**Summary to Decision of the Second Senate of the Constitutional Court No. 4-r(II)/2025 dated 10 September 2025 in the case upon constitutional complaint of Viacheslav Pleskach regarding the compliance of Article 57.3 of the Law of Ukraine “On the Bar and Legal Practice” with the Constitution of Ukraine (on the publication of acts of bar self-government bodies).**

V. Pleskach appealed to the Constitutional Court to verify the compliance of Article 57.3 of the Law of Ukraine “On the Bar and Legal Practice” No. 5076-VI dated 5 July 2012 (hereinafter, the “Law”) with the Constitution of Ukraine (constitutionality). According to Article 57.3 of the Law, “decisions of bar self-government bodies shall come into force on the date of their adoption, unless another term is provided for in the decisions”.

According to Article 131-2 of the Basic Law, the bar provides professional legal assistance in Ukraine (Article 131-2.1); the independence of the bar is guaranteed (Article 131-2.2); the principles of organisation and activity of the bar and the legal practice in Ukraine are determined by law (Article 131-2.3).

Article 57 of the Constitution of Ukraine defines the procedural constitutional prerequisites for the legitimacy of a normative act, since only if the procedure for publication established by law is followed such an act comes into force and its provisions become part of the legislation of Ukraine.

The provisions of Article 57 of the Basic Law oblige all entities involved in law-making and/or law enforcement to ensure general awareness (by informing the public) of those legal acts that are normative and define the constitutional human and citizen’s rights and obligations.

The mission, role and tasks of the bar are determined by its participation in the administration of justice as one of the functions of the state.

Legislative regulation of the activities of the bar, taking into account the purpose of its establishment and in compliance with constitutional provisions, is one of the prerequisites for the effectiveness of the justice system in particular and the effectiveness of the human rights protection mechanism in general.

The Constitution of Ukraine and the Law stipulate that the independence of the legal profession is guaranteed, that it is a non-governmental self-governing institution, and that the bodies of legal self-government are not state authorities.

Since, according to Articles 92.1.14 and 31-2.3 of the Basic Law, the laws of Ukraine must define the principles of the organisation and activities of the legal profession and the legal practice in Ukraine, bodies of bar self-government, in order to perform their functions and tasks under the Law, adopt decisions that must be based on the provisions of the Constitution of Ukraine and develop, specify and detail the provisions of the law regarding the organisation and activities of the bar and the legal practice in Ukraine.

Therefore, granting powers to bar self-government bodies, in particular the Ukrainian Bar Association, to adopt decisions that are binding on all lawyers in Ukraine does not contradict the Constitution of Ukraine.

Bar self-government bodies, in particular the Ukrainian Bar Association, are empowered to adopt not only individual decisions, but also decisions that establish, change or terminate certain social relations, are temporary and may be applied repeatedly.

In view of the above, bar self-government bodies, in particular the Ukrainian Bar Association, may adopt not only individual but also normative acts.

The law should not contain provisions that would empower the Ukrainian Bar Association or other bodies of bar self-government to adopt decisions that determine the rights and obligations of persons who are not lawyers.

An analysis of the provisions of the Law shows that decisions and other acts of bar self-government bodies are applicable only to a specific and professionally defined group of persons - lawyers who have voluntarily chosen the profession of a lawyer and the status of a lawyer and, as an effect, must comply with self-governing mechanisms for regulating the legal practice. Decisions and other acts of bar self-government bodies regulate the professional activities of lawyers and do not determine their rights and obligations under Articles 57.2 and 57.3 of the Constitution of Ukraine and other provisions thereof.

Declaring a legal provision as constitutional does not exempt law-making and/or law enforcement bodies from their obligation to interpret that provision in light of the substantive content of constitutional rights and principles, as well as the principle of systemic unity of constitutional provisions.

The law does not contain detailed requirements regarding the procedure for informing lawyers of the decisions of bar self-government bodies. At the same time, given the independence and self-government of the Ukrainian bar, the determination by a bar self-government body of the procedure for informing lawyers of the decisions adopted by that body is also not contrary to the Constitution of Ukraine.

In exercising these powers, bar self-government bodies must act in a manner consistent with constitutional requirements, in particular Articles 57.2 and 57.3 of the Basic Law. Therefore, the date of entry into force of decisions of bar self-government bodies, which are normative acts, cannot precede the date of their adoption and publication. The bar self-government body that adopted the decision may, if necessary, set a later date for its entry into force, as specified in Article 57.3 of the Law, i.e., introduce a transition period (*vacation legis*), which will allow lawyers to adapt their activities to the new regulatory framework.

Thus, the Constitutional Court of Ukraine declared Article 57.3 of the Law “On the Bar and Legal Practice” No. 5076-VI dated 5 July 2012 as compliant with the Constitution of Ukraine (constitutional).

**Supplementary information:**

- Opinion No. 16 (2013) of the Consultative Council of European Judges, “On the relations between judges and lawyers”, adopted at the 14th plenary meeting held on 13-15 November 2013.

- Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime, on 27 August - 7 September 1990.

- Code of Conduct for European Lawyers, adopted by the Council of Bars and Law Societies of Europe on 28 October 1988.

- Charter of Core Principles of the European Legal Profession, adopted by the Council of Bars and Law Societies of Europe on 24(25) November 2006.

- Convention for the Protection of the Profession of Lawyer, adopted at the 1522nd meeting on 11-12 March 2025, CM(2024)191-addlfinal.

- Recommendation No. R (2000) 21 of the Committee of Ministers of the Council of Europe to member states on the freedom of exercise of the profession of lawyer, adopted by the Committee of Ministers of the Council of Europe at its 727th meeting of Deputy Ministers on 25 October 2000.

**Cross-References:**

Constitutional Court of Ukraine:

 - no. 2-zp/1997, 23.06.1997;

 - no. 20-rp/2001, 27.12.2001;

 - no. 7-rp/2009, 16.04.2009;

 - no. 23-rp/2009, 30.09.2009;

 - no. 1-v/2016, 20.01.2016;

 - no. 4-v/2019, 31.10.2019;

**European Court of Human Rights:**

 - *Schopfer v. Switzerland*, no. 56/1997/840/1046, 20.05.1998;

 - *Nіkulа v. Finland*, no. 31611/96, 21.03.2002;

 - *Amihalachioaie v. Moldova*, no. 60115/00, 20.04.2004;

 - *Kyprianou v. Cyprus*, no. 73797/01, 15.12.2005;

 - *Andre and another v. France*, no. 18603/03, 24.07.2008;

- *Morice v. France*, no. 29369/10, 23.04.2015;

- *Bagirov v. Azerbaijan*, no. 81024/12, no. 28198/15, 25.06.2020;

*- Lekaviciene v. Lithuania*, no. 48427/09, 27.06.2017.