Political and Legal Analysis of Law of Ukraine No. 12414 of July 18, 2025, and the Threats to the Independence of NABU and SAP: A Crisis of Trust, Missed Opportunities, and Lessons for the State



Victor BED
Research Institute of Strategic and Political-Legal Studies
Carpathian University named after Augustyn Voloshyn

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On July 18, 2025, under conditions of extreme political turbulence, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 12414 “On Amendments to the Criminal Procedure Code of Ukraine Regarding the Ensuring of Effective Functioning of Certain Law Enforcement Agencies,” which was immediately signed by the President of Ukraine, Volodymyr Zelenskyy, that same day.

This act effectively restructured the framework of the state's interaction with key anti-corruption bodies, such as:

- the National Anti-Corruption Bureau of Ukraine (NABU);
- the Specialized Anti-Corruption Prosecutor’s Office (SAP).

Within a few hours—without proper public discussion or professional legal expertise—significant amendments were made to the Criminal Procedure Code of Ukraine, which:

- granted the Prosecutor General of Ukraine excessive powers regarding procedural interference in criminal proceedings conducted by NABU;
- introduced mandatory polygraph testing for NABU and SAP employees, to be conducted using the methodology of and with the participation of the Security Service of Ukraine (SBU), thereby creating risks of administrative pressure, psychological influence, and organizational leverage over the independence of anti-corruption personnel;
- opened legal avenues for manipulation of jurisdiction in cases directly involving high-ranking officials, including individuals from the closest political circle of the President of Ukraine, thus threatening the objectivity and impartiality of investigations [1], [2].

The adoption of this law and its hasty signing—without any prior consultations with civil society, the expert community, representatives of NABU and SAP, and international partners—triggered:

- mass political protests in various cities across Ukraine, involving youth, human rights defenders, fighters for Ukraine’s independence, war veterans, and representatives of civil society;
- a resolute negative reaction from international partners, including institutions of the European Union (EU), governments of leading European states, and anti-corruption organizations [1], [5].

Legal Analysis

Violation of Fundamental Principles of the Rule of Law and a Law-Governed State

Law of Ukraine No. 12414 of July 18, 2025, “On Amendments to the Criminal Procedure Code of Ukraine Regarding the Ensuring of Effective Functioning of Certain Law Enforcement Agencies” directly contradicts the fundamental foundations of both national and international law, in particular:

- Article 19 of the Constitution of Ukraine, which stipulates that “public authorities, local self-government bodies, and their officials are obliged to act only on the basis, within the powers, and in the manner provided by the Constitution and laws of Ukraine.” In this case, the legislative process was violated through gross deviations from procedural regulations, without proper discussion in relevant parliamentary committees and with disregard for the principle of legal certainty;
- the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine", which establishes the functional and institutional independence of NABU from other state authorities;
- the Law of Ukraine "On the Prosecutor's Office", which stipulates that the Specialized Anti-Corruption Prosecutor’s Office is an independent structural unit within the system of prosecution bodies, responsible for overseeing legality in NABU cases, and is not administratively subordinate to the Prosecutor General in terms of procedural autonomy;
- Ukraine’s international obligations, including:
  the requirements of the Association Agreement between Ukraine and the European Union regarding the independence of bodies combating corruption;
  the criteria of the Group of States against Corruption (GRECO) and the Organisation for Economic Co-operation and Development (OECD), which do not permit political interference in the activities of anti-corruption institutions [5], [6].

Thus, Law No. 12414 sets a dangerous precedent—undermining the legal autonomy of specialized bodies designated to protect society from corruption, which, in the long term, may lead to the rollback of Ukraine’s anti-corruption reform.

Political Instruments of Influence: Manipulation, Centralization, Pressure

According to investigative journalism materials and expert commentary, the Head of the Office of the President of Ukraine, Andriy Yermak, played a key role in promoting and implementing the provisions of Law No. 12414 [1], [4]. Among the tools of influence applied or reflected in the political process, the following can be identified:

Influence over NABU’s independence, manifested as a targeted strategy of building a controlled vertical structure through appointments to key positions in the Specialized Anti-Corruption Prosecutor’s Office (SAP) and the Office of the Prosecutor General of Ukraine, filled by individuals loyal to the country's political leadership, particularly the Office of the President. This personnel configuration creates a potential for indirect influence on NABU’s autonomy through:

– procedural oversight by the Prosecutor General of Ukraine;

– personnel decisions made by SAP leadership;

– the blocking or formalization of certain criminal proceedings that may involve high-ranking officials or individuals from the President's close political entourage [1], [4], [6].

Exertion of influence on parliamentary factions, particularly through the Head of the "Servant of the People" faction, David Arakhamia, and Member of Parliament Maksym Buzhanskyi, who acted as public lobbyists for the adoption of draft law No. 12414—both in the media space and within the faction itself. They mobilized votes to support the bill and contributed to the discrediting of critical voices from civil society [8].

A potential internal conflict within the Office of the President of Ukraine, which, according to various journalistic reports and expert assessments, manifests in tense relations between the Head of the Office, Andriy Yermak, and his Deputy, Oleh Tatarov, who oversees the law enforcement and anti-corruption sector. This tension, according to available analysis, arises from differing views on tactics for influencing NABU and SAP, as well as the implementation of the "power" bloc in the interests of the President's Office. Despite the absence of official statements, journalistic sources point to an internal struggle for control over the investigation sector, personnel appointments, court processes, and foreign policy coordination with international partners. If this confrontation escalates, it may cause institutional imbalance and destabilization of the coordination work of the Office of the President, particularly in matters of national security, anti-corruption policy, and interaction with law enforcement agencies [1].

International Reaction: A Diplomatic Blow to European Integration

The adoption of Law of Ukraine No. 12414 provoked a sharp negative reaction from key international partners of Ukraine, who regard these legislative changes as a rollback in the area of anti-corruption reform and the rule of law.

In particular, harsh public criticism of the Ukrainian government's actions was expressed by:

- the European Commission;
- the Organisation for Economic Co-operation and Development (OECD);
- the governments of France, Germany, Finland, and the United Kingdom [3], [5], [6].

Tangible consequences:

- The European Union (EU) openly announced the suspension of the developed plan to open the first negotiation cluster as part of Ukraine's EU accession process—specifically in the area of "foundations of democracy and the rule of law", which includes judicial reforms, anti-corruption efforts, human rights protection, and institutional functioning [5];
- The OECD officially warned of the risk that Ukraine may lose the prospect of future membership in the organization, as well as the potential termination of targeted funding programs for reconstruction—particularly in the fields of public administration, anti-corruption policy, and legal reform, which are prerequisites for Ukraine's participation in international donor assistance programs [6];
- Finland, in its official statement, explicitly declared that if political influence over anti-corruption bodies persists and systemic corruption is not addressed, Ukraine's path to EU membership will be effectively blocked [3].

Partial De-escalation: Draft Law Amendment

In response to mass political protests that began and continue across various Ukrainian cities—with the participation of youth, war veterans, fighters for Ukraine's independence, human rights activists, and representatives of the media—and under the decisive international pressure regarding Law No. 12414, President Volodymyr Zelenskyy and representatives of the parliamentary majority were forced to initiate legislative changes aimed at partially neutralizing the consequences of the adopted law.

The new draft law, submitted to the Verkhovna Rada, provides for the following:

- restoration of most provisions guaranteeing the organizational and procedural autonomy of the National Anti-Corruption Bureau of Ukraine (NABU) and the Specialized Anti-Corruption Prosecutor's Office (SAP) within their respective mandates;
- restriction of the Prosecutor General of Ukraine's influence on NABU and SAP through the removal of certain provisions regarding procedural interference, while maintaining the function of general supervision (as stipulated by the Constitution and laws of Ukraine);
- retention of the provision on periodic polygraph testing for NABU and SAP employees, conducted using the methodology and with the involvement of the Security Service of Ukraine (SBU). This provision raises serious legal and ethical concerns, as it could potentially be used as an instrument of political pressure, which contradicts the principles of independence of anti-corruption institutions [1].

Despite the declared aim to restore balance within the anti-corruption justice system, the new draft law still fails to eliminate the key threats embedded in Law No. 12414 and leaves room for manipulation within the executive branch.

Assessment and Accountability

The situation involving the adoption—and subsequent politically forced rollback—of Law of Ukraine No. 12414 of July 18, 2025, "On Amendments to the Criminal Procedure Code of Ukraine Regarding the Ensuring of Effective Functioning of Certain Law Enforcement Agencies," is a clear example of a deliberate attempt by the highest political echelons of the executive branch to usurp powers. This action contradicts not only the principles of constitutional supremacy of law and legal order, but also the fundamental foundations of the independence of the state's anti-corruption infrastructure.

Consequences:

- active and resolute reaction from Ukrainian civil society, including youth, veteran communities, independence fighters, and human rights defenders, who organized mass protest actions in Kyiv, Lviv, Kharkiv, Dnipro, Odesa, Uzhhorod, and other cities of Ukraine [1];
- erosion of trust among international partners in Ukraine as a legal and predictable partner in reform and European integration processes [1], [5];
- escalation of internal political polarization and public distrust in government institutions, especially against the backdrop of reform expectations, transparency, and the rule of law;

- increased risk of losing international funding, including assistance programs tied to conditions of good governance, accountability, and judicial independence;
- delegitimization of the reformist course proclaimed by the government, which had been declared as a response to the challenges of war and a step toward European Union membership.

Responsibility for this situation lies with:

- the initiators of the scandalous draft law, who—either deliberately or due to political short-sightedness—created a threat to Ukraine's constitutional order and international reputation;
- the Members of the Verkhovna Rada of Ukraine who voted in favor of draft law No. 12414, thereby violating the principles of legal integrity and the public interest;
- the President of Ukraine, who, despite the predictable international reaction, failed to ensure an open public discussion of the draft law, did not conduct consultations with civil society, the leadership of NABU and SAP, the Office of the Prosecutor General of Ukraine, or international partners—actions that could have prevented the crisis [1], [8].

Recommendations and Strategic Steps

Given the depth of the domestic and international crisis triggered by the adoption of Law of Ukraine No. 12414 of July 18, 2025, the state must take decisive, transparent, and coordinated actions that will not only resolve the situation but also restore the trust of civil society, international partners, and the legitimacy of the reform agenda. In this context, the following steps are recommended:

1. The immediate adoption of a new law that is agreed upon with international partners (EU, OECD, G7), the expert community, and civil society—one that will make political influence over NABU and SAP impossible. The law must be developed in a fully transparent manner, without hidden provisions, backroom arrangements, or disguised legal mechanisms of control;
2. A public statement by the President of Ukraine, Volodymyr Zelenskyy, affirming his unequivocal support for the institutional independence of NABU and SAP, and his rejection of political pressure on the anti-corruption infrastructure. This statement must be accompanied by concrete measures, including support for the relevant legislative process and personnel guarantees of impartiality;
3. Holding parliamentary hearings with a detailed analysis of the circumstances surrounding the adoption of Law No. 12414, including assessment of its legality, procedural violations, and accountability for disregarding parliamentary regulations and legal conclusions. Such hearings should involve representatives of civil society, investigative journalism centers, NABU, SAP, the Prosecutor General's Office, and international experts;
4. Strategic renewal of the leadership of the Office of the President of Ukraine, involving the dismissal of individuals who have lost the trust of the public and international partners due to attempts to influence independent anti-corruption bodies. This is not only a matter of political responsibility but also of restoring the institutional capacity of the President's Office to provide effective state leadership during wartime;

5. Engaging experts from the European Union, the OECD, and the Group of States against Corruption (GRECO) in the development of the next stages of anti-corruption legislation, ensuring joint monitoring of Ukraine's compliance with its European integration commitments [7];
6. Systematic strengthening of public oversight and transparency in the operation of anti-corruption bodies, including:

   – introducing regular independent evaluations of NABU and SAP effectiveness;

   – creating public mechanisms for feedback and accountability;

   – improving protection systems for whistleblowers, journalists, and human rights defenders.

Concluding Remarks

In the context of the protracted and tragic Russo-Ukrainian war (since 2014 to the present), the struggle for Ukraine's independence cannot be limited solely to military resistance on the front lines. Trust in institutions, justice, genuine rule of law, and the eradication of corruption and misuse of international financial, humanitarian, and defense assistance are equally essential fronts for statehood.

The attempt to establish political control over such key institutions as NABU and SAP constitutes not only a violation of the principle of judicial independence but also a direct threat to national security, to Ukraine's reputation as a trustworthy partner, and to the very foundation of public governance. It is a threat that cannot be ignored. If not properly and promptly addressed, it may discredit the very idea of Ukraine's European choice and reformist trajectory.

The current situation bears all the hallmarks of a political trap for the President of Ukraine—both in the domestic political dimension and in the eyes of the international community. It has created the impression that the President's Office either lost control over the decision-making processes or deliberately facilitated the adoption of a decision that contradicts Ukraine's national interests and international commitments. The absence of prior, open, and substantive dialogue with civil society, the expert community, anti-corruption institutions, and international partners during the preparation of Law No. 12414, combined with its lightning-fast and procedurally questionable adoption, indicates either systemic political negligence or a deliberate maneuver aimed at centralizing control over the anti-corruption infrastructure. The consequences of this may prove strategically dangerous and long-lasting—both for the effectiveness of public administration and for Ukraine's reputation as a reliable partner in the global community.

Ukraine requires an immediate, transparent, public, and convincing resolution of this crisis, with clear political, legal, and personnel conclusions. Only under such conditions will it be possible to restore the trust of society and international partners—and to move toward victory not only in the Russo-Ukrainian war but also in building a lawful, European, and strong state.

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