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THE PRINCIPLE OF GOOD FAITH IN THE FORMATION AND IMPLEMENTATION OF GENDER POLICY: LEGAL AND INSTITUTIONAL ASPECTS

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Abstract

The article examines the principle of good faith as a fundamental component of the formation and implementation of modern gender policy within the framework of legal and institutional transformations of public governance. It is argued that integrity in the contemporary context should not be limited exclusively to the anti-corruption dimension but should be understood as a comprehensive principle of good governance that incorporates transparency, accountability, fairness, responsibility, and equal opportunities for all members of society.

The purpose of the research is to determine the role of the integrity principle of good faith the effectiveness of gender policy and to analyze legal and institutional mechanisms that facilitate the integration of gender approaches into public administration systems. The study explores the relationship between the principles of integrity, gender equality, and good governance, identifies major institutional challenges affecting the practical implementation of gender policy, and outlines possible directions for improving institutional mechanisms.

The research demonstrates that the formal recognition of gender equality principles in legal frameworks does not guarantee their effective implementation without appropriate institutional capacity and administrative procedures. Among the key challenges are the insufficient integration of gender perspectives into strategic planning, budgeting, and human resource management, limited monitoring and evaluation mechanisms, as well as the persistence of informal practices and social stereotypes that restrict equal participation and representation.

Key words: *the principle of good faith, good faith, gender policy, gender equality, public administration, good governance, institutional capacity, non-discrimination, transparency, accountability.*

1. Introduction. In contemporary democratic societies, the principles of integrity and gender equality are increasingly recognized as fundamental components of effective governance, institutional legitimacy, and sustainable social development. The transformation of public administration systems, accompanied by growing demands for transparency, accountability, and inclusiveness, has significantly expanded the understanding of integrity beyond traditional anti-corruption approaches. Today, integrity is viewed as a comprehensive institutional value that encompasses ethical decision-making, fairness, responsibility, respect for human rights, and equal access to opportunities for all members of society.

Gender policy occupies a significant place within this broader framework of institutional integrity. Ensuring gender equality is not limited to eliminating direct discrimination but requires the establishment of systemic mechanisms that guarantee equal participation, representation, and influence of different social groups in political, administrative, and socio-economic processes. Therefore, the implementation of gender policy should be considered not only as a matter of social justice but also as an indicator of the quality and integrity of public institutions.

The relationship between integrity and gender policy reflects the complex interaction between legal norms, institutional practices, and societal values. Although many states have adopted legislative frameworks aimed at ensuring gender equality and preventing discrimination, the practical realization of these principles remains challenging. Persistent institutional barriers, stereotypical perceptions of gender roles, unequal access to decision-making processes, and insufficient mechanisms for monitoring compliance demonstrate the need for a deeper analysis of the legal and organizational foundations of gender-sensitive governance.

The principle of good faith provides an important methodological and legal framework for addressing these challenges. Its application in the formation and implementation of gender policy contributes to the development of transparent procedures, responsible institutional behavior, and inclusive governance mechanisms. From this perspective, integrity functions not only as an ethical requirement but also as a legal and administrative standard that determines the ability of public institutions to implement gender equality effectively.

The relevance of this research is also strengthened by contemporary processes of democratic transformation, European integration, and mod-

ernization of public administration. International legal instruments and governance standards increasingly emphasize the necessity of combining anti-corruption measures, institutional accountability, and gender mainstreaming. For countries undergoing administrative reforms, including Ukraine, the integration of integrity principles into gender policy represents an important condition for strengthening public trust and ensuring the effectiveness of state and local governance.

2. Material and Method. The chosen research topic requires the application of various scientific methods and approaches to obtain high-quality results. Therefore, to achieve the objectives of the study, the following research methods were used: analysis, the systematic method, the analytical method, and others.

Contemporary research in law and public administration emphasizes the importance of integrity, transparency, accountability, and gender equality as key elements of good governance. While gender policy and integrity principles have been widely studied separately, their interaction as interconnected mechanisms for building inclusive and accountable institutions remains insufficiently explored [1]. This highlights the need for further analysis of legal and institutional approaches to integrating integrity principles into gender policy implementation.

The purpose of this article is to examine the legal and institutional dimensions of the principle of good faith in the formation and implementation of gender policy, to identify existing challenges in its practical application, and to outline possible directions for improving institutional mechanisms aimed at ensuring gender equality within the framework of good governance.

3. Results and Discussion. It should be noted that the legal consolidation of gender equality in Ukraine is primarily related to a number of articles of the Constitution of Ukraine. In particular, we are talking about equality and accessibility for all citizens in the exercise of the right to participate in the management of state affairs, in all-Ukrainian and local referendums, equal access to the civil service, as well as to service in local self-government bodies (Art. 38); creation and implementation of state guarantees of equal opportunities for citizens in choosing a profession and type of labour activity (Art. 43); ensuring the principles of equality of spouses in marriage and family (Art. 51); protection and guarantee of equality of children in rights regardless of origin and birth (Art. 52); equality of participants in the judicial process before the law and the court (Art. 129). The provisions of Art. 24 of the Constitution of Ukraine establish the inad-

missibility of discrimination against people on the basis of sex [2]. Thus, the principle of equality is one of the fundamental constitutional principles in the legal space of Ukraine, which meets the general standards enshrined in international legal acts on the protection of human rights and freedoms.

In addition, the establishment of the content of the principle of equality is interpreted in the decisions of the Constitutional Court of Ukraine [3; 4; 5]. In accordance with the Decision of the Constitutional Court of Ukraine No. 15-rp/2004 of November 2, 2004, it is stipulated that the principle of equality should be interpreted in its correlation with the principles of justice and legality, based on this, such an understanding as follows: "The rule of law requires the state to implement it in law-making and law enforcement activities, in particular in laws, which in their content should be imbued primarily with the ideas of social justice, freedom, equality, etc., <... >. Such an understanding of law does not give grounds for its identification with the law, which can sometimes be unfair, including restricting the freedom and equality of an individual" [6]. Simultaneously, it should be noted that there are certain discrepancies between the position of the Constitutional Court of Ukraine and the ECtHR on the application of the test for proportionality and proportionality of restrictions on an individual in relation to the implementation of the principles of equality.

A special legislative act on gender equality is the provisions of the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" of September 8, 2005, No. 2866-IU [7]. In addition to this legislative act, gender equality issues are reflected in such Laws of Ukraine as the Law of Ukraine "On Combating Trafficking in Human Beings" of September 20, 2011, No. 3739-VI, the Law "On Preventing and Combating Domestic Violence" of December 7, 2017, No. 2229-VIII.

The content of gender equality is established at the level of by-laws. In accordance with the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men for the Period up to 2021" dated April 11, 2018 No. 273, it is determined that the problem of inadequacy and low effectiveness of ensuring the principles of gender equality, the principle of equality in ensuring the exercise of rights and opportunities for women and men must be solved through the adoption of measures, aimed at: "improving the regulatory framework, the mechanism for conducting gender legal expertise and the introduction of statistical indicators in the field of ensuring equal rights

and opportunities for women and men; taking into account the gender component in economic and social development programs, taking into account the current needs of industries and regions; expansion of the list of statistical indicators on the basis of sex with a breakdown by other main characteristics (age, place of residence, disability, socio-economic status, etc.); improving the professional level of civil servants and local government officials to ensure equal rights and opportunities for women and men; reducing the gender imbalance in the field of civil service and human resources management; inclusion in the programs of advanced training courses for civil servants and officials of local self-government on the issues of ensuring equal rights and opportunities for women and men; overcoming gender stereotypes; combating discrimination on the basis of sex and discrimination on more than one grounds, in particular, improving the mechanism for exercising the right to protection against discrimination on the basis of sex and discrimination on several grounds, one of which is on the basis of sex, consideration of cases of such discrimination and taking appropriate measures based on its results; fulfilment of contractual and other international obligations to ensure equal rights and opportunities for women and men; increasing the share of women among people's deputies of Ukraine, deputies of regional and local councils (cities of regional significance); reducing the pay gap; involvement in the implementation of the Program of international organisations and public associations, whose activities are aimed at ensuring equal rights and opportunities for women and men in society, in particular, strengthening public-private partnership in the field of ensuring equal rights and opportunities for women and men" [8].

In 2022, the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men for the Period up to 2030 was adopted and the Operational Plan for its implementation for 2022-2024 was approved [9] in accordance with the Order of the Cabinet of Ministers of Ukraine dated August 12, 2022, No. 752-r. In the said Order of the Cabinet of Ministers of Ukraine dated August 12, 2022 No. 752-r, among the positive achievements of the implementation of gender policy, it was identified that in 2020-2021, Ukraine joined international public and interstate initiatives, which, in particular, are implemented within the framework of projects initiated by the Biarritz Partnership, the Coalition of Action to Promote Gender Equality, etc. In addition, within the framework of the implementation of the provisions of the State Social Program for Ensuring Equal Rights and Opportunities for Women and Men for the period up to 2021 [10]. Ukraine

justified its membership in the International Coalition for Equal Pay (EPIC), as well as joined the Group of Friends of Women, Peace and Security, and thus proved the orientation of foreign and domestic policies to the implementation of a number of international documents and acts, in particular, UN Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019) [11].

As a result, it is worth noting the existence of a positive trend in improving the regulatory framework for ensuring gender equality in Ukraine. Among the positive achievements in the field of legal regulation of the achievement of the principles of gender equality, it is worth citing a number of normative legal acts reflecting such quantitative and qualitative changes. In particular, we are talking about the provisions of the Electoral Code of Ukraine, which added provisions on the consolidation of 40% gender quotas during the formation of parties of the national and regional electoral lists, as well as amendments to the legislation of Ukraine to ensure equal rights and opportunities for women and men during military service in the Armed Forces and other military formations, as well as to ensure equal opportunities for mothers and fathers in caring for a child [12].

The practical realization of gender equality principles largely depends on the ability of public institutions to incorporate integrity-based approaches into their organizational structures, administrative procedures, and decision-making practices. Although contemporary legal systems increasingly recognize gender equality as a fundamental human right and a prerequisite for democratic governance, the effectiveness of gender policy remains strongly influenced by the institutional environment in which such policies are developed and implemented. Therefore, the issue is not limited to the availability of legislative guarantees but concerns the capacity of institutions to ensure consistent, transparent, and accountable application of these guarantees.

One of the most significant institutional challenges is the discrepancy between the normative recognition of gender equality and its practical implementation within governance processes. In many cases, gender equality provisions exist within strategic documents and legislative acts but do not become an integral part of institutional planning and operational activities. This situation indicates that formal compliance with legal requirements is insufficient without the development of internal mechanisms that ensure the everyday integration of equality principles into administrative decision-making.

A considerable obstacle is the fragmented approach to gender mainstreaming in public institutions. Gender considerations are often treated as an independent policy direction rather than as a cross-cutting principle that should influence all areas of governance, including budgeting, personnel management, strategic planning, and evaluation of public programs. Such fragmentation limits the transformative potential of gender policy and prevents institutions from addressing the structural causes of inequality. A more comprehensive approach requires viewing gender equality as an essential element of institutional effectiveness and integrity.

Another important challenge relates to the organizational capacity of institutions responsible for gender policy implementation. The effectiveness of such institutions depends on the availability of qualified specialists, clearly defined responsibilities, adequate resources, and effective coordination between different levels of governance. However, gender-related functions are frequently assigned secondary importance, which may result in insufficient expertise, weak coordination mechanisms, and limited influence on policy decisions. Strengthening institutional capacity requires not only expanding formal responsibilities but also ensuring that relevant actors have real authority and resources to perform their functions.

A critical analysis of the current state of legal regulation of the principles of administrative law and administrative procedure in Ukraine makes it possible to identify a number of conceptual and practical shortcomings that hinder the full implementation of established standards of public administration [13].

First, despite the systematization of administrative principles in the Law of Ukraine “On Administrative Procedure”, there is still a lack of clear coherence between this legislative act and other regulatory sources. Many sector-specific laws, particularly in the areas of construction, licensing, sanitary regulation, environmental protection, and migration, contain provisions that either contradict or do not fully correspond to modern administrative procedural standards. This creates legal conflicts that complicate the consistent application of such fundamental principles as impartiality, good faith, and the right to be heard.

Second, the problem of the declarative nature of certain principles remains relevant. Although Ukrainian legislation contains a broad catalogue of administrative principles, many of them are not supported by clear legal mechanisms of implementation. For example, the principle of good faith is

formally recognized; however, neither legislation nor subordinate regulations sufficiently define the criteria for assessing bad faith conduct of administrative bodies, the legal consequences of such violations, or the possible measures of responsibility.

Third, current legislation does not establish a clear hierarchy of administrative principles, which creates difficulties in situations where different principles may conflict. For instance, when the principle of procedural efficiency conflicts with the requirement of a comprehensive and objective examination of circumstances, there is no clearly defined legislative mechanism for balancing these interests. This may lead to inconsistent administrative practices and unequal judicial interpretations.

Fourth, terminological uncertainty remains one of the significant obstacles to effective administrative regulation. Different legal acts use varying concepts, sometimes without providing adequate definitions, including such terms as “public administration”, “transparency”, and “reasonable time”. The absence of unified legal terminology reduces predictability in law enforcement and complicates the formation of consistent administrative practice.

Fifth, Ukrainian legislation still insufficiently regulates mechanisms of control and liability for violations of administrative principles. In practice, the implementation of these principles often depends on the discretion of public officials, while effective preventive mechanisms and sanctions for their violation remain limited. As a result, individuals are frequently required to seek judicial protection when administrative bodies fail to respect procedural guarantees, such as the right to be heard. This approach reduces the effectiveness of administrative protection at the pre-litigation stage.

Sixth, judicial practice has not yet developed unified approaches to the interpretation and application of newly established administrative principles. Courts often focus primarily on formal violations of legal provisions rather than analysing the substantive impact of violations of good governance principles, proportionality, or good faith. This demonstrates the need for further methodological support and professional training for judges and public officials regarding the practical application of administrative principles as effective legal instruments [13].

Therefore, although the current Ukrainian model of regulating the principles of administrative law and procedure demonstrates significant progress, it still faces a number of challenges, including legislative fragmentation, institutional limitations, and insufficient procedural guarantees. Ensuring that these principles function as effective mechanisms

for protecting human rights and improving public administration requires further harmonization of legislation, strengthening institutional capacity, establishing responsibility for violations, and developing methodological guidance for administrative bodies and courts.

In the context of public administration reform and the implementation of European standards into Ukrainian administrative law, particular importance should be given to ensuring comprehensive legal recognition of fundamental principles of administrative procedure. The Law of Ukraine “On Administrative Procedure” represents an important step toward the unification and modernization of procedural activities of public administration bodies. However, a detailed analysis of its provisions demonstrates that certain principles remain outside the scope of direct legal regulation, although their implementation is essential for creating democratic, service-oriented, and human-centred public governance.

One of these principles is the principle of service orientation of administrative bodies, which reflects the transition from a hierarchical model of authority towards a partnership-based interaction between the administration and individuals. It emphasizes the priority of protecting the legitimate interests of applicants in administrative proceedings and corresponds with the understanding of public service as an instrument for meeting citizens’ needs. However, this principle has not yet received independent and comprehensive legal recognition in Ukrainian legislation [13].

The principle of good faith also draws attention to the quality and fairness of institutional procedures. Recruitment, career advancement, distribution of resources, and access to decision-making positions are areas where implicit biases and unequal practices may emerge. Even in the absence of direct discrimination, non-transparent procedures can reproduce existing inequalities and restrict equal opportunities. In this context, integrity mechanisms should include not only anti-corruption measures but also instruments aimed at ensuring procedural fairness, such as equality assessments, institutional gender audits, transparent selection procedures, and systematic monitoring of organizational practices.

A further institutional challenge is the influence of traditional social perceptions and organizational cultures that may hinder the advancement of gender equality. Legal reforms alone cannot eliminate deeply established behavioral patterns or informal barriers affecting participation and representation. Sustainable institutional transformation requires the development of a culture of respect, inclusion, and

professional equality. This can be achieved through continuous education, leadership development programs, awareness initiatives, and the promotion of inclusive management practices.

At the same time, modern technological developments create new opportunities for strengthening integrity and gender-responsive governance. Digital tools can improve access to information, increase transparency of administrative processes, support public participation, and facilitate the collection and analysis of gender-disaggregated data. However, digital transformation should be accompanied by safeguards against new forms of exclusion, particularly regarding unequal access to digital resources and technological competencies.

Future improvements should be directed toward establishing a comprehensive institutional framework in which gender equality and integrity principles operate as interconnected elements of good governance. Such a framework should include the development of effective accountability mechanisms, integration of gender-responsive budgeting, improvement of professional training for public officials, enhancement of monitoring systems, and wider involvement of civil society in evaluating policy outcomes.

A particularly important direction is the conceptual integration of integrity and gender policy within a unified governance model. Integrity provides the ethical and institutional foundation necessary for preventing discrimination, ensuring fairness, and strengthening public trust, while gender policy offers practical mechanisms for achieving equal participation and representation. Their combination allows public institutions to move beyond formal declarations toward meaningful institutional change [14].

In the context of democratic development, administrative modernization, and European integration processes, the improvement of institutional mechanisms for gender policy implementation becomes an essential condition for sustainable governance [15]. The effectiveness of future reforms will depend on whether public institutions are capable of transforming equality principles from legal requirements into everyday administrative standards. The integration of integrity principles into gender governance represents not only a mechanism for protecting equal rights but also a pathway toward creating more transparent, responsible, and socially oriented institutions.

4. Conclusions. The analysis of the principle of good faith in the formation and implementation of gender policy demonstrates that these concepts are not separate dimensions of public governance but interconnected elements of a modern institutional

framework based on equality, accountability, and respect for human rights. In contemporary democratic systems, integrity should be understood not only as a mechanism for preventing corruption or unethical behavior but as a broader governance principle that determines the quality, fairness, and legitimacy of institutional decision-making. Within this approach, gender equality becomes one of the essential indicators of institutional integrity, reflecting the ability of public authorities to ensure equal participation, representation, and access to opportunities for all social groups.

The research has shown that the effectiveness of gender policy depends significantly on the existence of appropriate legal foundations combined with institutional capacity for their practical implementation. The adoption of legislative acts and strategic documents aimed at guaranteeing gender equality represents an important step; however, legal recognition alone cannot eliminate structural inequalities or guarantee equal outcomes. Sustainable progress requires the transformation of institutional practices, administrative procedures, and organizational cultures in accordance with integrity-based principles. Therefore, the implementation of gender policy should be considered as a continuous institutional process rather than a limited set of formal measures.

A key conclusion of the study is that integrity provides a necessary methodological and practical framework for strengthening gender-responsive governance. Transparent procedures, ethical standards, accountability mechanisms, and fair decision-making processes create conditions in which gender equality principles can be effectively realized. Conversely, institutional weaknesses, lack of transparency, and insufficient accountability may contribute to the reproduction of discriminatory practices, unequal access to resources, and limited participation of certain groups in governance processes. Thus, ensuring integrity within public institutions is not only an anti-corruption objective but also a prerequisite for achieving substantive gender equality.

The research also highlights that one of the major challenges in contemporary governance is the gap between declared gender commitments and their practical implementation. Many institutions continue to approach gender equality primarily as a formal requirement rather than as an integral component of strategic management and institutional development. Overcoming this limitation requires the integration of gender perspectives into all stages of public policy formation, including strategic planning, budgeting, personnel management, monitoring, and evaluation of institutional performance. Such an approach corresponds to the principles of

good governance and contributes to strengthening public trust in institutions.

Particular attention should be paid to the institutional dimension of gender policy implementation. Effective gender mainstreaming requires not only responsible authorities and legal regulations but also sufficient professional expertise, organizational resources, and coordination mechanisms. Strengthening the capacity of public institutions, improving professional training of officials, introducing gender audits, and developing reliable monitoring systems are important directions for ensuring that gender equality becomes an operational principle of governance rather than merely a strategic declaration.

The study confirms that the relationship between integrity and gender policy should be viewed through the perspective of institutional transformation. Integrity creates the conditions for fair and transparent governance, while gender policy provides practical mechanisms for ensuring inclusiveness and equal representation. Their interaction contributes to the development of institutions that are more resilient, socially responsible, and capable of responding effectively to contemporary challenges. In this context, gender-sensitive governance should be considered not only as a requirement of equality policy but also as an important component of institutional quality and democratic development.

The prospects for improving gender policy implementation are closely connected with the further development of mechanisms of accountability, public participation, and evidence-based decision-making. The use of digital technologies, gender-disaggregated data analysis, participatory governance instruments, and transparent evaluation procedures can significantly enhance institutional effectiveness. At the same time, technological and administrative innovations should be accompanied by measures aimed at preventing new forms of exclusion and ensuring equal access to governance opportunities.

For Ukraine, in the context of democratic transformation, European integration, and public administration reform, the integration of integrity principles into gender policy represents a strategically important direction. The creation of inclusive and accountable institutions requires a shift from a formal understanding of equality toward a comprehensive governance model in which fairness, transparency, and respect for diversity become fundamental standards of institutional behavior. This approach will contribute not only to the protection of equal rights but also to strengthening the legitimacy and effectiveness of public administration.

Therefore, the principle of good faith should be recognized as a fundamental foundation for the de-

velopment and implementation of modern gender policy. Its institutionalization allows combining legal guarantees, ethical governance standards, and practical administrative mechanisms into a coherent system capable of ensuring genuine equality. The future development of gender-responsive governance depends on the ability of public institutions to transform integrity from a normative requirement into an everyday organizational value and a guiding principle of public decision-making.

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Authors' contribution. The paper is an independent scientific study that reflects the results of the conducted research. The theoretical provisions, conclusions, and recommendations formulated in the paper were developed by the author based on the analysis and direct use of scientific and informational sources, regulatory and legal documents, and relevant materials.

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