powers among EU institutions, governs the relationship between the EU and its members, and generates enforceable rights and duties for individuals.
European Commission *Європейська комісія*	The EU's primary executive institution, composed of one Commissioner per member state acting in full independence from national governments, which holds the near-exclusive right of legislative initiative, enforces EU law as the guardian of the Treaties, negotiates international agreements on the EU's behalf, manages the EU budget, and implements EU policies under delegated and implementing acts.
European Council *Європейська рада*	The EU institution comprising the heads of state or government of the 27 member states and the President of the European Council, which defines the EU's overall political direction and sets its strategic priorities without exercising legislative functions.
European Parliament *Європейський парламент*	The sole EU institution directly elected by citizens of all member states. Working alongside the Council of the EU, it shares responsibility for passing laws and approving the budget, and it monitors the European Commission's performance and can hold it accountable.

TERM	DEFINITION
Four freedoms *Чотири свободи ЄС*	The four basic economic liberties at the heart of the EU single market – the unhindered movement of goods, workers and other persons, services, and capital – which prevent member states from erecting barriers that would obstruct cross-border economic activity between one country and another within the EU.
General principles of EU law *Загальні принципи права ЄС*	Unwritten norms recognised and developed by the Court of Justice as inherent in the EU legal order, including fundamental rights, legal certainty, legitimate expectations, proportionality, equal treatment, non-discrimination, the right to be heard, transparency, and the right to effective judicial protection. They bind EU institutions in all activities and bind member states when acting within the scope of EU law, and may be invoked before national courts.
Infringement proceedings *Провадження про порушення*	The procedure through which the European Commission, acting as guardian of the Treaties, may bring a member state before the Court of Justice for failure to fulfil an obligation under EU law.
Internal market *Внутрішній ринок ЄС*	The area without internal frontiers established by Article 26 TFEU in which the free movement of goods, persons, services, and capital is guaranteed, constituting the central economic objective of European integration and the legal framework within which the vast majority of EU harmonization legislation, competition rules, and CJEU jurisprudence on the four freedoms operates.

TERM	DEFINITION
Preliminary ruling procedure *Процедура попереднього рішення*	A cooperative process by which domestic courts facing a question about the meaning or validity of an EU rule may pause their proceedings and refer that question to the Court of Justice of the EU for a binding answer, so that the same EU provision is read identically in every member state.
Primary law *Первинне право ЄС*	The highest level of EU law, comprising the founding treaties plus the Charter of Fundamental Rights. All other EU legal instruments must comply with primary law, and measures that contradict it can be invalidated by the Court of Justice.
Primacy of EU law *Верховенство права ЄС*	A core principle established by Court of Justice jurisprudence providing that when national legislation contradicts EU law, courts must apply the EU norm and disregard the conflicting domestic provision immediately, without awaiting legislative amendment.
Qualified majority voting (QMV) *Кваліфікована більшість*	The primary decision-making system in the Council of the EU, requiring support from member states that simultaneously meet two conditions: representing at minimum 55 % of all member countries and accounting for at least 65 % of the total EU population. This double majority prevents domination by either small or large states alone.
Regulation *Регламент ЄС*	An EU legal instrument that takes effect directly in all member countries from the moment it becomes operative, requiring no transposition by national legislatures. It establishes uniform obligations for individuals and public authorities across the entire Union simultaneously.

TERM	DEFINITION
State liability (Francovich doctrine) *Відповідальність держави (доктрина Francovich)*	A principle of EU law requiring member states to pay damages to individuals who suffer loss as a result of a serious breach of EU law by that state. Three requirements must be satisfied: the violated norm must confer individual rights, the breach must be sufficiently grave, and there must be a direct causal link to the harm suffered.
Subsidiarity *Субсидіарність*	A guiding principle that restricts the EU to taking action only in situations where the goals being pursued cannot be reached satisfactorily through steps taken by member states at national, regional, or local level, and where EU-level intervention would deliver a meaningfully superior outcome.
Supranational law *Наднаціональне право*	A category of law that operates at a level above individual nation-states and can impose binding obligations on both governments and citizens without requiring transformation into domestic legislation. It is enforced by courts independent of any single country, whose decisions take precedence over national laws.
Treaty on European Union (TEU) *Договір про Європейський Союз*	One of the two main founding treaties (Lisbon version, 2009), establishing the constitutional framework of the EU: its values (Article 2), objectives (Article 3), institutional structure (Articles 13–19), external action principles (Articles 21–46), and the rules on enhanced cooperation and withdrawal (Article 50). It functions as the EU's constitutional charter.
Treaty on the Functioning of the EU (TFEU) *Договір про функціонування ЄС*	The second founding treaty (Lisbon version, 2009), containing the operational provisions: the four freedoms, competition law (Articles 101–109), the internal market, EU citizenship (Article 20), the legal basis for most secondary legislation, the institutional procedures, and the jurisdictional rules of the CJEU.

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