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Administrative and Legal Institution Development Agreements in Criminal Procedure of Ukraine Through the Prism of Substantive (CCU) and Procedural (CPC) Law

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ABSTRACT

The article examines the genesis, evolution and current state of the institution of plea bargaining in criminal proceedings in Ukraine, identifies key stages of its formation and implementation in the national legal system. The theoretical and legal nature of criminal plea bargaining as a form of compromise justice is revealed, and its place at the junction of substantive and procedural law is established. Through the prism of a systematic analysis of the norms of the Criminal Code and the Code of Criminal Procedure of Ukraine, inter-branch conflicts, gaps and imbalances between public and private interests are identified when concluding plea bargaining and plea agreements. Particular attention is paid to the assessment of administrative and legal instruments of state influence on the effectiveness of this institution, as well as the compliance of the national model of contractual procedures with EU standards and the practice of the ECHR. Based on the analysis of the problems of law enforcement practice (voluntariness, fairness of conditions and limits of judicial control) and the study of foreign experience in the application of plea bargaining, an adaptation model of the "Europeanization" of the domestic criminal process is developed. Specific proposals have been formulated to improve legislative regulation and optimize administrative procedures in order to increase the transparency and efficiency of the institution of agreements in Ukraine.

KEYWORDS

institution of agreements, criminal proceedings, substantive law, procedural law, administrative and legal instruments, compliance with the rule of law, unification of administrative procedures, institutional environment, judicial control.

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АНОТАЦІЯ

У статті досліджено генезу, еволюцію та сучасний стан інституту угод у кримінальному провадженні України, визначено ключові етапи його становлення та імплементації в національну правову систему. Розкрито теоретико-правову природу кримінальних угод як форми компромісного правосуддя, встановлено їхнє місце на стику матеріального та процесуального права. Через призму системного аналізу норм КК та КПК України виявлено міжгалузеві колізії, прогалини та дисбаланс між публічними й приватними інтересами під час укладення угод про примирення і визнання винуватості. Особливу увагу приділено оцінці адміністративно-правових інструментів державного впливу на ефективність цього інституту, а також відповідності національної моделі договірних процедур стандартам ЄС та практиці ЄСПЛ. На основі аналізу проблем правозастосовної практики (добровільності, справедливості умов та меж судового контролю) і дослідження зарубіжного досвіду застосування plea bargaining, розроблено адаптаційну модель «європеїзації» вітчизняного кримінального процесу. Сформульовано конкретні пропозиції щодо вдосконалення законодавчого регулювання та оптимізації адміністративних процедур задля підвищення прозорості й ефективності інституту угод в Україні.

КЛЮЧОВІ СЛОВА

інститут угод, кримінальне провадження, матеріальне право, процесуальне право, адміністративно-правові інструменти, дотримання законності, уніфікація адміністративних процедур, інституційне середовище, судовий контроль.

1. Introduction

Deep transformations of the criminal justice system of Ukraine are taking place under the influence of European integration processes, the implementation of Council of Europe standards and the general trend of humanization of the state's criminal policy. The current stage of development of the legal system is characterized by a rethinking of the traditional punitive model of justice and a gradual transition to more flexible, restorative and compromise forms of resolving legal conflicts [1, p. 276].

In this context, the institution of agreements in criminal proceedings, which includes plea agreements and reconciliation agreements, acquires special importance. Its functioning reflects the legislator's desire to combine the inevitability of punishment with the principles of procedural economy, efficiency of judicial proceedings and individualization of legal response. This institution acts as an alternative mechanism for resolving disputes, which allows to significantly reduce the burden on the justice system, shortens the terms of proceedings and ensures effective compensation for damage to victims [2, p. 152].

At the same time, the development of these procedures is accompanied by several theoretical and practical problems related to the conflict of substantive and procedural law, the disparity of law enforcement practice, and the need to ensure a balance between the public interests of the state and the private interests of the parties. This necessitates a comprehensive scientific study of administrative and legal instruments for the development of the institution of agreements in its relationship with the provisions of the Criminal Code and the Code of Criminal Procedure of Ukraine [3, p. 72]. Thus, the relevance of the topic lies in the need for theoretical understanding and practical modernization of contractual forms of justice as an important element of criminal justice, which meets European standards and contributes to increasing the efficiency of law enforcement in Ukraine.

2. Literature Review

The current state of scientific development of the institution of agreements in criminal proceedings in Ukraine indicates the intensification of research in the direction of procedural economy, restorative justice and harmonization of domestic judicial proceedings with European standards. At the same time, more and more attention is paid to the interdisciplinary nature of such agreements, their connection with substantive criminal law and administrative-legal mechanisms for ensuring the effectiveness of criminal justice.

In the work of A. Tsizhma [2, p. 152], a comprehensive analysis of mediation and contractual procedures as elements of restorative justice is carried out, and their role in the humanization of criminal policy is substantiated. The researcher emphasizes the close relationship between these institutions, but does not sufficiently reveal the administrative and managerial dimension of their practical implementation. In the work of M. A. Pogoretsky [3, p. 72], the problems of the functioning of the Criminal Procedure Code of Ukraine and the systemic shortcomings of the institutional environment of criminal justice are studied in detail. The scientist proves that the key destructive factors are associated not only with the imperfection of procedural norms, but also with the defects of the organization of the law enforcement and judicial systems themselves.

In the article by O. S. Gadzhuk [4, p. 112], agreements are considered as an interdisciplinary legal institution that conceptually combines criminal law and process. The author emphasizes their significance as a form of criminal-legal compromise, but leaves out of consideration the issue of administrative support for this activity. The research by O. Yu. Tatarov [5, p. 111] is devoted to procedural guarantees during the conclusion of agreements and their compliance with international standards. However, focusing on the protection of the rights of legal entities, the researcher ignores the acute problems of applying agreements in classical proceedings against individuals.

G. I. Globenko [6, p. 246] considers the institution of agreements as a form of exercising the right to compromise, highlighting its importance for alternative conflict resolution. In turn, N. M. Savchyn and M. T. Sukhoversky [7, p. 132] analyzed the challenges of criminal proceedings under martial law, in particular the conflict of norms and the complication of procedural mechanisms that directly affect the practice of contractual proceedings.

In the study by T. O. Loskutov [8, p. 177] on the legal regulation of the expression of a person's will during procedural actions under martial law, the emphasis is on the importance of voluntariness in decision-making and the need to ensure appropriate guarantees for the realization of the rights of the participants in the proceedings. The issue of differentiation of criminal procedural forms, including proceedings based on agreements, was analyzed in detail by Y. V. Tsyganyuk and V. O. Kulebyakin [9, p. 352], who substantiate the expediency of using simplified procedures as a tool for increasing the efficiency of judicial proceedings.

A significant contribution to the development of this issue was made by M. I. Paida [10, p. 133], who carried out a comprehensive analysis of the practice of applying plea agreements, investigated the problems of judicial control, compliance with the principle of voluntariness and identified prospects for improving the relevant legal regulation. In turn, V. L. Goncharuk [11, p. 210] examines legislative changes regarding the application of plea agreements in cases of corruption criminal offenses, analyzing the principle of procedural economy and the problem of differentiation of criminal-legal consequences of such transactions.

Recognizing the importance of the scientific achievements of the above-mentioned researchers, it is worth noting that a comprehensive assessment of administrative-legal instruments for the development of the institution of agreements through the prism of the interaction of substantive (CC) and procedural (CPC) law norms in modern conditions still lacks holistic coverage.

3. Problem Statement

The purpose of the article is a comprehensive scientific and legal analysis of the institution of agreements in criminal proceedings in Ukraine through the prism of the interaction of substantive (Criminal Code of Ukraine) and procedural (CPC of Ukraine) law, as well as determining the role of administrative and legal instruments in ensuring its effective functioning in the conditions of the modern transformation of criminal justice.

4. Methods and Materials

The regulatory basis of the investigation is the legislative acts of Ukraine that regulate contractual procedures in judicial proceedings, primarily the provisions of the Criminal Code and the Code of Criminal Procedure of Ukraine. Special attention is paid to the by-laws that determine the organizational and managerial principles of the activities of the prosecutor's office, the court and the pre-trial investigation in terms of the implementation of the relevant agreements.

The empirical basis of the study is formed by materials of law enforcement practice, in particular court decisions on the approval of plea agreements and reconciliation agreements, official generalizations, as well as analytical reports and statistical data of the judicial authorities and the prosecutor's office of Ukraine. Additionally, the provisions of international legal acts, the practice of the European Court of Human Rights and the recommendations of the Council of Europe on alternative methods of resolving criminal-legal conflicts are involved.

The methodological basis of the work is a system of general scientific and special legal methods of cognition. Thanks to the dialectical approach, the evolution of the institution of agreements in connection with the modernization of the criminal justice system is revealed. The system-structural method made it possible to determine the place of agreements in the general structure of the criminal process and to identify their internal connections with other procedural institutions.

Formal and legal tools were used to analyze the direct normative content of the provisions of the Criminal Code and the Code of Criminal Procedure of Ukraine. The application of the comparative law method allowed to compare the national model of agreements with foreign approaches and European standards of justice. Finally, the methods of analysis and synthesis were used to generalize doctrinal views on the legal nature of agreements, as well as to formulate the author's conclusions and proposals for improving the current legislation and law enforcement practice.

5. Results and Discussion

The evolution of the institution of agreements in criminal proceedings in Ukraine.

The formation of this institution reflects the global transformation of domestic criminal justice: from a repressive-imperative type to a more flexible, compromise and efficiency-oriented justice system. In Soviet times, the criminal process was based on the principles of unconditional publicity and the obligation of criminal prosecution, which actually eliminated the possibility of any consensual elements between the prosecution and defense. The dominant concept was that the state was the sole driver of the prosecution, and procedural discretion was subject to significant restrictions [6, p. 246].

The breakthrough vector was the penetration of the ideas of restorative justice and procedural economy into the national legal doctrine. They began to actively develop under the influence of international standards, in particular the practice of the European Court of Human Rights and the recommendations of the Council of Europe on alternative methods of resolving legal conflicts. It was during this period that the conceptual basis for the implementation of contractual procedures in the field of justice was formed [12; 13].

The key stage in the institutionalization of agreements was the adoption of the Criminal Procedure Code of Ukraine in 2012, which for the first time normatively enshrined the institutions of plea agreements and reconciliation agreements [14]. This meant a decisive departure from inquisitorial principles and the gradual introduction of the principles of adversarialism. At the same time, the legislator retained effective mechanisms of judicial control, which indicated the desire to ensure parity between the public interests of the state and the private rights of the participants in the case.

The further evolution of the analyzed procedures took place under the direct influence of the practice of the ECHR, which emphasizes the voluntariness of the admission of guilt, the fairness of the regulations and the proper verification by the court of any forms of refusal to fully consider the merits of the case. This approach allowed us to consider the agreement not only as a purely procedural compromise, but also as a significant guarantee instrument for the protection of human rights [4, p. 112]. The current stage of development of this institution in Ukraine is characterized by its integration into the general strategy of reforming the security and justice sector in the context of the European integration course and the challenges of martial law. This leads to an increase in the role of procedural economy, scaling up the digitalization of judicial proceedings (in particular, through the E-Case system) and the desire to optimize the overall burden on the judicial authorities.

The evolution of the institution of agreements in Ukraine demonstrates a consistent transition from the complete absence of consensus mechanisms to their regulatory consolidation and active application in law enforcement activities. Today, this institution is an effective tool for modernizing the criminal justice system, which harmoniously combines the interests of the state in increasing the efficiency of justice with procedural guarantees for the protection of human rights [15, p. 204].

The institution of agreements in criminal proceedings is a complex, comprehensive legal phenomenon, the essence of which is not limited exclusively to the framework of criminal procedural law. Its nature is dualistic and interdisciplinary, since it syncretically combines procedural norms (CPC of Ukraine), which regulate the procedure for initiating, concluding and approving agreements, and the provisions of substantive criminal law (CC of Ukraine), which outline the limits of liability, the type and amount of punishment, as well as the criteria for its individualization [16, p. 116].

In the procedural dimension, the aforementioned transactions are enshrined in Chapter 35 (Section IX) of the CPC of Ukraine, acting as a special form of differentiation and simplification of judicial proceedings. Their content consists in achieving a legitimate compromise between the prosecution and defense parties (and in cases provided for by law - with the participation of the victim) regarding [2, p. 152]: unconditional recognition by a person of his guilt; agreement on the conditions and limits of criminal liability; the nature and amount of compensation for damages; the final type and amount of criminal punishment.

Procedurally, agreements serve as a vivid expression of the principle of dispositiveness, as they provide the parties with the opportunity to indirectly influence the final decision in the proceedings. At the same time, they are subject to imperative judicial control, which eliminates the risks of abuse of rights and guarantees a balance between the autonomy of the parties' will and the public interest of the state [10, p. 133]. In the substantive legal aspect, agreements are inextricably linked with the institutions of the Criminal Code of Ukraine, because it is the substantive law that imperatively determines the limits of the punishability of an act; establishes non-alternative or alternative sanctions for specific offenses; provides legal grounds for individualizing punishment.

A plea agreement actually becomes a specific form of modification of the implementation of criminal liability, but in no case a means of avoiding it. The court, when checking and approving the agreement, is obliged to be guided by the general principles of sentencing (Article 65 of the Criminal Code of Ukraine), which guarantees compliance with the principles of legality and inevitability of legal liability. Thus, substantive law clearly limits the "limits of admissible compromise", in the legal field of which the corresponding procedural tools function [17, p. 186].

In modern doctrine, three fundamental approaches to understanding the phenomenon have been formed:

1. Procedural approach: treats agreements as an autonomous institution of the Criminal Procedure Code of Ukraine, that is, a purely procedural mechanism for optimizing and accelerating pre-trial investigation and trial.

2. Substantive-legal approach: focuses attention on the material consequences of the compromise – the transformation of the scope of criminal liability and the specificity of the imposition of punishment.

3. Integrative (interdisciplinary) approach: proves the interdisciplinary nature of agreements, justifying their existence in the systemic, inextricable connection of the Criminal Code and the Criminal Procedure Code of Ukraine as correlative elements of a single mechanism of legal response.

It is the integrative approach that is the most justified, since it fully reflects the real architecture of legal regulation. The correlation of the norms of the Criminal Code and the Criminal Procedure Code of Ukraine in the sphere of implementation of contractual procedures is characterized by a complex correlation of the material and procedural components, which forms the interdisciplinary nature of the studied visual phenomenon [7, p. 132]. However, such synergy not only ensures the viability of agreements, but also generates several destructive collisions and regulatory gaps.

The substantive law (Criminal Code of Ukraine) determines the limits of the application of state coercion measures, in particular sanctions for committing criminal offenses, general principles of imposing punishment, as well as grounds for its mitigation. These provisions constitute the substantive basis of the plea agreement, since any punishment agreed upon by the parties must imperatively be within the limits of the sanction of the corresponding article of the Special Part of the Criminal Code of Ukraine and correlate with the principles of justice, proportionality and individualization [12].

In turn, the Criminal Procedure Code of Ukraine regulates the procedural algorithm for concluding, verifying and executing agreements. It establishes the procedure for initiating the negotiation process, requirements for the form and content of the document, procedural guarantees of voluntariness of the expression of will, as well as the limits of mandatory judicial control [13]. Thus, procedural law acts as a tool for legalizing the agreements of the parties, transforming them into a legally significant court decision.

The relationship between these codes is clearly manifested in the fact that substantive law fixes the "limits of the permissible result" of the agreement, while procedural law determines the "optimal way to achieve it". However, in the practical plane, the specified model encounters defects in lawmaking. In particular, the key inter-branch conflicts are [11, p. 210]:

• the lack of clear legislative criteria for the compliance of the punishment agreed upon by the parties with the general principles of its appointment, defined in the Criminal Code of Ukraine;

• the doctrinal and practical inconsistency of the limits of judicial discretion when approving or refusing to approve transactions;

• insufficient certainty of the depth of the court's verification of the substantive legal validity (proven guilt and correctness of qualification) of the agreements reached;

• unclear relationship between substantive provisions on mitigation of punishment (for example, Articles 66, 69, 75 of the Criminal Code of Ukraine) and purely procedural mechanisms of its approval by the parties.

Minimizing the identified conflicts requires systematic harmonization of the norms of both codes through regulatory clarification of the criteria of judicial control, specification of the limits of permissible compromise and improvement of executive mechanisms. At the same time, the effectiveness of the functioning of the studied institution is directly dependent on the quality of public administration in the field of criminal justice. Since contractual procedures are implemented by subjects of power (prosecutors, detectives, investigators, bodies of the State Penitentiary Service), it is at the junction of substantive and procedural law that specific administrative and legal instruments are formed. They have a direct organizational and managerial impact on the legitimacy and effectiveness of agreements in criminal proceedings (Table 1).

Table 1. Administrative and legal instruments for the development of the institution of agreements in criminal proceedings in Ukraine in relation to substantive and procedural law

Group of instruments	Specific instruments	Level of action	Functional purpose	Link to the Criminal Code of Ukraine	Link to the Criminal Procedure Code of Ukraine
Regulatory and legal	Criminal Code of Ukraine, Code of Criminal Procedure of Ukraine, by-laws of the Prosecutor General's Office, departmental orders of the Ministry of Internal Affairs	Nationwide	Limiting the legal grounds for the application of agreements; establishing procedural boundaries and legal structures for their implementation	Fixes substantive and legal incentives: mitigation of liability, sincere remorse, compensation for damage as conditions for individualization of punishment	Regulates the algorithm for initiating, approving, judicial approval and executing agreements
Organizational and managerial	Internal regulations of the prosecutor's office, standards of procedural guidance	Departmental	Optimizing coordination relations between the investigator and the prosecutor; unifying management practices	Indirectly affects the application of mitigating institutions within the sanctions of articles	Standardizes practical models for implementing agreements in pre-trial and judicial proceedings
Control and supervisory	Departmental control of the head of the prosecutor's office, judicial control, disciplinary proceedings	Control	Limiting discretionary risks, preventing procedural coercion and abuse	Guarantees the correct interpretation of mitigating circumstances in the context of imposing a sentence	Verifies the voluntariness, legality and procedural validity of agreements
Procedural and coordination	Coordination between the investigator, prosecutor and court	Interinstitutional	Regulates the algorithm of inter-institutional interaction at all stages of the proceedings; ensures procedural synchronization	Forms the conditions for the application of institutions of compromise settlement of the criminal-legal conflict	Determines the sequence of procedural actions for concluding and approving agreements
Discretionary managerial	Prosecutor's decision on initiating and maintaining an agreement	Individual	Modulating law enforcement depending on the actual circumstances of the case	Takes into account the degree of social danger of the act and the sanctioning framework of the article	Determines the expediency of applying agreements in specific proceedings
Information and analytical	ERDR, E-Case, analytical platforms, statistical reporting, generalization of practice	Systemic	Optimizes the transit of criminal proceedings materials; ensures monitoring the effectiveness of the institution of agreements	Allows assessment of the impact of agreements on the practice of individualization of criminal liability	Provides digital recording, accounting and analytics of all stages of concluding and executing agreements

Source: Formed by the author based on [4, p. 112; 10, p. 133; 18, p. 251].

The data presented in Table 1 clearly illustrate that the studied institution, despite its material and procedural basis, is practically implemented precisely through the system of public administration. Administrative and legal instruments act as an integrating factor that coordinates the interaction between the norms of the Criminal Code and the Code of Civil Procedure of Ukraine and directly determines the level of effectiveness of consensus procedures in law enforcement activities [15, p. 204].

A separate problem is the gaps in the legal regulation of the stage of implementation of agreements. If the Criminal Procedure Code of Ukraine regulates in detail the procedure for their judicial approval, then the mechanisms for further control over the actual compliance with the terms of the consensus (especially in terms of actual compensation for damages or fulfillment of specific additional obligations of the parties) are superficially defined. Thus, the current relationship between the Criminal Code and the Criminal Procedure Code of Ukraine in the analyzed area is asymmetrical: substantive law establishes the general boundaries of criminal-legal response, while procedural law provides the form of their implementation, but does not always guarantee full consistency between the content of the agreements and the algorithm for their implementation [3, p. 72].

Administrative law plays a fundamental, although often leveled in the doctrine, role in ensuring the viability of criminal justice. Its specificity lies not in direct intervention in the procedural relations of the parties, but in the formation of a stable organizational and managerial environment within which legislative provisions are implemented [19, p. 110]. Public-administrative influence covers the institutional structure of investigative bodies, prosecutors' offices and the judiciary, internal management mechanisms, load distribution algorithms, staffing and disciplinary institutions. These factors create a practical basis for the timely and predictable functioning of contractual forms of justice [20, p. 76].

Within the framework of the activities of pre-trial investigation bodies, the administrative-legal vector is manifested through clear regulation of vertical subordination, standardization of procedural management and the introduction of internal criteria for evaluating the work of detectives and investigators. The timeliness of identifying legal grounds for initiating agreements, the completeness of collecting evidence and compliance with imperative guarantees of voluntariness of the will of the participants in the process directly depend on the quality and efficiency of administrative decisions at the initial stages of the proceedings.

In the system of prosecutorial bodies, public management tools guarantee proper coordination of activities related to maintaining public prosecution, clear definition of priorities of the state's criminal law policy and monitoring of compliance with the law when concluding agreements. Internal organizational standards, methodological guidelines and management decisions form unified approaches to agreeing on plea agreements, which directly affects the unity of law enforcement practice.

The judicial system, in turn, is in the field of administrative and legal support through mechanisms of court administration, automated case distribution, internal management of judges' work, as well as the logistics of considering materials [17, p. 186]. It is the organizational capacity and institutional strength of the courts that determine the speed of processing contractual proceedings, the depth of judicial control and the level of compliance with procedural guarantees for the protection of human rights.

Thus, administrative law forms the infrastructural foundation of criminal justice, without which even impeccable procedural regulation cannot ensure the viability of consensus institutions. Public administration determines not the content of criminal procedural decisions, but the algorithm of their practical implementation. This is critically important in modern conditions of excessive burden on the judiciary, the action of the legal regime of martial law and the urgent need to optimize the terms of judicial proceedings [10, p. 133]. The level of administrative organization of the law enforcement and judicial systems creates real prerequisites for the implementation of agreements, guaranteeing their efficiency, legality and consistency.

The specified administrative procedures act as a basic organizational mechanism. Unlike criminal procedural regulation, which fixes the procedural form of transactions exclusively, administrative procedures implement internal standards of law enforcement agencies, ensuring the predictability of their actions [16, p. 116]. Of particular importance in this context are internal departmental acts, primarily orders of the Prosecutor General's Office. They detail the tactics of initiating the negotiation process, the procedure for approving draft documents by management, the criteria for assessing their admissibility, as well as internal departmental levers of control over the prevention of abuse or coercion.

The implementation of administrative algorithms in the activities of the prosecutor is manifested in a clear standardization of decisions on the advisability of initiating or signing a plea agreement, assessing the completeness of the evidentiary base and determining the limits of an acceptable compromise between the parties. This approach significantly limits excessive discretion of individual judgment and guarantees the unification of the practice of procedural management [21].

It is important to state that the specified procedural instruments do not replace criminal procedural norms, but perform a purely auxiliary (facilitative) function aimed at improving the quality and efficiency of justice. They act as a means of internal organization of departmental activities, which directly optimizes the speed of decision-making, their motivation and consistency with the general criminal legal policy of the state. In modern realities, the issue of unification of public management standards in the field of contractual litigation is of particular relevance. The diversity of practical approaches in the regions destructively determines the uneven application of the law and generates corruption risks. The lack of clear, standardized algorithms of the prosecutor's actions in such situations creates the basis for subjectivism and violation of the principle of equality of participants in the process. Organizational and legal standardization is a critically important element of protecting the institution of agreements, as it forms unified matrices for their coordination and implementation, increasing the transparency and predictability of law enforcement actions [20, p. 76]. At the current stage of justice development, this process is increasingly integrated with digital tools, in particular the functionality of the E-Case system, which allows for automated monitoring of compliance with the terms and conditions of agreements.

Disciplinary and organizational levers of control in the field of contractual procedures constitute a significant segment of the administrative and legal support of criminal justice. Their functional purpose is to guarantee the legality, integrity and professional responsibility of officials during the initiation, approval and judicial verification of a compromise. In the system of prosecutorial bodies, the leading role belongs to internal supervision, which is implemented through official inspections, inspections by higher-level prosecutors and digitalized KPI (performance efficiency) assessment matrices [21]. Such tools allow for the prompt identification of defects during the conclusion of transactions, in particular, the facts of the suspect's consent not being properly verified, errors in the substantive and legal qualification of the act, or the obvious inconsistency of the agreed punishment with the imperative requirements of the Criminal Code of Ukraine.

An important component of this system is the disciplinary liability of prosecutors and judges, which serves as an imperative guarantee of compliance with professional standards and ethical principles. Disciplinary proceedings against officials in the field of criminal justice are aimed not only at tortious response, but also at preventing abuse of discretionary powers when approving transactions. For their part, organizational levers include hierarchical management, rational distribution of responsibilities, typification of procedural actions and unification of law enforcement. They contribute to the formation of a predictable approach to the verification of transactions, which is critically important for the stability of national justice [19, p. 110]. A separate role is played by codes of ethics, which enshrine the requirements of integrity, impartiality and prevention of conflicts of interest. Compliance with professional ethics is especially important during the implementation of contractual procedures, because in this area there is an increased risk of extra-procedural influence of the parties or a simplified, formal approach to assessing the circumstances of the proceedings [21]. Taken together, organizational and disciplinary instruments form a multi-level system of guarantees of legality, which allows achieving rational parity between procedural economy and protection of the rights of participants in the proceedings.

A reliable criterion for verifying the effectiveness of the institution under study is the direct practice of its implementation by the courts. Studying the real functioning of this mechanism allows us to establish the level of its demand, the real impact on the unloading of the judicial system and the degree of achievement of the tasks of justice [6, p. 246].

For an objective assessment of the actual state and role of contractual procedures, it is advisable to refer to official empirical data. The analysis of judicial statistics on the use of plea agreements for the period 2020–2024, formed based on reports of first-instance courts on the consideration of criminal proceedings materials (form No. 1-k), indicates the presence of a stable trend towards the intensification of the specified institution. The obtained indicators illustrate the dynamics of the use of consensual forms, determine their specific place in the structure of judicial proceedings and reflect the key vectors of resolving criminal legal conflicts (Figure 1).

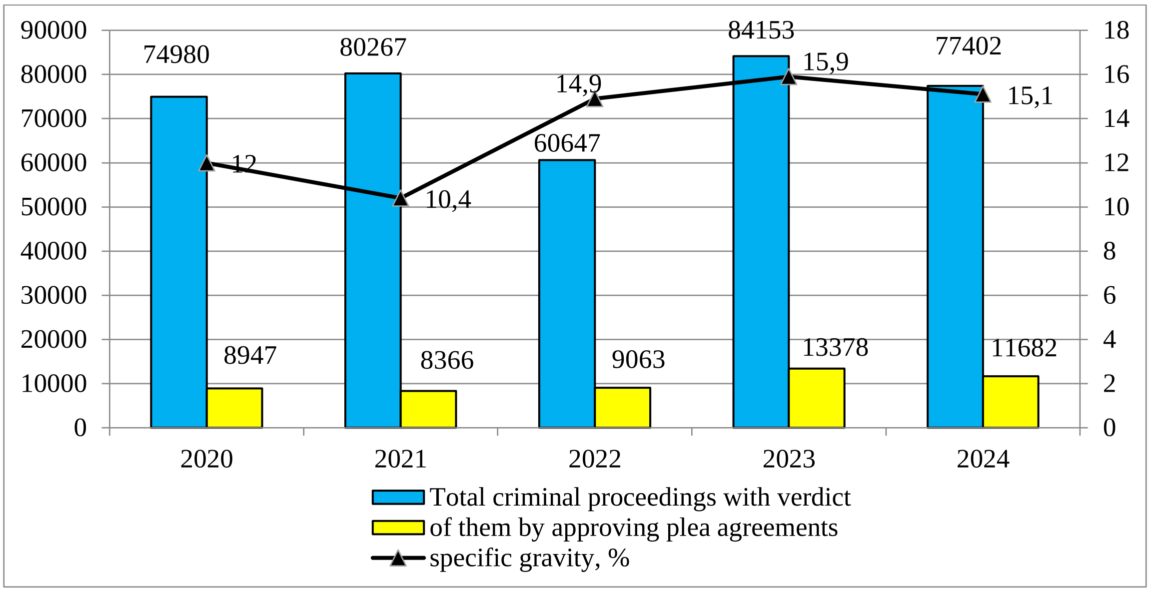

Figure 1. Dynamics of the application of plea agreements in criminal proceedings in Ukraine in 2020–2024

Source: Built by the author based on [22–26].

Visualized in Fig. 1, the statistical indicators allow us to state the presence of several specific stages in the practice of implementing contractual procedures. During 2020–2021, a relative plateau was observed with minor fluctuations in indicators, which was explained by the adaptation of the judicial system to work under quarantine restrictions (COVID-19), when a significant part of the hearings was postponed, and priority was given to urgent procedural actions.

Instead, the vector of development changed dramatically in the period 2022–2024, demonstrating a rapid increase in the proportion of verdicts passed based on plea agreements. This intensification of the institute is due to a combination of objective factors caused by the introduction of martial law in Ukraine [7, p. 132; 8, p. 177]:

• Firstly, there was an urgent need to implement the principle of procedural economy due to the unprecedented shortage of personnel and financial support for courts and law enforcement agencies.

• Secondly, the excessive burden on pre-trial investigation bodies and courts of first instance forced the subjects of power to resort to simplified forms of justice more often to avoid violating reasonable deadlines for proceedings.

• Thirdly, the expansion of legislative opportunities for concluding agreements in cases of corruption and military offenses created additional material and procedural incentives for consensus between the prosecution and defense [11, p. 210].

However, the identified dynamics also actualize several administrative risks. The law enforcement system's attempts to optimize statistical indicators of the speed of investigation ("stick system") at the expense of agreements can lead to a formal attitude to verifying the criteria for voluntariness and fairness of the terms of the compromise [10, p. 133]. This once again confirms the conclusions that the growth of quantitative indicators of the application of the analyzed institution should be strictly controlled by the internal standards of the prosecutor's office and the imperative limits of judicial verification.

The analysis of statistical indicators shows that consensus procedures have gradually transformed into one of the most popular mechanisms for the final resolution of legal conflicts. The intensification of the use of this tool confirms its importance for optimizing the overall burden on the judicial authorities. At the same time, the rapid quantitative growth of such transactions sharply raises the issue of ensuring effective verification by the court, unconditional adherence to the principle of voluntariness and guaranteeing the fairness of agreed tort consequences [16, p. 116]. That is why further modernization of the analyzed institution should be accompanied by a synchronous improvement of both material and procedural and public and administrative levers of its implementation.

In this context, administrative and legal instruments of state influence constitute a holistic system of organizational, managerial and control and supervisory algorithms that ensure the viability of agreements in practice. Their functional purpose is to build a stable institutional framework for the flawless application of the norms of the Criminal Procedure Code of Ukraine and their harmonious coordination with the strategic vectors of the state's criminal law policy. The public and managerial dimension of contractual litigation is not limited to the purely procedural framework of the codes [18, p. 251]. Its effectiveness directly correlates with the quality of state management, the internal division of powers in law enforcement agencies, the logistics of litigation, as well as the level of ethical and disciplinary monitoring of the activities of officials. Table 2 successfully specifies the managerial levers, clearly distinguishing them by content, significance and advantages.

Table 2. Administrative and legal instruments of state influence on the effectiveness of the institution of agreements in criminal proceedings

Tools	Contents	Role in securing deals	Benefits
Organizational and management	Division of powers between investigators, prosecutors and courts; procedural management; court administration	Ensure the speed of initiating, approving and reviewing agreements	Efficiency, consistency of actions, reduction of procedural delays
Interdepartmental regulatory and legal	Orders of the Prosecutor General's Office, instructions, methodological recommendations	Unify approaches to evaluating agreements, determine algorithms for prosecutor actions	Unity of practice, increased predictability, reduction of legal uncertainty
Control and disciplinary mechanisms	Service inspections, disciplinary liability, internal control	Prevent abuse when concluding and approving agreements	Increase in legality, integrity, trust in the system
Ethical and professional standards	Codes of ethics of prosecutors and judges, standards of integrity	Form boundaries of acceptable behavior when concluding agreements	Increase in trust in justice, reduction of corruption risks
Information and digital tools	Electronic justice, digital registries, automated case allocation	Speed up the process of reviewing agreements, ensure transparency	Transparency of procedural actions, acceleration of consideration of agreements, increase in analytical manageability of criminal proceedings

Source: Formed by the author based on [27–32].

The generalization shows that public-administrative levers constitute a multi-level system that guarantees the viability of consensual judicial proceedings. They syncretically combine organizational-managerial, regulatory-departmental, control-disciplinary, ethical and digital tools, which together form a practical infrastructure for the flawless implementation of the provisions of the Code of Criminal Procedure of Ukraine [4, p. 112].

At the same time, the analysis demonstrates the presence of destructive systemic limitations, in particular, the fragmentation of regulatory detailing, the risks of hypertrophied formalization and the imbalance between departmental supervision and procedural autonomy of the participants in the process. These factors indicate an urgent need for further synchronization of administrative-legal mechanisms with procedural guarantees to achieve transparency and fairness of contractual procedures in the field of criminal justice.

Thus, state regulation is a determining factor in the effectiveness of legal compromises. Its evolution should be aimed at achieving rational parity between the typification of procedures, monitoring of legality and maintaining the flexibility of the criminal procedural form [1, p. 276]. The complex architecture of this process is systematized in the author's conceptual scheme (Fig. 2). It integrates key elements of public administration, illustrates the relationship between law enforcement entities, administrative levers, stages of transaction implementation and a multi-level system of control over the actual implementation of the agreements reached.

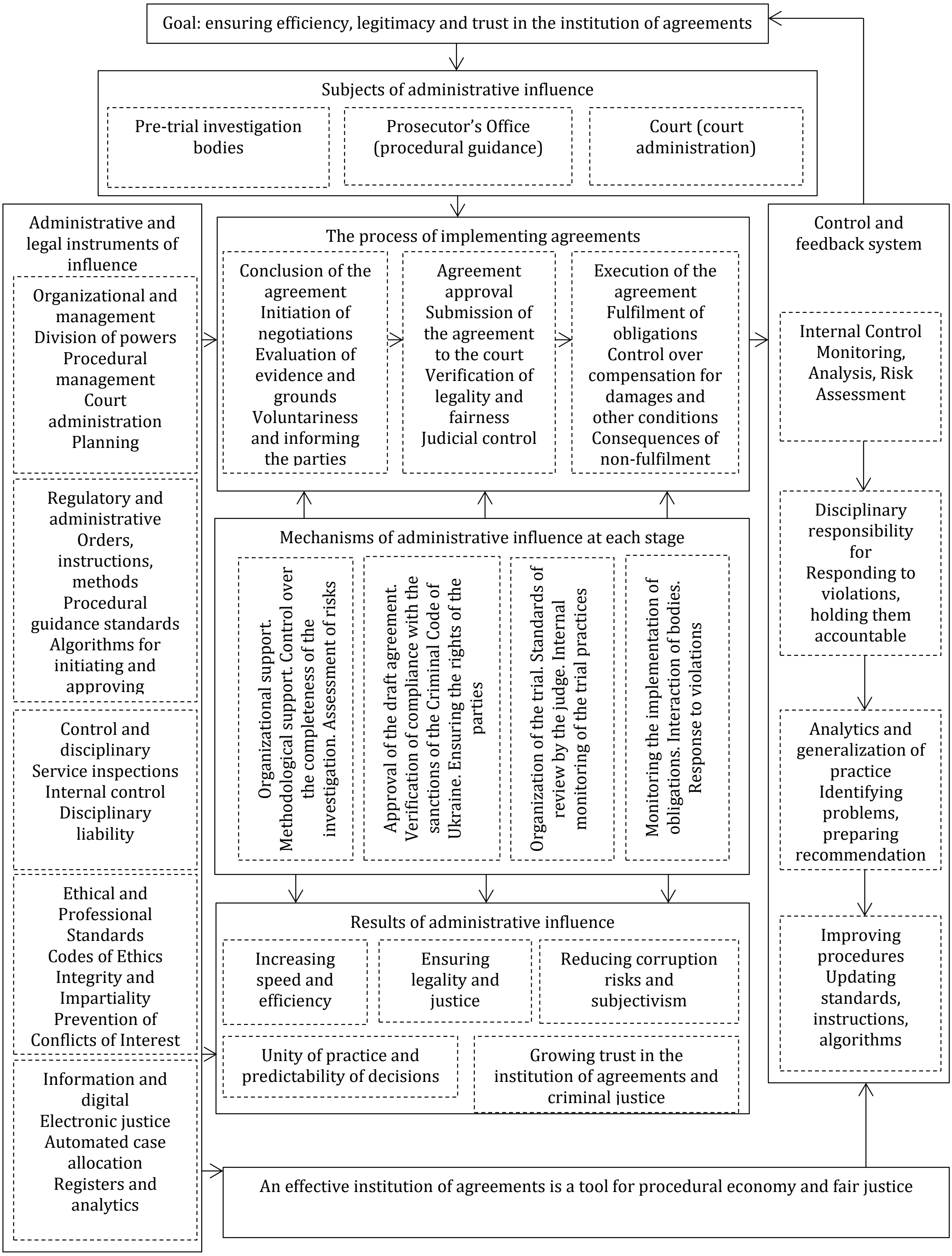

Figure 2. Model of administrative influence on the institution of agreements in criminal enforcement

Source: Built by the author.

The conceptual model proposed in Fig. 2 reflects the architecture and systemic and structural connections of public administration in the field of contractual litigation. The logic of constructing the scheme is based on the determination of the cross-cutting influence of five basic groups of administrative and legal instruments (the left block of the model) on three key stages of the process of implementing consensus procedures (the central block of the model) under the direct leadership of the subjects of power (pre-trial investigation bodies, prosecutor's office, court).

The special doctrinal value of the model is the dehexagonal analysis of the mechanisms of influence at each of the stages:

1. At the stage of agreeing (initiation, assessment of evidence and verification of voluntariness), administrative instruments provide organizational support and methodological guidance for investigative activities, minimizing the risks of procedural defects.

2. At the stage of judicial approval (verification of legality and fairness), departmental algorithms of the prosecutor's office provide preliminary approval of the draft transaction, imperatively checking it with the sanctions of the Criminal Code of Ukraine and guaranteeing compliance with the rights of the parties even before the transfer of materials to the court. For its part, judicial administration optimizes the direct organization of the judicial process.

3. At the stage of execution of the agreement (compliance with obligations and compensation for damage), the model clearly demonstrates the transition from purely criminal procedural control to broad interagency interaction, where the key management function begins to be performed by the bodies of the State Penitentiary Service of Ukraine and other administrative institutions during monitoring of the redress of damage to the victim.

The right part of the model closes the management loop through the control and feedback system. It demonstrates how internal departmental audit, tort (disciplinary) liability and ongoing analytics of judicial practice (form No. 1-k) retrospectively affect the updating of public standards, UCP instructions and regulatory algorithms.

Taken together, the presented model proves that the declared results of administrative influence (increasing speed and efficiency, ensuring legality, reducing corruption risks and subjectivism, as well as the unity of practice and predictability of decisions) are the basic integration foundation for the formation of an effective institution of agreements as an effective tool for procedural economy and fair justice in Ukraine.

Particular attention in the proposed scheme is paid to the multi-level architecture of public and administrative influence, which includes organizational and managerial, regulatory and departmental, control and disciplinary, ethical and information and digital levers. They are considered as a single, holistic system that guarantees the legality, effectiveness, and predictability of the procedures for initiating, approving, and actually executing plea or reconciliation transactions.

Thus, state regulation is a system-forming factor in the viability of contractual forms of judicial proceedings. It not only forms a sustainable organizational and procedural environment for the flawless implementation of the norms of the Code of Criminal Procedure of Ukraine, but also performs the functions of interdepartmental coordination, departmental supervision and standardization of the activities of criminal justice entities. The highest synergistic effect is achieved under the condition of comprehensive interaction of all groups of public instruments. Such integration directly contributes to the intensification of procedural economy, minimizing corruption risks, ensuring the stability of judicial practice and strengthening public trust in the institution of agreements [2, p. 152].

The modern national model of criminal agreements, enshrined in the Code of Criminal Procedure of Ukraine, is a direct result of the implementation of European approaches to differentiation and simplification of judicial proceedings. At the same time, its full compliance with the standards of the Council of Europe and the case law of the European Court of Human Rights (ECHR) is conditional and requires critical rethinking. The key task here remains to achieve sustainable parity between procedural economy (speed of case processing) and imperative guarantees of the individual's right to a fair trial, enshrined in Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Table 3 allows us to clearly demonstrate a comparative analysis, clearly differentiating high and problematic (average) levels of compliance.

Table 3. Comparison of national and European models of agreements in criminal proceedings

Criterion	European standards (Council of Europe, ECHR)	National model of Ukraine (CPC of Ukraine)	Level of compliance
Voluntariness of the agreement	The admission of guilt must be completely voluntary, without direct or indirect pressure	Verification of voluntariness by the court, explanation of consequences is provided	High (but with practical risks of formalization)
Judicial control	Mandatory effective control of the court over the content of the agreement	The court approves the agreement and may refuse to approve it	High (formally full compliance)
Right to a fair trial (Article 6 ECHR)	Waiver of the court is possible only with informed consent and guarantees of protection	Clarification of the rights and consequences of the agreement is provided	High
Balance of the parties	Equality of the parties, no dominance of the prosecution	Factual advantage of the prosecution in negotiations	Average / problematic
Role of the court in examining the evidence	The court must be convinced of the factual validity of the guilt	Limited verification of evidence when approving the agreement	Average
Protection of the rights of the victim	The victim must be properly involved (especially in restorative justice models)	A reconciliation agreement with the participation of the victim is provided	High (but limited practical application)
Proportionality of punishment	The punishment must be fair and not excessive	Agreement of punishment within the limits of the sanction of the article of the Criminal Code of Ukraine	High
Prevention of procedural coercion	Prohibition of any pressure due to the threat of excessive punishment	Formally prohibited, but there is a risk of “indirect pressure”	Average / problematic
Practice of restorative justice	Actively developing in EU countries	Limitedly implemented through a reconciliation agreement	Average

Source: Formed by the authors based on [33, p. 140; 34–37].

Systematized in Table 3, the indicators show that the domestic model of contractual justice generally demonstrates high de jure compliance with international standards and case law of the ECHR, in particular in the context of compliance with the principles of voluntariness and normative clarification of procedural consequences. At the same time, its architecture in the practical plane remains vulnerable. The main destructive factors are manifested not at the level of codified legislation, but in real law enforcement - due to the asymmetry of the parties’ capabilities during plea bargaining, latent risks of indirect procedural pressure and limited depth of judicial verification of the substantive grounds for the accusation [39, p. 170]. This highlights the need to develop effective departmental and digital tools to level the indicated imbalance. The issue of legitimacy and fairness of the conditions of consensus is no less complex, since the current legislation does not contain unified substantive criteria for assessing “proportional” punishment within the framework of the agreements reached. The specified gap determines the heterogeneity of judicial practice, when in typical proceedings under the same circumstances, tort consequences of significantly different severity are approved [40, p. 119]. In addition, the parity of interests of the victim remains insufficiently regulated, which often leads to his purely nominal involvement in the process without a real dispositive influence on the final content of the document.

A separate set of problems is generated by the insufficient effectiveness of judicial control during the legalization of agreements. In many cases, courts are limited to reviewing only formal requirements (the presence of signatures, personal data), without conducting a deep analysis of the factual justification, proof of guilt and compliance of agreements with the general principles of sentencing. Such formalism levels the human rights and guarantee functions of the court, turning it into a body of mechanical stamping of decisions, which significantly reduces the level of public trust in compromise justice.

Finally, the imbalance between public and private interests in the process of concluding reconciliation and plea agreements is directly due to the different legal nature of these institutions and the degree of involvement of the state interest. If reconciliation agreements are mostly focused on the private interest of the victim and the accused, since they are aimed at repairing the damage and regenerating the rule of law within the framework of restorative justice, then in plea agreements the public interest of the state in the rapid and least costly prosecution of the guilty party dominates. In the first case, the state performs mainly a facilitating function, ensuring the legality of the procedure and preventing discrimination against the weaker party, while in the second case it acts as a direct and dominant participant in the transaction [1, p. 276].

Instead, plea agreements have an imperatively expressed public-legal nature, since they directly correlate with the implementation of the criminal-legal policy of the state, procedural economy of resources and ensuring the inevitability of punishment. In this contour sector, the interest of the state is dominant, and the private autonomy of the accused is limited exclusively to the possibility of receiving a differentiated, milder punishment in exchange for an unconditional admission of guilt and constructive cooperation with the pre-trial investigation bodies.

This issue has become particularly relevant in connection with the adoption of the Law of Ukraine "On Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on Improving the Regulation of Plea Agreements in Criminal Proceedings Regarding Corruption Criminal Offenses and Criminal Offenses Related to Corruption" dated October 29, 2024 No. 3444-IX [38]. This regulatory act radically modernized anti-corruption justice, introducing a specific legal matrix for concluding agreements in the field of corruption crimes, subject to the fulfillment of clearly defined material and procedural imperatives (in particular, the exposure of other accomplices and full or partial compensation for the damages caused).

As a result, an asymmetric balance of interests is formed between the specified types of transactions: in reconciliation procedures, the private discretion of the parties dominates, while in the admission of guilt, the public interest of the state. Such an imbalance generates risks of leveling the procedural guarantees of the weaker party, which is manifested in limiting the real influence of the victim on the final result, formalizing judicial verification and reducing the level of legal protection of the participants. The above-mentioned causes an urgent need for a clear determination of the limits of an acceptable compromise to harmonize the public and private components within the framework of a single doctrine of criminal justice.

At the international level, the institution of plea bargaining (plea bargaining) is a basic element of common law systems, primarily in the USA, and is also integrated into the judicial proceedings of continental European states in modified, adapted forms. Its essence lies in achieving a legitimate consensus between the prosecution and the defense, under which the defendant pleads guilty in exchange for a mitigation of the charge or punitive measure, which allows minimizing the terms of consideration and optimizing the burden on the judicial system [39, p. 170]. In the USA, plea bargaining is the dominant vector for completing criminal proceedings, covering more than 90% of all cases. This model is characterized by broad discretion of the attorney (prosecutor), the legal possibility of bargaining on the charge (charge bargaining) or punishment (sentence bargaining), but is subject to mandatory judicial control for the awareness and voluntariness of the defendant's actions. In the UK, the corresponding model is more strictly formalized: the court retains an active role in verifying the fairness of the consensus, and the limits of reduction of sentence for guilty pleas are clearly limited by the guidelines of the Sentencing Council [39, p. 170].

At the same time, in the countries of the continental legal family (Germany, France, Italy), plea bargaining mechanisms are adapted in a significantly limited format. Here, strict judicial control and uncompromising legislative regulation of the limits of permissible dispositive compromise dominate, which reliably prevents excessive pragmatization and "commercialization" of criminal justice [40, p. 119].

The case law of the ECHR does not deny the legitimacy of consensual procedures in criminal proceedings, but puts forward imperative requirements regarding guarantees of their legality. In particular, the focus of the Court's attention is the need to ensure the real voluntariness of the expression of will, the full awareness by the person of the consequences of refusing the classic consideration of the case on the merits, as well as the availability of effective judicial control in the light of Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In a number of decisions (in particular, in the cases of "Natsvlishvili and Togonidze v. Georgia", "Rud v. Ukraine"), the ECHR emphasizes that the purely nominal nature of the accused's consent or hidden tactical pressure through the threat of imposing the maximum measure of coercion irreversibly nullifies the right to a fair trial [41, p. 8].

The adaptation of the institution of plea bargaining in Ukraine has already partially taken place through the relevant normative integration of plea agreements into the text of the 2012 CPC of Ukraine. At the same time, further modernization of this area requires the implementation of international standards in the following main directions [42, p. 455]:

• increasing the depth and content (rather than the formal algorithm) of the judicial review of the criteria for the voluntariness of the transaction;

• normative codification of clear substantive legal criteria of "proportionality" and "motivation" of the punishment agreed upon by the parties;

• elimination of procedural asymmetry between the prosecution and defense, which in practice generates latent levers of pressure on the defendant;

• systemic unification of law enforcement through the adoption of explanatory resolutions of the Plenum of the Supreme Court regarding the limits of permissible compromise.

World experience proves that the viability of plea bargaining is achieved exclusively under the condition of parity between procedural economy and the inviolability of the human rights status of the individual. Therefore, for Ukraine, the key vector is not so much a mechanical expansion of the frequency of concluding agreements, but a qualitative increase in their internal legal immunity in accordance with the principles of fair trial.

The result of a comprehensive assessment of foreign practices and positions of the ECHR is the objective need to form an author's adaptation model of the "Europeanization" of domestic criminal justice. The specified construction is not an abstract theoretical definition, but a natural result of the identified vectors of modernization of the judicial system. Its essence lies in the evolutionary convergence of national judicial proceedings with the European legal space through a syncretic combination of the administrative expediency of law enforcement agencies with enhanced guarantees for the protection of human rights. It is the institution of agreements that serves as a key indicator of this transit, since it accumulates in itself a precarious balance between the institutional efficiency of justice agencies and the fundamental freedoms of the individual ... and the requirements of a fair trial, enshrined in Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The formation of such a model does not mean a radical destruction of the current legislation, but its gradual harmonization with the precedent approaches of the Strasbourg Court, modernization of judicial verification and minimization of procedural asymmetry between the parties to the proceedings. In this context, "Europeanization" acts as a natural vector of the evolution of national judicial proceedings, and not an artificially exposed construction from the outside.

The specified transformation is a complex scientific and practical task, which involves the consistent harmonization of domestic criminal justice with the acquis of the European Union and the standards of the Council of Europe. It is about the systemic integration of advanced consensus instruments with the obligatory consideration of national legal traditions, institutional capacity of law enforcement agencies and the fundamental principle of the rule of law [41].

In the structural dimension, the author's model is differentiated into three interconnected layers:

1. Normative-harmonization level - involves the adaptation of the provisions of the Code of Criminal Procedure of Ukraine to the standards of the ECHR regarding fair justice, the real voluntariness of procedural decisions and the proportionality of state coercion.

2. Institutional level - covers the functional modernization of the prosecutor's office, the judiciary and pre-trial investigation bodies in order to

3. increase their independence, accountability and management efficiency.

4. Procedural-practical level - includes the unification of law enforcement, the development of consensual forms of judicial proceedings, the digitalization of processes and the introduction of uniform standards of judicial review.

The key representative of adaptation processes is the institution of agreements, which serves as a visual indicator of the depth of reform of procedural law. Its effectiveness directly depends on the unconditional observance of European standards regarding the equality of the parties and the prevention of hidden procedural coercion during plea bargaining [42, p. 455].

For a systematic generalization of the parameters of the "Europeanization" of the domestic criminal process, it is advisable to structure its key areas. A multidimensional matrix has been identified that syncretically combines the normative-institutional, guarantee and digital vectors of development, detailed below (Table 4).

Table 4. Adaptation model of "Europeanization" of the criminal process in Ukraine

Model element	Content	European benchmark	Practical result for Ukraine
Regulatory level	Harmonization of the CPC of Ukraine with ECHR standards and ECHR practice	Article 6 ECHR, principles of fair trial	Strengthening guarantees of voluntariness and fairness of agreements
Institutional level	Improving the efficiency of the prosecutor's office, courts and investigation	Rule of Law, independence of court and prosecutor	Reducing procedural pressure and increasing trust
Procedural level	Unification of the practice of concluding and approving agreements	Plea bargaining standards in EU countries	Uniform practice of applying agreements
Guarantee level	Strengthening judicial control and verification of voluntariness	ECHR precedents (voluntariness, equality of parties)	Reducing the risk of coercion and formalization
Effectiveness level	Balance between the speed of the process and human rights	Process efficiency + fair trial balance	Shortening the terms of consideration of cases without losing guarantees
Digital level	Implementation of e-justice and automation	e-Justice EU standards	Transparency, minimizing the human factor

Source: Formed by the author.

The proposed architecture of the model has a pronounced integrative character, since it syncretically covers legal, organizational-managerial and high-tech aspects of the functioning of justice. All elements represented in Table 4 act as interconnected components of a single system, the development of which is a natural consequence of the evolution of the institution of agreements in Ukraine. Such an interdisciplinary approach allows not only to rethink the theoretical doctrines of the "Europeanization" of the procedural form, but also to predict its positive practical consequences: from the complete overcoming of departmental formalism to the construction of a transparent, digital and protected space of compromise justice [42, p. 455].

Conclusions and proposals for improving legislation

As a result of the conducted scientific research, the following theoretical generalizations, conclusions and practical recommendations were formulated:

1. The genesis and evolution of the institution of agreements in Ukraine reflects the natural transition of national judicial proceedings from the Soviet repressive-imperative model to adversarial, compromise and restorative forms of justice. The key stage of its institutionalization was the adoption of the Criminal Procedure Code of Ukraine in 2012, which laid the normative foundation for the differentiation of the procedural form. The current stage of development of this institution is characterized by its deep integration into the processes of European integration and adaptation to the challenges of martial law, which determines the strengthening of the role of procedural economy.

2. The interdisciplinary dualistic nature of criminal agreements, which is successfully studied exclusively within the framework of an integrative approach, is substantiated. It is established that substantive law (the Criminal Code of Ukraine) imperatively fixes the "limits of the permissible result" of a compromise (sanctions of Articles 65, 66, 69, 75), while procedural law (the Criminal Procedure

Code of Ukraine) determines the "optimal way to achieve it". Chronic inter-branch conflicts have been identified, consisting in the asymmetry between the detailed process of judicial approval of agreements and the superficial regulatory regulation of control over their actual implementation (in particular, in terms of real compensation for the victim).

3. It is proven that administrative and legal instruments of state influence (organizational and managerial, regulatory and departmental, control and disciplinary, ethical and digital) form a durable infrastructural environment for the viability of consensus institutions. The role of internal orders of the Prosecutor General's Office as a tool for standardizing prosecutorial discretion, limiting subjectivity and corruption risks has been systematized. It was found that the implementation of information and digital levers (E-Case and ERDR systems) provides end-to-end monitoring of deadlines and makes retrospective manipulations with the texts of transactions impossible.

4. The analysis of judicial statistics for 2020–2024 (form No. 1-k) revealed a clear trend towards a rapid intensification of the use of plea agreements in the period 2022–2024. This trend is due to the excessive burden on the justice authorities under martial law, a shortage of human resources and the latest legislative changes (in particular, the Law of Ukraine of October 29, 2024 No. 3444-IX on agreements in corruption proceedings). It was emphasized that the quantitative growth of agreements should not lead to the resuscitation of the destructive "stick system" and the formalization of judicial control.

5. An author's adaptation model of the "Europeanization" of the criminal process has been developed, differentiated into three levels: normative and harmonization (adaptation to Article 6 of the Convention and ECHR precedents on the voluntariness of the expression of will), institutional (functional modernization of law enforcement entities) and procedural and practical (digitalization and unification of judicial verification). A proposal has been formulated regarding the urgent need to adopt an explanatory Resolution of the Plenum of the Supreme Court to clearly determine the boundaries of judicial discretion when assessing the substantive and legal validity of agreements, which will guarantee the fairness of justice and the parity of public and private interests.

At the same time, the key challenge remains to ensure the real, rather than the formal, implementation of international standards, especially in the field of judicial verification of agreements and the unconditional guarantee of the voluntariness of procedural decisions. Under such conditions, the developed model acts not only as a theoretical construct, but also as a practical guideline for the development of national judicial proceedings. Its implementation is aimed at achieving a balance between procedural economy and the protection of fundamental human rights through consistent harmonization of legislation, modernization of institutions and overcoming declarative compliance with the practice of the ECHR [4, p. 112]. This approach reflects the pan-European trend of transition from formal-procedural to guarantee-oriented regulation of consensus institutions.

Currently, the institution under study is one of the fundamental tools for the modernization of domestic justice, which syncretically combines the principles of dispositively, restorative justice and procedural economy. Its functioning became a rational response to the need to increase the efficiency of judicial proceedings, optimize the load on the judicial authorities and provide a flexible punitive response to legal conflicts. However, the current stage of development of these procedures in Ukraine is accompanied by several systemic challenges that necessitate their comprehensive reform [1, p. 276].

Table 5 summarizes the strategic directions for improving contractual forms of justice, identified within the framework of this study. The analytical matrix systematizes three interrelated blocks of reforms – legislative e, institutional and administrative-managerial, which together form a holistic model of modernization of the law enforcement and judicial systems. This approach allows us to assess criminal agreements as a multidimensional construct, the effectiveness of which depends on the consistency of legal norms, the professional integrity of the participants in the process and the quality of public administration in the field of justice.

6. Conclusions

As a result of the conducted scientific research, the following generalizations, conclusions and applied recommendations were formulated:

1. It was substantiated that the studied institution is an interdisciplinary dualistic legal phenomenon, which syncretically combines the institutions of substantive and procedural criminal law.

It was established that its effectiveness is determined not only by the normative perfection of the Criminal Procedure Code of Ukraine, but also by the quality of public administration in the field of justice. It is the organizational and managerial levers that guarantee the coordinated activity of pre-trial investigation bodies, the prosecutor's office and the judiciary as a single system for the practical implementation of consensus procedures.

Table 5. Directions for improving the institution of agreements in criminal proceedings in Ukraine

Direction of improvement	Content	Key implementation tools	Expected result	Theoretical and applied significance
Legislative improvement (harmonization of the Criminal Code and the Criminal Procedure Code of Ukraine)	Clarification of the boundaries of permissible agreements; expansion of judicial control; introduction of standards of fairness of agreements	Amendments to the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine; implementation of ECHR approaches	Reducing conflicts between norms; increasing legal certainty	Formation of draft amendments to criminal and procedural legislation
Institutional strengthening of the role of the prosecutor and lawyer	Improvement of professional training; introduction of ethical standards; equalization of negotiating positions of the parties	Specialized trainings; codes of ethics; procedural guarantees of protection	Reducing procedural asymmetry; improving the quality of agreements	Formation of the balance of parties in criminal proceedings
Administrative standards for the effectiveness of agreements	KPI for prosecutors and courts; statistical monitoring; creation of a single database of agreements	Management standards; digital registers; analytical systems	Increasing the efficiency and transparency of criminal justice	Consideration of agreements as an element of the public administration system

Source: Formed by the authors based on [43; 44, p. 139].

2. It was established that the national model of criminal agreements de jure meets the basic European standards and the case law of the ECHR in terms of ensuring the principles of a fair trial, autonomy of will and the limits of judicial verification. However, in the area of real law enforcement, chronic destructive factors have been identified: the risks of latent pressure from the prosecution, tactical asymmetry of the parties' capabilities, the lack of unified substantive and legal criteria for proportionality of punishment, and the superficial, purely formal nature of judicial control during the legalization of transactions.

3. The decisive influence of administrative and legal tools (organizational and managerial, internal regulatory, control and disciplinary, and information and digital means) on the viability of contractual litigation has been proven. The systematic and integrated application of these mechanisms, in particular the end-to-end implementation of the E-Case and ERDR systems, ensures a real intensification of procedural economy, minimizes corruption risks, and increases the predictability of criminal proceedings under martial law.

4. A comparative analysis of foreign experience in the implementation of legal compromises (plea bargaining) confirmed the urgent need to maintain a stable parity between the administrative expediency of the state and the inviolability of the human rights status of the individual. It was determined that the main vector of development for Ukraine is the evolutionary "Europeanization" of the procedural form through the consistent convergence of domestic legislation with the European legal space and strengthening the role of the court as a guarantor of the fairness of the consensus conditions.

5. Strategic directions for the modernization of the analyzed institution are formulated, differentiated into three key blocks: legislative improvement (elimination of inter-branch conflicts of the Criminal Code and the Code of Criminal Procedure of Ukraine), institutional strengthening (alignment of the negotiating positions of the defense and approval of clinical standards (guidelines) for prosecutors), as well as administrative and digital standardization (implementation of transparent KPI

matrices, automated monitoring and unified registers). The implementation of the above-mentioned set of reforms will ensure a rational balance of public and private interests and bring the national model closer to European standards of justice.

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