

**THE RELATIONSHIP BETWEEN THE FORM OF GOVERNMENT AND THE  
SUSTAINABILITY OF DEMOCRACY IN POST-SOVIET COUNTRIES:  
RUSSIA AND UKRAINE**

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## **Abstract**

In this work, the author explores the relationship between the form of government and the sustainability of democracy in two post-Soviet republics: Russia and Ukraine. The author uses methods of constitutional law and political science and finds a stable connection between changes in the form of government (presidential, semi-presidential, and parliamentary republics) and changes in the political regime. The texts of the constitutions of Russia and Ukraine are used to assess the form of government in different periods of time, and the results of parliamentary and presidential elections and democracy indices (V-Dem, Freedom in the World, Voice and Accountability) are used to assess the state of political regime. The main conclusion is that strengthening the power of the president usually leads to growing authoritarian tendencies, while weakening presidential power tends to democratize the political system.

# Chapter 1. Introduction

This work is devoted to the relationship between the form of government and the level of democracy in two post-Soviet republics: Russia and Ukraine. In the first chapter, I talk about the context, goals and scope of this work, key concepts and methodology. The second chapter is devoted to the relationship between the form of government and the level of democracy in Russia, the third – the relationship between the form of government and the level of democracy in Ukraine, the fourth – the conclusions that can be drawn from the previous chapters.

## Context and meaning of the work

This paper addresses the choice of government form in post-authoritarian states and its impact on the political regime. Although crucial in constitutional law, the practical consequences of different government forms are underexplored, especially for new democracies. In stable democracies, the form of government is less critical due to established institutions that can check power. However, in new democracies, fragile systems can be easily disrupted by authoritarian leaders.

The lack of research stems from the need to merge constitutional law and political science. Constitutionalists lack the tools to assess political impacts, while political scientists need constitutional knowledge to understand legal norms. In addition, to study this issue, it is necessary to study the state in dynamics. The form of government and the political regime are not static systems. They are on the move, and changes in these systems help to understand exactly how they work.

There is no consensus on the best form of government for democracy. Opinions vary: some favor parliamentary systems, others presidential, and some see both as

viable. This paper aims to determine which form better supports democracy. The hypothesis is that parliamentary republics better preserve democracy than presidential ones. Proving this could provide valuable guidance for post-authoritarian countries in selecting a government form to sustain democracy.

## **Key concepts**

The form of government refers to how the highest state authorities are organized, their formation, and interaction. Forms of government include monarchies (power inherited) and republics (authorities elected or appointed). This paper examines only republics, which include parliamentary, presidential, and semi-presidential types.

A parliamentary republic is a form of government in which the executive branch of government is fully formed by parliament and is responsible to it. In this system, the president has mostly symbolic powers. Rainer Grote combines the arguments of most authors on this topic and identifies three distinctive features of the parliamentary system of government<sup>1</sup>. Firstly, the head of government (the prime minister) and his cabinet depend on the confidence of parliament and can be removed from office by a vote of deputies (a vote of no confidence), while in presidential systems the president is elected for a constitutionally fixed term and cannot be removed from office by parliament (with the exception of an extremely complex impeachment procedure). Secondly, parliament plays a central role in choosing the head of government (usually deputies elect the prime minister by majority vote), while in a presidential republic the head of the executive branch (the president) is directly elected by

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<sup>1</sup> Rainer Grote, "Parliamentary Systems", Max Planck Encyclopedia of Comparative Constitutional Law, accessed June 6, 2024, <https://oxcon.ouplaw.com/display/10.1093/law-mpeccol/law-mpeccol-e410>.

citizens. Thirdly, in parliamentary systems, executive power is exercised by a collective body – the cabinet of ministers, while in a presidential republic the president is the sole executive body, and ministers are his advisers and subordinates.

A presidential republic is a form of government in which the executive branch is formed by the president and is responsible to him. In this form of government, the president is elected by the citizens. The differences between the presidential republic and the parliamentary republic have already been listed above (fixed term of office of the president, election of the head of the executive branch (president) directly by citizens and the sole character of the executive branch). Kevin YL Tan notes the same signs and highlights some more features of the presidential republics<sup>2</sup>. Firstly, these republics maintain a clear separation between the branches of government: the president acts independently of the legislative branch of government, while in the parliamentary system the cabinet of ministers can be considered a dependent body controlled by parliament. Secondly, in a presidential republic, the head of government is also the head of state, so there is usually no separate position of prime minister. Thirdly, in the presidential system, the head of state has a number of important additional powers enshrined in the constitution, for example, the right to veto laws passed by parliament (which can be overcome by a qualified majority in parliament).

It should be noted that in a number of countries, formal criteria listed above may deviate. For example, in some post-Soviet countries (Russia, Kazakhstan, Belarus) there are separate posts of president and prime minister. However, the latter is usually a dependent figure and is completely subordinate to the head of state. Thus,

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<sup>2</sup> Kevin YL Tan, "Presidential Systems", Max Planck Encyclopedia of Comparative Constitutional Law, accessed June 6, 2024, <https://oxcon.ouplaw.com/display/10.1093/law-mpeccol/law-mpeccol-e430>.

these republics should be classified as presidential, although some formal features do not coincide with those listed above.

Finally, a semi-presidential republic combines elements of presidential and parliamentary republics. It can be defined as a system in which both the president and the parliament have significant opportunities to form the executive branch of government. Andriy Tyushka identifies the following features of a semi-presidential republic<sup>3</sup>. First, unlike presidential systems, the cabinet of a semi-presidential government is directly responsible to the legislature, which can pass a vote of no confidence in it and force it to resign. Secondly, unlike parliamentary systems, the president of a semi-presidential republic is not just a nominal head and can have very significant powers. As a result, according to Andriy Tyushka, there are two executive authorities in this system (“dual executive power”), each of which has a separate electoral mandate and legitimacy. This can lead to a situation of “cohabitation”, when the president represents one party and the parliamentary majority represents another. The most striking example of a semi-presidential system is France.

Many identify separate categories within this system. For example, the division into “president-parliamentary” and “premier-presidential” has become popular. However, this division makes an already complex concept even more complex. I suppose that in this case it is difficult to create a strict dichotomy and clearly divide semi-presidential systems into different categories. Therefore, when it comes to semi-presidential systems, I will simply characterize it through the role of the president and talk about how much authority he has in this system.

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<sup>3</sup> Andriy Tyushka, “Semi-Presidential Systems”, Max Planck Encyclopedia of Comparative Constitutional Law, accessed June 6, 2024, <https://oxcon.ouplaw.com/display/10.1093/law-mpeccol/law-mpeccol-e630>.

A political regime refers to how political power is exercised, including the freedom and fairness of elections, rights and freedoms, and the role of political parties. The dichotomy of democratic and non-democratic regimes is common, with transitional forms in between. For the purposes of this work, it is not so much the name or characteristics of a particular political regime that are important, as its dynamics. Therefore, it is enough to look at the general trends and where the country is moving – towards democracy or towards dictatorship. This will allow us to assess the impact of the form of government on the political regime and the consequences of choosing between forms of government.

### **Advantages of parliamentary republics**

The hypothesis of this work is that parliamentary republics better preserve democracy than presidential ones. In this regard, it is necessary to consider the main arguments on this topic and test them in practice when we study the post-Soviet history of Russia and Ukraine. The main argument against the presidential system (and, accordingly, in favor of the parliamentary system) were described by political scientist Juan Linz<sup>4</sup>.

The first argument is empirical experience. The vast majority of stable democracies are parliamentary republics, and the only presidential republic with a long democratic tradition is the United States.

The second argument is the dual legitimacy in presidential systems. Both presidents and parliament are elected by citizens, which can hinder effective governance. In the event of a crisis, the question inevitably arises who can speak on behalf of the people: the president or the parliament. There is no constitutional

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<sup>4</sup> Juan J. Linz, "The Perils of Presidentialism", *Journal of Democracy*, 1 (January 1990): 51-69.

mechanism that would allow resolving this contradiction. Parliamentary systems avoid this by having the parliament appoint and dismiss the cabinet, ensuring no dual power struggle.

The third argument is the political polarization in the presidential system. Presidential elections operate on a winner-takes-all basis, often leading to polarization and two hostile political camps. Parliamentary systems encourage compromise, as the winning party often needs support from other parties to form a government. There are many ways of coalition building, for example, the moderate left can unite not only with the far left, but also with the moderate right.

The fourth argument is the limited accountability of the executive branch in presidential systems. In parliamentary systems, the executive branch is accountable to the legislative branch, and an unpopular prime minister can be easily replaced by a simple majority vote. In contrast, a president typically remains in office until the end of their term despite any problems since impeachment is a very complex and rare process.

The fifth argument is the tendency to authoritarianism of presidential systems. Presidential systems may be more prone to authoritarianism due to the concentration of power and lack of accountability. Presidents may exploit crises to undermine democratic institutions. In contrast, parliamentary prime ministers remain accountable to the parliament and other cabinet members, preventing the unchecked exercise of power.

## **Objectives and scope of the work**

The study compares Russia and Ukraine, two former Soviet republics. After the Soviet Union's collapse, its 15 republics adopted various government forms, falling into three groups. The Baltic states (Estonia, Latvia, Lithuania) adopted parliamentary systems, underwent liberal reforms, and joined the EU. The Central Asian republics (Kazakhstan, Uzbekistan, Tajikistan, Turkmenistan) and Azerbaijan adopted presidential systems and became autocracies. Only Tajikistan had its own specifics: it did not immediately become an autocracy, but first survived the 1992-1997 civil war. The remaining countries (Russia, Ukraine, Belarus, Moldova, Georgia, Armenia, Kyrgyzstan) several times changed their political systems.

This study focuses on Russia and Ukraine due to their size and shared history. Both aimed for democracy post-USSR but diverged: Ukraine mostly maintained democracy, while Russia became a repressive dictatorship. Russia's presidential power grew, while Ukraine experienced several governmental transitions. Their initially friendly relations soured in the mid-2000s as their political paths diverged. This culminated in Russia annexing Crimea in 2014 and invading Ukraine in 2022, offering insights into the impacts of their governmental forms.

## **The methodology**

I use comparative analysis to examine different forms of government, why they were established, and their outcomes. This includes comparing Russia and Ukraine, as well as their government forms and political regimes over time. This approach helps illustrate the interaction between government form and political regime.

To analyze government forms, I study the Russian and Ukrainian constitutions from various periods, focusing on the powers and interactions of the president, parliament, and government. This reveals the government form during different times. I get these texts from the legal database "ConsultantPlus" for Russia and the official Ukrainian Parliament website for Ukraine (where all editions of the Ukrainian Constitution are published).

For political regime analysis, I use election results and democracy indices. Election results highlight political dynamics, such as party diversity and the competitiveness of presidential elections. Democracy indices provide measurable indicators of the political regime, assessing election fairness, rights protection, and political participation.

I use three indices: V-Dem, Freedom in the World, and Voice and Accountability. The Democracy Indices by V-Dem are democracy indices published by the V-Dem Institute (Sweden) that describe qualities of different democracies. Although the V-Dem Institute itself has been researching the state of political regimes only since 2014, it has reconstructed the state of democracy in different countries over the past century using historical data, expert assessments and statistical modeling. In this work, I use the dataset "The Regimes of the World" built on V-Dem Democracy Core indices. It distinguishes four types of political systems:

- 1) closed autocracy ("citizens do not have the right to choose either the chief executive of the government or the legislature through multi-party elections");

- 2) electoral autocracy ("citizens have the right to choose the chief executive and the legislature through multi-party elections; but they lack some freedoms, such as the freedoms of association or expression that make the elections meaningful, free, and fair");

3) electoral democracy (“citizens have the right to choose the chief executive and the legislature in meaningful, free and fair, and multi-party elections”);

4) liberal democracy (“electoral democracy and citizens enjoy individual and minority rights, are equal before the law, and the actions of the executive are constrained by the legislative and the courts”)<sup>5</sup>.

Freedom in the World is an annual index conducted by the U.S.-based non-governmental organization Freedom House. Freedom in the World evaluates the degree of civil liberties and political rights in each country. The main advantage of Freedom in the World is that this index has existed since 1973, so we have data for all the years of the existence of independent Russia and Ukraine. Freedom in the World evaluates the level of political rights and civil liberties on a scale from 1 (most free) to 7 (least free). Depending on the rating, countries are classified as "Free", "Partly Free" or "Not Free".

The Voice and Accountability Index is part of the Worldwide Governance Indicators that are published by the World Bank. The Voice and Accountability Index specifically measures citizens' perceptions of the extent to which they can participate in the choice of their government, as well as the degree of freedom of expression, freedom of association and freedom of the media. The index compares all countries with each other and assigns each of them a rating. If a country has an average global level of rights and freedoms, then its index is 0. If the state of rights and freedoms in the country is worse than the global average, then the index is negative (from 0 to -2.5). If the state of rights and freedoms is better than the global average, then the index is positive (from 0 to 2.5). The index has been tracking the state of political

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<sup>5</sup> Bastian Herre “The 'Varieties of Democracy' data: how do researchers measure democracy?”, Out World in Data, accessed June 6, 2024, <https://ourworldindata.org/regimes-of-the-world-data>.

regimes since 1996, so we have data for most of the period of existence of post-Soviet republics.

Together, these indices offer a comprehensive view of the political regime and its development. While specific estimates may differ, they generally yield consistent results.

## Chapter 2. Russia

In this chapter, we will look at the development of the form of government in Russia and its relationship to the level of democracy. The first section (Constitutional development and form of government) is devoted to the history of changes in the form of government in the Constitution of Russia in the post-Soviet period. The second section (Sustainability of Democracy) tells how the level of democracy in Russia has changed over the same period of time. In the third part (Conclusions) I draw conclusions about the relationship between the form of government and the level of democracy in Russia.

### Constitutional development and form of government

**The 1978 Constitution.** In 1991, Russia became an independent state in 1991, governed by the 1978 Constitution (initially – the “Constitution of the Russian Soviet Federative Socialist Republic”, later – the “Constitution of the Russian Federation”). This document was heavily modified in 1989-1992.

This constitution established a semi-presidential system where the government was formed by both the president and parliament. The president nominated key ministers and managed the government and Armed Forces, while the parliament played a significant role in government formation and could dismiss it.

Officially, the highest body of state power was the Congress of People's Deputies (Article 104). The Congress of People's Deputies was not a permanent body and met for sessions once a year. It formed the Supreme Council, which served as the permanent legislative body (Article 107). The Supreme Council consisted of two chambers: the Council of Nationalities and the Council of the Republic. The

organization of their work was ensured by the Presidium of the Supreme Council. Both the Congress of People's Deputies and the Supreme Council had extremely broad functions. Among other things, they had the right to repeal decrees and orders of the president (Articles 104(14) and 109(19); but the Supreme Council could only do this on the basis of the opinion of the Constitutional Court).

The highest official of Russia and the head of the executive branch was the president of the Russian Federation (Article 121-1), who was elected by popular vote for a term of five years (Article 121-2). He managed the work of the government – the Council of Ministers (Article 121-5(6)) and performed a number of other functions. The president was the Supreme Commander-in-Chief of the Armed Forces and appointed and dismissed high command of the Armed Forces (Article 121-5(16)). The president had the right of a suspensive veto: he could return the adopted law to the Supreme Council, but for the law to enter into force, it was enough to receive the votes of a simple majority of the deputies of each chamber during a second vote (Article 121-5(2)). The president could be removed from office by the Congress of People's Deputies (based on the conclusion of the Constitutional Court) by a two-thirds majority (Article 121-10). If the president was removed from office, his powers were exercised by the vice president (Article 121-11).

The Council of Ministers was formed with the participation of the president and parliament, but was responsible mainly to parliament. The president appointed the chairman of the Council of Ministers with the consent of the Supreme Council (Articles 121-5(4), 123). In addition, the consent of the Supreme Council was required for appointments to the positions of minister of foreign affairs, minister of defense, minister of security and minister of internal affairs (Articles 121-5(5), 123). The president appointed all other ministers at the proposal of the chairman of the

Council of Ministers. The decision to resign the government could be made either by the Congress of People's Deputies or the Supreme Council by expressing no confidence by a majority vote, or by the president on his own initiative, but with the consent of the Supreme Council, or by the president on the initiative of the government itself (Article 123). As a result, the president de facto had no discretion in this matter: he could dismiss the government only with the permission of parliament, or on the initiative of the government itself.

Thus, the form of government in Russia in 1991-1993 can be described as semi-presidential since the government was formed with the participation of the president and parliament. But the president had fairly large power and strong legitimacy due to the popular vote.

**The 1993 crisis.** All this had led to a political crisis related to the problem of dual legitimacy. I remind you that in the presidential and semi-presidential systems, both the president and the parliament are elected by citizens. Because of this, in the event of a conflict, the question inevitably arises who can speak on behalf of the people: the president or the parliament.

In Russia, the constitutional crisis of dual legitimacy happened in 1993. The crisis arose due to the confrontation between the two political forces. The first one was the team of president Boris Yeltsin who was elected to this post in 1991 and advocated liberal market reforms. The second one was the opposition, which included the majority of deputies of the Supreme Council who opposed the reforms. The tension between them continued for more than a year and eventually resulted in an armed confrontation.

On September 21, 1993, President Boris Yeltsin signed a decree No. 1400 "On stage-by-stage constitutional reform in the Russian Federation". This decree

dissolved the Congress of People's Deputies and the Supreme Council and introduced temporary "Regulations on federal authorities for the transitional period" and "Regulations on elections of deputies of the State Duma" (the lower house of the future Russian parliament).

This decree directly violated the current Constitution, since the president did not have the right to dissolve parliament. On the same day the Presidium of the Supreme Council in its resolution No. 5779-I declared, that president Yeltsin is automatically removed from office in accordance with Article 121.6 of the Constitution: "The powers of the President of the Russian Federation cannot be used to change the national-state structure of the Russian Federation, dissolve or suspend the activities of any legally elected bodies of state power, otherwise they terminate immediately".

On the same day, the Constitutional Court in its conclusion No. Z-2 recognized the presidential decree as inconsistent with the Constitution, and the publication of this decree as grounds for the removal of the president from office. On September 22, the Supreme Council adopted resolution No. 5780-I to terminate the powers of president Yeltsin and transfer them to vice president Alexander Rutskoy. On September 24, the Congress of People's Deputies, convened by the Supreme Council, announced resolution No. 5807-I about the termination of the powers of president Yeltsin and assessed his actions as a coup d'etat.

Despite all this, Boris Yeltsin de facto continued to exercise the powers of the president of Russia. He was supported by the government and the Armed Forces. The police and military blocked the entrance to the Supreme Council building, where opposition supporters began to gather. Street clashes between opposition forces and law enforcement agencies lasted for ten days. On October 3, protesters broke through the cordon around the Supreme Council building, also seized the Moscow

City Hall building and attempted to seize the Ostankino television center. However, that same evening they were dispersed by the police, and the next day, October 4, military troops loyal to the president entered Moscow and stormed the building of the Supreme Council. In total, at least 130 civilians and at least 28 military and police officers were killed in clashes in Moscow in September–October<sup>6</sup>.

Two months later, the country held a referendum on the adoption of a new Constitution and elections to the lower house of the new Russian parliament – the State Duma. Thus ended the short history of the first Constitution of post-Soviet Russia, which lasted only two years (from 1991 to 1993).

As we can see from this event, the president, not only in presidential but also in a semi-presidential republic, can suppress parliament through control of the military and through the legitimacy that comes from popular elections. In the presidential decree on the dissolution of parliament, among others, the following complaint was indicated against the Supreme Council: “open and daily obstruction of the policies of the popularly elected President of the Russian Federation carried out in the Supreme Council”.

The argument of popular election appears to have become decisive for the political elite and the state apparatus during the constitutional crisis. Many officials (including the military) did not know all the intricacies of constitutional law, but they knew that their immediate superior was the president, elected by the people. All this led to the fact that the military and the civilian bureaucracy remained loyal to the president at the time of crisis, even despite the obvious violation of the Constitution and the decisions of parliament and the Constitutional Court on this matter.

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<sup>6</sup> “Report of the Commission of the State Duma of the Federal Assembly of the Russian Federation on additional study and analysis of the events that took place in Moscow on September 21 - October 5, 1993” (1999), Sovnarkom, accessed June 6, 2024, <https://web.archive.org/web/20210226181006/http://1993.sovnarkom.ru/KNIGI/Astrahankina/doclad-1993.doc>.

**The 1993 Constitution.** The 1993 Constitution marked a shift to a presidential republic in Russia, concentrating significant power in the president. The president now has full control over the executive branch, independent of parliament's influence in forming the government.

According to the 1993 Constitution, the highest legislative body of Russia is the Federal Assembly (Article 94), a bicameral parliament consisting of the State Duma and the Federation Council. According to the original version of the Constitution, the lower house – the State Duma – consists of 450 deputies and is elected by the population for four years (Article 96(1)), and the upper house – the Federation Council – consists of two representatives from the executive and legislative branches of government of each region (Article 95(2)).

The president of Russia, according to the original version of the 1993 Constitution, is elected by citizens for a term of four years (Article 81(1)) and has extremely broad powers. He appoints the chairman of the government (and, at his proposal, all other members of the government), decides on the resignation of the government, proposes to the Federation Council candidates for judges of the higher courts and the Prosecutor General, appoints and dismisses the high command of the Armed Forces, appoints and recalls diplomatic representatives of Russia in foreign states, etc. (Article 83). In addition, the president can veto a law passed by parliament, which can only be overridden by two-thirds of the total number of members of the State Duma and the Federation Council (Article 107(3)).

The president can be removed from office according to a very complex four-stage procedure (Article 93). The first stage – the State Duma, with a two-thirds vote, brings charges against the president of committing high treason or another serious crime. The second stage – the Supreme Court confirms the presence of signs of a

crime in the president's actions. The third stage – the Constitutional Court confirms compliance with the established procedure for bringing charges. The fourth stage – the Federation Council, by a two-thirds vote, removes the president from office. Thus, to remove a president from office, the consent of four highest authorities is required (and in two of them a two-thirds majority is required).

As for the government, the 1993 Constitution established the following procedure for its formation: the chairman of the government is appointed by the president with the consent of the State Duma, then the chairman of the government proposes candidates for members of the government to the president, after which the president appoints them (Article 111(4) and 112). But at the same time, if the State Duma does not agree three times to the candidacy of the chairman of the government nominated by the president, the president can still appoint his own candidate, dissolve the State Duma and call new elections to this body (Article 111(4)). That is, the State Duma may not disagree with the president, and its voting is a ritual that has no political significance.

Moreover, the president is not even obliged to nominate different people for the post of head of the government – he can nominate the same candidate three times. According to this scheme, in particular, Sergei Kiriyenko became chairman of the government in 1998. The president proposed his candidacy to the State Duma several times. The deputies voted against it twice, but agreed the third time because they had no other choice. The Constitutional Court, to which the deputies sent a request on this matter, responded in the resolution dated December 11, 1998 N 28-P that this does not violate the Constitution: “The President of the Russian Federation, when submitting proposals on candidates for the post of Chairman of the

Government of the Russian Federation to the State Duma, has the right to present the same candidate twice or thrice, or to present each times a new candidate".

Thus, the president forms the government completely independently and can fill this body with loyal people. The participation of the State Duma in the formation of the government is a fiction, since its disagreement does not entail any consequences.

After its formation, the government is under the complete control of the president. According to the Constitution, the resignation of the government can occur in two scenarios. The first method is on the initiative of the State Duma, the second – on the initiative of the president.

The State Duma may express no confidence in the government. However, this again does not entail any consequences. For the first time, the president may simply disagree with the opinion of the State Duma. If the State Duma expresses no confidence in the government again within three months, the president either agrees with the State Duma and dismisses the government, or dissolves the State Duma (Article 117(3)). The Russian parliament, again, has no influence on the resignation of the government. Moreover, the Constitution allows the president to punish deputies if they express dissatisfaction with the work of the government.

However, the president can dismiss the government at any time without asking anyone's permission (Article 117(2)). It means that the president has complete control over the government, since he single-handedly forms this body and single-handedly decides on its resignation.

Thus, the 1993 Constitution transformed Russia from a semi-presidential republic into a presidential one, and with unusually large presidential powers. The president fully controlled the executive branch and significantly influenced the work of

other branches of government. All this greatly weakened the horizontal responsibility between the highest authorities and made the president a political figure with almost unlimited power within the country.

**The 1996 presidential elections.** The first test for the new Constitution was the 1996 presidential election. They immediately showed a big disadvantage of the presidential system – the polarization of society and the political elite. Presidential elections are based on the principle of "winner takes all": the winning candidate receives significant power and control over the executive branch of government. As a result, politicians must decide in advance on political allies and actively fight opponents, and the winning president is not obliged to seek compromises with other political forces.

In Russia, the situation was aggravated by the fact that under the new Constitution, the president had enormous powers and took full control of the executive branch. In this situation, the coming to power of a president with radical views could break the entire political system. The new president, even without changing the Constitution, could block the adoption of liberal laws, organize repressions against his opponents and quickly establish a dictatorship.

The main struggle in the 1996 elections unfolded between the president Boris Yeltsin and the head of the Communist Party Gennady Zyuganov. The latter criticized liberal reforms and advocated strengthening state regulation of the economy. His program was not very radical, but the communist ideology caused rejection among a significant part of society and almost the entire political, economic and cultural elite.

Boris Yeltsin was supported by big business and the main TV channels (many of which were under the control of the state or businessmen close to government)<sup>7</sup>.

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<sup>7</sup> Natalia Rostova, "How the press elected the president", Radio Liberty, accessed June 6, 2024, <https://www.svoboda.org/a/27835237.html>.

The main focus of the campaign was on the fear of returning to Soviet times. In fact, it was thus recognized that the new Constitution does not ensure the separation of powers and the rule of law, and the president in this system will be able to do whatever he wants.

As a result, despite the presence of many candidates, society was mainly divided into two opposing camps: anti-communist (led by Yeltsin) and anti-liberal (led by Zyuganov). In the first round, Boris Yeltsin received 35% of the votes, Gennady Zyuganov – 32% of the votes, General Alexander Lebed – 14.5%, liberal economist Grigory Yavlinsky – 7.3%, populist Vladimir Zhirinovsky – 5.7%<sup>8</sup>. The fate of the second round was largely decided by Alexander Lebed, who called on his supporters to vote for Yeltsin. As a result, incumbent President Boris Yeltsin won the second round, receiving 53,8% of the vote<sup>9</sup>.

Harsh polarization and high stakes could have been avoided in a parliamentary republic. In it, the probability of a communist revenge would be much lower. Let's imagine that Russia at that moment was a parliamentary, not a presidential republic. In the 1995 parliamentary elections, the Communist Party won 157 out of 450 seats in parliament, and in the first round of the presidential elections Gennady Zyuganov won 32% of the vote. That is, about a third of the Russian population supported communist views at that time, and the Communist Party would not have been able to form a government on its own. In such a situation, two options would be possible. The first option is that the other parties would agree on an anti-communist coalition and form their own government. This was quite likely, since almost all major political

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<sup>8</sup> "Summary table of the results of the presidential elections of the Russian Federation on June 16, 1996 (1st round)", Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://www.cikrf.ru/banners/vib\\_arhiv/president/1996/files/1/1996-1-Svodnaya\\_CIK.xls](http://www.cikrf.ru/banners/vib_arhiv/president/1996/files/1/1996-1-Svodnaya_CIK.xls).

<sup>9</sup> "Summary table of the results of the presidential elections of the Russian Federation on July 3, 1996 (2nd round)", Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/banners/vib\\_arhiv/president/1996/files/2/1996-2-Svodnaya\\_CIK.xls](http://old.cikrf.ru/banners/vib_arhiv/president/1996/files/2/1996-2-Svodnaya_CIK.xls).

forces, except the Communists, were determined to preserve the market economy and continue liberal reforms. The second option is that the Communists would have agreed on a coalition with independent deputies or parties with about 20% more seats in parliament. Because of this, the Communists would have to abandon the most radical part of the program. As a result, they would have moved to more moderate positions. Something similar happened in other post-socialist countries of Central Europe.

However, nothing of this happened in Russia. The country had experienced a sharp escalation of the political struggle. Under these conditions, both citizens and the political elite were forced to take sides because the stakes were too high. It was a great stress for the political system and the whole society.

Another important consequence concerns the state apparatus. If in a developed democracy officials, police and military try to remain neutral and are ready to work with any political force that wins elections, then in Russia since 1996 whole bureaucracy have been accustomed to actively support the ruling political force. Because of this, a vicious practice has developed in Russia, in which the entire state apparatus works for the victory of the incumbent president or his protege. During Yeltsin's time, this was expressed in organizational and informational support, but during Putin's time, state institutions and bodies switched to direct falsifications and fraud in elections.

**The constitutional amendments from 2008 to 2020.** Since the adoption of the 1993 Constitution, it has been amended five times. Until 2020, the most important was the law on the amendment to the Constitution of the Russian Federation of December 30, 2008 N 6-FKZ "On changing the term of office of the President of the

Russian Federation and the State Duma". After its adoption, the President began to be elected for six years, and the State Duma for five years.

Most extensive amendment to the Constitution occurred in 2020 during the adoption of the law on the amendment to the Constitution of the Russian Federation dated March 14, 2020 N 1-FKZ "On improving the regulation of certain issues of the organization and functioning of public authority". Many changes were made to the Constitution, most of which were aimed at strengthening the power of the president. For example, the president was given the opportunity to single-handedly appoint the ministers of defense, justice, internal and foreign affairs (Article 83(e1)), not only nominate judges to the highest courts, but also initiate their resignation (Article 83(e3)), etc.

The main thing about the amendment was the lifting of restrictions on Vladimir Putin's presidency. Before the 2020 amendments, the Constitution stated that "the same person cannot hold the office of President of the Russian Federation for more than two consecutive terms" (Article 81(3)). The word "consecutive" was removed from the Constitution (that is, no one can be president for more than two terms in his entire life). However, the Constitution added a provision stating that this limit does not apply to people who have already held the post of president (Article 81(3.1)). Thus, all previous terms of Vladimir Putin should not have been taken into account and he received the right to be elected in 2024 for his "first term", and in 2030 for the "second term".

**The war with Ukraine in 2022-2024.** In 2022, the Russian army invaded the territory of Ukraine. This war has become one of the examples of the consequences that a presidential form of government can bring. By many indications, we can say that the decision to start the war was a personal initiative of Putin and, possibly,

some of his closest companions. There was no discussion about it either in the government or in parliament. At the time of the outbreak of the war, the Central Bank of Russia continued to store its assets in the United States and European countries, which is why they were immediately blocked<sup>10</sup>. This suggests that even the heads of the Central Bank did not know that Russia was preparing a full-scale war (otherwise they would have provided in advance for some actions to save these assets).

All this has become possible due to the fact that the Russian president has no horizontal accountability. If he were prime minister in a parliamentary republic (even an authoritarian one), he would have to coordinate his actions with the ruling party and members of parliament, since in the case of clearly unreasonable actions they could easily declare a vote of no confidence and elect a more adequate prime minister. At the same time, the president in the presidential republic does not have such restraining factors. He cannot be removed from office until the end of the presidential term except as a result of impeachment. However, in Russia, impeachment requires the consent of both houses of parliament (with a two-thirds majority), as well as the Supreme Court and the Constitutional Court. As a result, to avoid impeachment, it is enough that people loyal to the president make up the majority either in one of the highest courts or at least one third in one of the houses of parliament.

In addition, the Russian president has all the tools to launch a war. He is the Supreme Commander-in-Chief and appoints the top leadership of the Armed Forces, he alone forms the government (including appoints the Ministers of Defense and Foreign Affairs), and also appoints the heads of special services. As a result, all armed people in the country are subordinate to the president in one way or another.

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<sup>10</sup> "The West has decided to freeze the assets of the Bank of Russia. What is important to know" (February 27, 2022), RBC, accessed June 6, 2024, <https://www.rbc.ru/economics/27/02/2022/621a5d149a7947339ae7351c>.

Therefore, it is easy enough for him to start an armed conflict without coordinating it with other authorities, and continue it as long as he is in power.

### **Sustainability of democracy**

In this section, I will analyze the political changes in post-Soviet Russia and their connection with constitutional changes. For ease of perception, I will divide the entire post-Soviet period into decades and consider each of them sequentially.

I remind you that the Freedom in the World index evaluates countries on a scale from 1 to 10, where 1 is the best indicator and 10 is the worst. The Voice and Accountability index evaluates countries on a scale from -2.5 to 2.5 (where -2.5 is the worst rating, 2.5 is the best, and 0 is the global average).

**1991-1999.** The V-Dem index characterizes almost the entire post-Soviet period in Russian history as “electoral autocracy”. The only exception is 1992, when it was classified as an “electoral democracy”. Thus, if you believe this index, then with the constitutional crisis and the adoption of the 1993 Constitution, Russia immediately took the authoritarian path and remains on it until the present day.

However, two other democracy indices and political history of the country show another picture: almost never the level of democracy was not high enough, but it varied greatly over time. In particular, despite the crisis of 1993, Russia has long been a relatively free state since the president Yeltsin preserved democratic institutions, free media and opposition parties.

In December 1993, along with the vote on the adoption of the new Constitution, elections for the first convocation of the State Duma were held. More than a dozen parties entered parliament, none of which received a majority. The populist Liberal

Democratic Party (64 seats out of 450), the pro-presidential party “Choice of Russia” (64 seats) and the opposition Communist Party (42 seats) received the largest number of votes.<sup>11</sup> In 1995, elections for the second convocation of the State Duma were held. The opposition Communist Party (157 seats out of 450), the pro-presidential party “Our Home is Russia” (55 seats), the populist Liberal Democratic Party (51 seats), the liberal party “Yabloko” (45 seats), and others entered parliament.<sup>12</sup> Neither the first nor the second Duma formed either a stable pro-presidential majority or a strong opposition coalition. In some cases, parliament supported the president, in others it did not.

In 1996, presidential elections were held in the country. President Yeltsin faced competition from several major politicians. In the first round, none of the candidates received a majority, and in the second round, Boris Yeltsin was ahead of communist Gennady Zyuganov by a slight margin (almost 54%).<sup>13</sup>

In 1999, the country held elections to the State Duma. The majority of seats were won by the Communist Party (67 seats out of 450), the party “Unity”, which supported the popular prime minister Vladimir Putin (64 seats), and the party of the regional political elite “Fatherland – All Russia”, which at that time opposed the current government (37 seats), etc.<sup>14</sup>

Democracy indices assessed the state of the country during this period as follows:

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<sup>11</sup> “Elections to the State Duma of the Federal Assembly of the Russian Federation in 1993”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/banners/vib\\_arhiv/gosduma/1993/index.html](http://old.cikrf.ru/banners/vib_arhiv/gosduma/1993/index.html).

<sup>12</sup> “Elections to the State Duma of the Federal Assembly of the Russian Federation in 1995”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/banners/vib\\_arhiv/gosduma/1995/index.html](http://old.cikrf.ru/banners/vib_arhiv/gosduma/1995/index.html).

<sup>13</sup> “Summary table of the results of the presidential elections of the Russian Federation on July 3, 1996 (2nd round)”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/banners/vib\\_arhiv/president/1996/files/2/1996-2-Svodnaya\\_CIK.xls](http://old.cikrf.ru/banners/vib_arhiv/president/1996/files/2/1996-2-Svodnaya_CIK.xls).

<sup>14</sup> “Elections to the State Duma of the Federal Assembly of the Russian Federation in 1999”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/banners/vib\\_arhiv/gosduma/1999/index.html](http://old.cikrf.ru/banners/vib_arhiv/gosduma/1999/index.html).

Table 1 Sustainability of Democracy in Russia in 1991-1999

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
1991	3	3	Partly Free		Electoral autocracy
1992	3	4	Partly Free		Electoral democracy
1993	3	4	Partly Free		Electoral autocracy
1994	3	4	Partly Free		Electoral autocracy
1995	3	4	Partly Free		Electoral autocracy
1996	3	4	Partly Free	-0.22	Electoral autocracy
1997	3	4	Partly Free		Electoral autocracy
1998	4	4	Partly Free	-0.41	Electoral autocracy
1999	4	5	Partly Free		Electoral autocracy

Thus, in terms of the level of development of freedoms, Russia was below the world average and had a downward trend.

**2000-2009.** In 1999, President Boris Yeltsin appointed Vladimir Putin to the post of prime minister. In 2000, Putin was elected president in the first round, gaining almost 53% of the votes<sup>15</sup>.

Under Putin, the same Constitution continued to operate in Russia. However, he managed to use the authoritarian mechanisms that were established in this document. In the early 2000s, the once opposing parties “Unity” and “Fatherland – All Russia” united into the “United Russia” party, and the once oppositional Communist Party was gradually co-opted into the existing political system and ceased to oppose the current government.

<sup>15</sup> “Election of the President of the Russian Federation 2000”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://cikrf.ru/banners/vib\\_arhiv/president/2000](http://cikrf.ru/banners/vib_arhiv/president/2000).

In 2001, the State Duma adopted new federal law “On Political Parties”. Parties became the only type of public organizations that can nominate candidates in elections. They had to pass re-registration with the ministry of justice and meet the following requirements: the presence of divisions in at least half of the country’s regions and a total minimum number of 10 thousand members (Article 3(2) of the Federal Law “On Political Parties”). Thus, all local and regional parties were banned, and major parties were brought under the control of the current government. Similar changes aimed at centralizing power occurred in the legislation on elections, referendums, federal structure, local government, etc.

In 2003, new elections to the State Duma were held in the country. “United Russia” received 223 seats out of 450, the Communist Party – 52 seats, the nationalist party “Rodina” – 37 seats, the populist Liberal Democratic Party – 36 seats<sup>16</sup>. “United Russia” fell slightly short of reaching an absolute majority, but thanks to its allies from other factions, it easily passed all the laws necessary for the president.

In 2004, President Vladimir Putin was re-elected for a new term, gaining 71% of the votes<sup>17</sup>. In 2007, in the new elections to the State Duma, “United Russia” received a qualified majority (315 seats out of 450), sufficient for the sole adoption of any decisions without taking into account the opinions of other deputies<sup>18</sup>. From this year until today, this party has always had an absolute majority in parliament.

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<sup>16</sup> “Elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of the fourth convocation”, Central Election Commission of the Russian Federation, accessed June 6, 2024, <http://gd2003.cikrf.ru>.

<sup>17</sup> “Resolution of the Central Election Commission of the Russian Federation “On Amendments to the Protocol and Summary Table of the Central Election Commission of the Russian Federation on the results of the elections of the President of the Russian Federation on March 14, 2004””, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/law/decrees\\_of\\_cec/2006/04/25/zp061128.html](http://old.cikrf.ru/law/decrees_of_cec/2006/04/25/zp061128.html).

<sup>18</sup> “Elections of deputies of the State Duma of the Federal Assembly of the Russian Federation 2007”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/banners/elect\\_duma/index.html](http://old.cikrf.ru/banners/elect_duma/index.html).

In 2008, President Vladimir Putin was unable to run for a new term due to restrictions established by the Constitution. At that moment, despite control over parliament, the president did not dare to change the Constitution. As a result, Dmitry Medvedev (one of Vladimir Putin's closest associates) was nominated for the presidential election, received 70% of the votes<sup>19</sup> and spent the next four years in the presidency.

Democracy indices assessed the state of the country during this period as follows:

*Table 2 Sustainability of Democracy in Russia in 2000-2009*

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
2000	5	5	Partly Free	-0.35	Electoral autocracy
2001	5	5	Partly Free		Electoral autocracy
2002	5	5	Partly Free	-0.44	Electoral autocracy
2003	5	5	Partly Free	-0.54	Electoral autocracy
2004	6	5	Not Free	-0.57	Electoral autocracy
2005	6	5	Not Free	-0.65	Electoral autocracy
2006	6	5	Not Free	-0.92	Electoral autocracy
2007	6	5	Not Free	-0.92	Electoral autocracy
2008	6	5	Not Free	-0.87	Electoral autocracy
2009	6	5	Not Free	-0.9	Electoral autocracy

As we can see, the deteriorating trend that emerged in the 1990s continued and led to the final transition of Russia from partly free to non-free country.

<sup>19</sup> "Election of the President of the Russian Federation 2008", Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvd=100100022249920&vrn=100100022176412&region=0&global=1&sub\\_region=0&prver=0&pronetvd=null&vibid=100100022249920&type=227](http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvd=100100022249920&vrn=100100022176412&region=0&global=1&sub_region=0&prver=0&pronetvd=null&vibid=100100022249920&type=227).

**2010-2019.** For the next decade, Russia continued to be a stable autocracy. Nobody seriously challenged the power of President Putin. He won elections in 2012 (64% of the votes)<sup>20</sup> and 2018 (77% of votes)<sup>21</sup>, and in all parliamentary elections the absolute majority of seats was occupied by the pro-presidential party “United Russia”: in 2011 – 238 seats out of 450<sup>22</sup>, in 2016 – 343 seats out of 450<sup>23</sup>, in 2021 – 324 seats out of 450<sup>24</sup>.

Opposition candidates and parties had actually lost the opportunity to participate in the elections. The main filter preventing the opposition from participating in elections was the requirement to collect signatures of voters. For example, a candidate for deputy from a party not represented in the State Duma needed to collect signatures of 3% of voters living in the electoral district (Article 44(5) of the Federal Law "On elections of deputies of the State Duma of the Federal Assembly of the Russian Federation"). A presidential candidate from a party not represented in the State Duma must collect 100 thousand signatures, and a self-nominated candidate must collect 300 thousand signatures (Article 36(1) of the Federal Law "On the Election of the President of the Russian Federation"). The

<sup>20</sup> “Elections of the President of the Russian Federation”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvd=100100031793509&vrn=100100031793505&region=0&global=1&sub\\_region=0&prver=0&pronetvd=null&vibid=100100031793509&type=226](http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvd=100100031793509&vrn=100100031793505&region=0&global=1&sub_region=0&prver=0&pronetvd=null&vibid=100100031793509&type=226).

<sup>21</sup> “Elections of the President of the Russian Federation”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvd=100100084849066&vrn=100100084849062&region=0&global=1&sub\\_region=0&prver=0&pronetvd=null&vibid=100100084849066&type=227](http://www.vybory.izbirkom.ru/region/region/izbirkom?action=show&root=1&tvd=100100084849066&vrn=100100084849062&region=0&global=1&sub_region=0&prver=0&pronetvd=null&vibid=100100084849066&type=227).

<sup>22</sup> “Elections of deputies of the State Duma of the Federal Assembly of the Russian Federation in 2011”, Central Election Commission of the Russian Federation, accessed June 6, 2024, [http://old.cikrf.ru/banners/duma\\_2011/index.html](http://old.cikrf.ru/banners/duma_2011/index.html).

<sup>23</sup> “Resolution of the Central Election Commission of the Russian Federation “On establishing the general results of elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of the seventh convocation””, Central Election Commission of the Russian Federation, accessed June 6, 2024, <http://cikrf.ru/activity/docs/postanovleniya/28404>.

<sup>24</sup> “Resolution of the Central Election Commission of the Russian Federation “On establishing the general results of elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of the eighth convocation””, Central Election Commission of the Russian Federation, accessed June 6, 2024, <http://www.cikrf.ru/activity/docs/postanovleniya/50580>.

procedure for collecting signatures is as bureaucratic as possible, and the slightest deviation from the rules gives the election commission the opportunity to invalidate the signature. All this makes it possible to prevent opposition candidates from participating in elections long before they are held.

At this time, the situation with rights and freedoms in Russia continued to gradually deteriorate. Democracy indices assess the state of the country during this period as follows:

*Table 3 Sustainability of Democracy in Russia in 2010-2019*

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
2010	6	5	Not Free	-0.89	Electoral autocracy
2011	6	5	Not Free	-0.88	Electoral autocracy
2012	6	5	Not Free	-0.98	Electoral autocracy
2013	6	5	Not Free	-1.02	Electoral autocracy
2014	6	6	Not Free	-1.04	Electoral autocracy
2015	6	6	Not Free	-1.09	Electoral autocracy
2016	7	6	Not Free	-1.13	Electoral autocracy
2017	7	6	Not Free	-1.09	Electoral autocracy
2018	7	6	Not Free	-1.07	Electoral autocracy
2019	7	6	Not Free	-1.12	Electoral autocracy

**2020-2024.** Finally, the 2020s began with constitutional amendments that increased the power of the president and continued in 2022 with the Russian military invasion of Ukraine and increased repression against the opposition and civil society. In 2024, President Putin was re-elected for another term officially receiving 87% of the vote. No opposition anti-war candidates were allowed to take part in the elections, and the counting of votes took place with massive violations and falsifications.

According to various researchers of electoral statistics, Vladimir Putin was dishonestly credited with more than 20 million votes<sup>25</sup>.

The democracy indices for this period looks like this:

*Table 4 Sustainability of Democracy in Russia in 2020-2022*

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
2020	7	6	Not Free	-1.07	Electoral autocracy
2021	7	6	Not Free	-1.1	Electoral autocracy
2022	7	6	Not Free	-1.26	Electoral autocracy

Thus, a stable authoritarian regime has now been built in Russia. According to the election results and the Freedom in the World index, the transition from a partly free to a non-free political regime took about ten years (from the early 1990s to the early 2000s). Finally, within the next twenty years, this unfree political regime has become increasingly personalistic and repressive.

## Conclusions

From the entire post-Soviet history of Russia, the following five conclusions can be drawn:

1. A semi-presidential republic, like a presidential one, can promote confrontation between the president and parliament, as in Russia in 1993. As soon as the two centers of power appear in a country, both of which have legitimacy on the

<sup>25</sup> Alesya Sokolova, Katya Lakova, Aleksandr Bogachev, "How to uncover electoral fraud in Russia using statistics: a complete guide", Center for Data and Research on Russia, accessed June 6, 2024, <https://cedarus.io/research/evolution-of-russian-elections>.

basis of popular elections, a conflict may arise between them, threatening the very existence of the state.

2. The president's ability to control the Armed Forces represents a huge danger, including a semi-presidential republic. If the president appoints and removes the command of the armed forces, he can turn the army into a loyal body and use it to implement his political will. This allows the president to carry out a military coup (self-coup) at a time of a political crisis.

3. The president in a semi-presidential and presidential republic can suppress parliament not only through control of the military, but also through the legitimacy that comes from popular elections. The argument of popular election can become decisive for the political elite and the state apparatus during the constitutional crisis. All this led to the fact that the military and the civilian bureaucracy remained loyal to the president at the time of crisis, even despite the obvious violation of the Constitution.

4. Big disadvantage of the presidential system is the polarization of society and the political elite during presidential elections. These elections are based on the principle of "winner takes all": the winning candidate receives significant power and control over the executive branch of government. As a result, politicians must decide in advance on political allies and actively fight opponents, and the winning president is not obliged to seek compromises with other political forces. All this could be seen in the 1996 presidential election. If Russia had a parliamentary system, it would have pushed the main political forces (for example, the Communist Party) to find compromises and soften the radical program, while the presidential system, on the contrary, caused great tension and stress for the entire political system.

5. In the presidential form of government, the leader of the country can concentrate all significant powers in his hands. This is largely due to the role of the executive branch in post-authoritarian countries. In Russia, after the transition to democracy in the early 1990s, the army, police and civil bureaucracy continued to remain strong hierarchical structures with a system of subordination of lower ones to higher ones. At the same time, alternative political institutions could not compete with them: the political parties, the courts, the independent media, and the non-governmental organization either just emerged and were underdeveloped (like NGOs) or were strongly integrated into the state apparatus (like the courts). Under these conditions, the person who stands at the head of the executive branch will be able to easily suppress all other political institutions.

## Chapter 3. Ukraine

In this chapter, we will look at the development of the form of government in Ukraine and its relationship with the level of democracy. The first section (Constitutional development and form of government) is devoted to the history of changes in the form of government in Ukraine in the post-Soviet period. The second section (Sustainability of democracy) tells how the level of democracy in Ukraine has changed over the same period of time. In the third part (Conclusions) I draw conclusions about the relationship between the form of government and the level of democracy in Ukraine.

### Constitutional development and form of government

**The 1978 Constitution.** Ukraine became an independent state after the collapse of the Soviet Union in 1991. For the first four years, the Constitution of 1978 (originally the “Constitution of the Ukrainian Soviet Socialist Republic”, later the “Constitution of Ukraine”) was in force in the country. This document was heavily modified in the early 1990s.

According to this constitution, a semi-presidential form of government has developed in Ukraine. The president had significant powers, determined candidates for ministerial positions and led the government, foreign policy and the Armed Forces. However, the parliament approved the candidacies of the head of government and key ministers. Finally, both the president and the parliament could dismiss ministers.

The main legislative body was the Verkhovna Rada of Ukraine (Article 97), a unicameral parliament consisting of 450 deputies (Article 98). The Verkhovna Rada

approved the candidacies of the prime minister proposed by the president (Article 97(9)) and the ministers of foreign affairs, defense, finance, justice, and internal affairs (Article 97(10-1)) and vetoed presidential decrees and cabinet resolutions if they contradicted the Constitution and laws (article 97(29)).

The president of Ukraine was considered the head of state and executive power (Article 114-1) and was elected by the people for five years (Article 114-3). He managed the work of the cabinet of ministers (Article 114-5(3-1)), played a role of the Commander-in-Chief of the Armed Forces (Article 114-5(2-1)), proposed to the Verkhovna Rada to approve or dismiss the prime minister (Article 114-5(6)), proposed to the Verkhovna Rada the candidacies of chief ministers, but he himself removed them from office (Article 114-5(7)), appointed and recalled diplomatic representatives in foreign states and to international organizations (article 114-5(8)). Finally, the president had a suspensive veto on the laws adopted by the Verkhovna Rada, which could be overcome by a simple majority of votes of deputies (article 104).

The cabinet of ministers was subordinate to the president but accountable to the Verkhovna Rada (Article 117). The Verkhovna Rada could express no confidence of any member of the cabinet, which led to his resignation (Article 117). The president had the right to cancel acts of the Cabinet of Ministers or individual ministries in case of inconsistency with the Constitution, laws and presidential decrees (Article 114-5(7-2)).

Thus, Ukraine had a semi-presidential form of government since both the President and the parliament had quite significant powers in the sphere of control over the executive branch.

**The 1995 Constitutional Treaty.** The next constitutional act in Ukraine was the 1995 Constitutional Treaty, which repeated the main provisions of the 1978 Constitution, but slightly strengthened the power of the president. For example, to overcome the legislative veto of the president, the votes of two thirds of the deputies of the Verkhovna Rada were needed (Article 23), not a simple majority, as before.

**The 1996 Constitution.** The main provisions of previous constitutions were transformed into the 1996 Constitution. This document retained a semi-presidential form of government but with a stronger presidency.

The supreme legislative body, as under previous constitutions, was the Verkhovna Rada (Articles 75-76). The Verkhovna Rada agreed to the appointment of the prime minister by the president (Article 85(12)), monitored the activities of the cabinet of ministers (Article 85(13)) and could express no confidence in it by a majority vote (Article 87).

The president of Ukraine was elected by citizens for five years (Article 103). He participated in the formation of the government as follows: the president appointed the prime minister with the consent of the Verkhovna Rada, and also terminated the powers of the prime minister and decided on his resignation (Article 106(9)). In addition, he appointed, on the recommendation of the prime minister, members of the cabinet and also terminated their powers (article 106(10)).

In addition, the president had extremely broad powers in other matters. The president ruled foreign policy (Article 106(3)), appointed and dismissed heads of diplomatic missions (Article 106(5)), played a role of the Supreme Commander-in-Chief of the Armed Forces and appointed and dismissed the high command of the Armed Forces (Article 106(17)). Finally, the president had the right to veto laws

passed by the Verkhovna Rada, which could be overcome by two thirds of the votes of deputies (article 93).

The powers of the president were terminated early in the event of resignation, inability to exercise his powers for health reasons, removal from office by impeachment and death (article 108). Impeachment was allowed if the president committed treason or another crime. This decision required three-quarters of the votes of the deputies of the Verkhovna Rada and a positive opinion of the Constitutional and Supreme Courts (article 111).

Regarding the cabinet of ministers, the Constitution stated that it is responsible to the president and accountable to the Verkhovna Rada (Article 113). The cabinet of ministers resigned after the election of the new president (Article 115), and the new prime minister was appointed by the president with the consent of the majority of deputies of the Verkhovna Rada (Article 114). Other members of the cabinet were appointed by the president on the proposal of the prime minister (Article 114). The adoption by the Verkhovna Rada of a resolution of no confidence in the cabinet of ministers led to its resignation (Article 115). In addition, the president could dismiss the cabinet of ministers himself (article 115).

Thus, as already mentioned, the cabinet had a double responsibility: both before the president and the Verkhovna Rada. The president determined the candidate for the post of prime minister, but he could appoint him only with the consent of the Verkhovna Rada. However, both the president and the Verkhovna Rada could dismiss the prime minister and the entire government.

As a result, the 1996 Constitution generally retained the semi-presidential form of government, but gave the president more power. This makes it possible to classify Ukraine at that period of time as a semi-presidential republic with a strong president.

This form of government existed in Ukraine for ten years – from 1996 to 2006. Leonid Kuchma was president of the country for most of that time.

**The "Orange Revolution" and the 2004 constitutional amendments.** In 2004, a political crisis began in the country. The country held presidential elections, where two main candidates competed: the liberal candidate Viktor Yushchenko and the conservative candidate Viktor Yanukovich. Yushchenko represented rather the western part of the country and focused on collaboration with Europe, Yanukovich represented rather the eastern part of the country and focused on collaboration with Russia. In addition, Yanukovich was a protege of outgoing president Leonid Kuchma, so he had the support of a significant part of the state apparatus.

The authorities announced the victory of Viktor Yanukovich in the second round, but reports of numerous falsifications and fraud caused mass protests. On Kiev's main square, Independence Square, thousands of Yushchenko's supporters organized a protest tent camp. In response, supporters of Viktor Yanukovich took to the streets in Kiev and cities in the east of the country. The country was almost immersed in the riots and chaos, but, fortunately, blood was avoided: after a days-long confrontation, the Supreme Court decided to hold a second round of voting again<sup>26</sup>. Viktor Yushchenko won the re-voting. These events are known as the "Orange Revolution".

This episode in the history of Ukraine illustrates one of the arguments against the presidential republic. Presidential elections in this system are based on the principle of "winner takes all": the winning candidate gets control over the executive branch. Because of this, the stakes become very high, and society is overly polarized. The same thing happened in Russia during the 1996 presidential elections.

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<sup>26</sup> "The Supreme Court of Ukraine annulled the results of the second round of elections" (December 3, 2004), Lenta.Ru, accessed June 6, 2024, <https://lenta.ru/news/2004/12/03/ukraina>.

And although Ukraine was not a presidential, but a semi-presidential republic, the president then had great powers and determined the country's policy for the next five years. All this led to a strong confrontation and the division of the whole country into two irreconcilable opposing camps.

In Ukraine, this conflict was resolved by changing the form of government. During the confrontation, a package of amendments to the Constitution was adopted, which became a kind of compromise between liberal and conservative political forces. The amendments were approved by a majority of 90% of the Verkhovna Rada (402 out of 450 votes)<sup>27</sup>, that is, both liberal deputies who supported Yushchenko and conservative forces who supported Yanukovych<sup>28</sup>.

The constitutional amendments entered into force on January 1, 2006. Main change was the transition from a semi-presidential republic with a strong president to a semi-presidential republic with a weak president. The procedure for forming a government, prescribed in article 114, has changed radically. Before that, the prime minister was appointed by the president with the consent of the Verkhovna Rada. Now, the prime minister is appointed by the Verkhovna Rada “on the proposal of the President of Ukraine,” however, the president submits a candidate for the post of prime minister on the proposal of a faction or coalition of factions with a majority in the Verkhovna Rada. After that, most ministers are appointed by the Verkhovna Rada on the proposal of the prime minister, and the minister of defense and the minister of foreign affairs – on the proposal of the president.

The cabinet of ministers now resigns after the election of a new Verkhovna Rada (not after the election of a new president, as before) (Article 115). The rule has

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<sup>27</sup> “The Parliament voted the “package”. Kuchma fires the Prosecutor General” (December 7, 2004), Pravda.Com.Ua, accessed June 6, 2024, <https://www.pravda.com.ua/rus/news/2004/12/7/4383729>.

<sup>28</sup> “The package vote saved the face of Yushchenko and Kuchma” (December 8, 2004), Pravda.Com.Ua, accessed June 6, 2024, <https://www.pravda.com.ua/rus/news/2004/12/8/4383761>.

also been preserved that the resignation of the prime minister and the adoption by the Verkhovna Rada of a resolution of no confidence entails the resignation of the entire cabinet. As for the president, he has the right only to propose a resolution of no confidence in the cabinet (Article 87), but has no right to resign the government himself.

Thus, the president has lost key ways of influencing the government: he can no longer dismiss the government, and the candidacy of the prime minister is put forward not by himself, but by the parliamentary majority. As a result, Ukraine had moved towards a parliamentary republic. However, the final establishment of the parliamentary form of government did not happen, because the president retained a number of important powers. He remained Supreme Commander-in-Chief and continued to appoint and dismiss the high command of the Armed Forces and retained the right to promote his candidates to the position of the ministers of defense and foreign affairs. In addition, the presidential right of legislative veto was retained, which can be overcome by two thirds of the deputies of the Verkhovna Rada (Article 94).

These changes significantly reduced the political polarization. A situation of so-called “cohabitation” has become possible in Ukraine, familiar to the French, when the president and the prime minister represent competing political parties. In particular, in the 2006 parliamentary elections, the Party of Regions (the party of the losing presidential candidate Viktor Yanukovich), received the largest number of votes. The Party of Regions formed a coalition with the Socialist and Communist Parties and nominated Yanukovich for prime minister. Yanukovich formed the government and held this post from 2006 to 2007 during the presidency of his opponent Viktor Yushchenko.

**The 2010 constitutional amendments (cancellation of the 2004 constitutional amendments).** In 2010, Viktor Yanukovych won the next presidential election. In the same year, on his initiative, the Constitutional Court of Ukraine overturned the 2004 amendments, considering them unconstitutional. As a result, Ukraine returned to a semi-presidential form of government with a strong president for four years.

Thus, when conservative forces were interested in compromises with liberals, they were favored by a form of government with a weak president and a strong parliament. However, when the conservative forces felt the strength and decided that they no longer needed to negotiate with anyone, they considered a form of government with a strong president more advantageous.

**“Revolution of Dignity” and the 2014 constitutional amendments (return to the 2004 constitutional amendments).** In late 2013 – early 2014 Ukraine faced another deep political crisis. It began in November 2013 after President Viktor Yanukovych refused to sign the European Union Association Agreement and preferred closer ties with Russia<sup>29</sup>. In response, several hundred protesters gathered in Kiev's central square, Independence Square. On November 30, the authorities tried to disperse them with the help of the police. After that, thousands of people gathered in the square and organized a permanent tent camp. The confrontation lasted for several months. The violence reached its peak on February 18-21. These days, more than 100 civilians were killed, as well as 17 law enforcement officers<sup>30</sup>.

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<sup>29</sup> “The situation of human rights and the rights of national minorities in Ukraine” (ODIHR report dated May 12, 2014), OSCE Office for Democratic Institutions and Human Rights, accessed June 6, 2024, <https://www.osce.org/files/f/documents/4/9/122194.pdf>.

<sup>30</sup> “The situation of human rights and the rights of national minorities in Ukraine” (ODIHR report dated May 12, 2014), OSCE Office for Democratic Institutions and Human Rights, accessed June 6, 2024, <https://www.osce.org/files/f/documents/4/9/122194.pdf>.

In fact, in these months Ukraine has put into practice the hypothetical scenario that was described by Juan J. Linz. He wrote that in a parliamentary republic, the prime minister, who has become unpopular, is unlikely to remain in office. Either his own party will replace him, or the coalition that elected the prime minister will collapse (which will also lead to a change of government). In any case, this requires a simple majority of votes in parliament. At the same time, in a presidential republic, a president who has lost popularity and legitimacy cannot be eliminated without impeachment. However, impeachment is an extremely complex procedure. As I mentioned above, in Ukraine, the impeachment of the president requires the votes of three-quarters of the deputies of parliament, as well as the consent of the Constitutional Court and the Supreme Court (Article 111).

"Even when polarization has intensified to the point of violence and illegality, a stubborn incumbent may remain in office," wrote Juan J. Linz. "By the time the cumbersome mechanisms provided to dislodge him in favor of a more able and conciliatory successor have done their work, it may be too late. Impeachment is a very uncertain and time-consuming process, especially compared with the simple parliamentary vote of no confidence. An embattled president can use his powers in such a way that his opponents might not be willing to wait until the end of his term to oust him, but there are no constitutional ways – save impeachment or resignation under pressure – to replace him... What in a parliamentary system would be a government crisis can become a full-blown regime crisis in a presidential system"<sup>31</sup>.

This is exactly what happened in Ukraine in the winter of 2013-2014. The president was determined to continue the conflict, even when part of the ruling coalition was ready to compromise with the protesters and the opposition. The first

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<sup>31</sup> Juan J. Linz, "The Perils of Presidentialism", *Journal of Democracy*, 1 (January 1990): 51-69.

step in this direction was the resignation of prime minister Mykola Azarov at the end of January 2014. This did not satisfy the protesters, who considered Viktor Yanukovych to be the main root of all problems. However, the second step – the resignation of the president – did not happen. The president refused to resign and remained in office, even after losing the support of part of his own party and allies.

Another important aspect, similar to the events in Russia in 1993, is the position of the state apparatus. The police and military supported president Yanukovych until the very last moment. And this continued even when most of the parliament sided with the protesters. This is largely because the popularly elected president appointed the high command of the Armed Forces and determined candidates for the positions of heads of law enforcement agencies and special services. As a result, he could introduce loyal people into these bodies.

On February 21, with the mediation of the EU, an agreement was signed between Yanukovych and opposition leaders, which provided for early elections and the formation of an interim government of national unity. In addition, the Verkhovna Rada held a full amnesty for protesters, dismissed interior minister Vitaly Zakharchenko and was preparing to impeach the president<sup>32</sup>.

Viktor Yanukovych, who was losing power and supporters, left the capital on February 21. The next day, on February 22, the Verkhovna Rada adopted a resolution stating that Yanukovych “unconstitutionally withdrew himself from the exercise of constitutional powers” and did not fulfill his duties, and scheduled early presidential elections for May 25. 328 deputies out of 450 voted for this decision<sup>33</sup>.

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<sup>32</sup> “The Maidan protest movement”, Britannica, accessed June 6, 2024, <https://www.britannica.com/place/Ukraine/The-Maidan-protest-movement>.

<sup>33</sup> “The Verkhovna Rada voted for Yanukovych's resignation” (February 22, 2014), Lenta.Ru, accessed June 6, 2024, <https://lenta.ru/news/2014/02/22/elections>.

However, these actions did not comply with the Constitution. As I mentioned before, it provided for a limited set of grounds for early termination of the president's powers: resignation, inability to exercise his powers for health reasons, removal from office by impeachment and death (article 108). In this case, none of the procedures were used. Among other things, the Verkhovna Rada did not carry out the impeachment procedure, since this required the consent of three quarters of deputies (at least 338 out of 450), as well as the consent of the Constitutional Court and the Supreme Court. However, the parliament was unable to gather the necessary number of votes and enlist the support of the higher courts. As a result, the deputies dismissed the head of state unconstitutionally, despite he had lost popularity and legitimacy by that time.

On the same day, the Verkhovna Rada returned to the text of the 2004 Constitution. The next day, on February 23, the duties of the president were assigned to the new chairman of the Verkhovna Rada, Oleksandr Turchynov. As a result, the country returned to a semi-presidential form of government with a weak president. This version of the Constitution is still in force.

The unconstitutional way of removing the president has caused profound political consequences. Some of the regional elites considered the actions of the Verkhovna Rada a coup d'etat. On this background, the authorities of the Republic of Crimea (Ukrainian region mostly populated by ethnic Russians) did not recognize the change of power and later supported the annexation of region by Russia<sup>34</sup>. Armed rebellions were raised in several eastern regions with the support of Russia, and self-proclaimed states appeared on part of the Ukrainian territory.

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<sup>34</sup> "The crisis in Crimea and eastern Ukraine", Britannica, accessed June 6, 2024, <https://www.britannica.com/place/Ukraine/The-crisis-in-Crimea-and-eastern-Ukraine>.

Therefore, even a semi-presidential form of government is dangerous for democracy since the head of the executive branch, who has lost popularity, can remain in power. This is mainly due to the problem of dual legitimacy: part of the state apparatus (including the police and the military) is directly subordinate to the president and can support him even when most deputies of parliament are opposed to the president and demand his resignation. And even if the police and military eventually side with parliament, it still causes a severe crisis of legitimacy and threatens the existence of the state.

### **The war with Russia and the growth of the president's power in 2022-2024.**

In 2022, the Russian army invaded the territory of Ukraine and the country went into a state of war. There have been no constitutional changes in Ukraine, but this situation also allows us to see some flaws of the semi-presidential form of government.

Although Ukraine has a semi-presidential form of government with a weak president, the political importance of the head of state during war increases dramatically. In Ukraine, the president is the Supreme Commander-in-Chief and appoints and dismisses the high command of the Armed Forces (Article 106(17)), represents the state in international relations and directs foreign policy (Article 106(3)), appoints and dismisses diplomatic representatives (Article 106(5)), proposes candidates to the Verkhovna Rada for positions of the ministers of defense and foreign affairs (article 106(10)). Thus, the president de facto independently directs the country's foreign policy and defense, and all key decisions about the war depend on him personally. Neither the parliament nor other authorities can challenge the rationality and effectiveness of the president's decisions. And in this situation, the

president can conduct his own policy, even if most of the citizens and representatives of the political elite have a different opinion.

One of the signs of such a situation is an article by Time magazine published in November 2023. The authors of the article write that a split has arisen in the political leadership of Ukraine over the further strategy in the war with Russia. In the authors' opinion, the president was left almost alone with his views. Interviewed by journalists, people from Zelensky's team noted that the president unshakably believes in the complete victory of Ukraine. "He deludes himself," – one of them said. – "We're out of options. We're not winning. But try telling him that"<sup>35</sup>.

In this case, it is not so important whether the majority of the Ukrainian leadership is really set on concluding a ceasefire with Russia or changing its military strategy. The important thing is that if this is the case, then the political elite really does not have any constitutional mechanisms to impose their point of view on the president. Under the conditions of a parliamentary republic, the parliament can remove from office the head of the executive branch (prime minister), who conducts the war ineffectively or continues the war despite the possibility of its termination. However, in a presidential and semi-presidential republic, the whole country depends on the views of the president to the military policy. He may be left completely alone with his strategy, but there is no constitutional way for other political institutions to change it. This is happening more explicitly in Russia, and less explicitly in Ukraine.

### **Sustainability of democracy**

In this section, I will analyze the political changes in post-Soviet Ukraine and their connection with constitutional changes. For ease of perception, I will divide the

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<sup>35</sup> "'Nobody Believes in Our Victory Like I Do.' Inside Volodymyr Zelensky's Struggle to Keep Ukraine in the Fight" (November 1, 2023), Time, accessed June 6, 2024, <https://time.com/6329188/ukraine-volodymyr-zelensky-interview>.

post-Soviet period of Ukraine's history into decades and consider each of them sequentially.

I remind you that the Freedom in the World index evaluates countries on a scale from 1 to 10, where 1 is the best indicator and 10 is the worst. The Voice and Accountability index evaluates countries on a scale from -2.5 to 2.5 (where -2.5 is the worst rating, 2.5 is the best, and 0 is the global average).

**1991-1999.** Throughout the 1990s, Ukraine was a relatively free and democratic state. One of the clear signs of democracy is the absence of a dominant party and the situation of the incumbent president's loss in the elections. Leonid Kravchuk won the 1991 presidential election (61.6%)<sup>36</sup>. In the 1994 parliamentary elections, candidates from several parties (the Communist Party – 86 seats of 450, the People's Movement – 20 seats, the Socialist Party – 14 seats, the Peasant Party – 18 seats, etc.) and 163 independent candidates were elected to the Verkhovna Rada.<sup>37</sup> In the same year, the country held presidential elections, where Leonid Kuchma defeated Leonid Kravchuk in the second round with 52% of the vote<sup>38</sup>.

In the 1998 parliamentary elections, the Communist Party received the most votes (115 out of 450 seats), and deputies from about a dozen other parties also entered parliament (People's Movement – 42 seats, the electoral bloc of the Socialist Party and the Peasant Party – 28 seats, the People's Democratic Party – 28 seats,

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<sup>36</sup> Oleg Medvedev, "The referendum and elections in Ukraine" (December 9, 1991), Kommersant, accessed June 6, 2024, <https://www.kommersant.ru/doc/1881>.

<sup>37</sup> "Ukraine Verkhovna Rada (Parliament), Elections held in 1994", Inter-Parliamentary Union, accessed June 6, 2024, [http://archive.ipu.org/parline-e/reports/arc/2331\\_94.htm](http://archive.ipu.org/parline-e/reports/arc/2331_94.htm).

<sup>38</sup> William M. Connor and Dr. Jacob W. Kipp, "The Ukrainian and Belarussian presidential elections: assessment and implications", Foreign Military Studies Office, Fort Leavenworth, KS, 1994.

etc.)<sup>39</sup> A year later, in the 1999 presidential election, Leonid Kuchma defeated communist Pyotr Simonenko in the second round with 56% of the vote<sup>40</sup>.

Democracy indices assessed the state of the country during this period as follows:

*Table 5 Sustainability of Democracy in Ukraine in 1991-1999*

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
1991	3	3	Partly Free		Electoral autocracy
1992	3	3	Partly Free		Electoral democracy
1993	4	4	Partly Free		Electoral democracy
1994	3	4	Partly Free		Electoral democracy
1995	3	4	Partly Free		Electoral democracy
1996	3	4	Partly Free	-0,32	Electoral democracy
1997	3	4	Partly Free		Electoral democracy
1998	3	4	Partly Free	-0,24	Electoral autocracy
1999	3	4	Partly Free		Electoral autocracy

As we can see, the state of democracy remained generally stable, with a trend in the negative direction. In general, in the 1990s, Ukraine had higher rates of democracy than Russia, but the gap between the two countries was not very large.

**2000-2009.** In the next decade, the paths of the two countries radically diverged. In Russia, there was a transition to a stable dictatorship in the mid-2000s. At the same time, the opposite trend occurred in Ukraine: the country experienced

<sup>39</sup> "Ukraine Verkhovna Rada (Parliament), Elections held in 1998", Inter-Parliamentary Union, accessed June 6, 2024, [http://archive.ipu.org/parline-e/reports/arc/2331\\_98.htm](http://archive.ipu.org/parline-e/reports/arc/2331_98.htm).

<sup>40</sup> "Presidential elections 1999", Central Election Commission of Ukraine, accessed June 6, 2024, <https://www.cvk.gov.ua/pls/vp1999/webproc0.html>.

the “Orange Revolution”, the victory of the liberal coalition and the transition to a semi-presidential form of government with a weak president.

At the beginning of the decade, in the 2002 parliamentary elections, Viktor Yushchenko's liberal bloc “Our Ukraine” received the most votes (112 out of 450 seats). In second place was the conservative pro-presidential bloc “For United Ukraine” (102 seats). However, neither force had a stable majority and formed alliances with other parties – the Communist Party (66 seats), Yulia Tymoshenko's bloc (21 seats), the Socialist Party (24 seats), etc.<sup>41</sup>

In the 2004 presidential election Viktor Yushchenko defeated Viktor Yanukovich in the re-voting of second round with 52% of the vote<sup>42</sup>. This led to the creation of a liberal pro-Western government, which, however, did not last that long. In the 2006 parliamentary elections, most votes were won by Party of Regions led by Viktor Yanukovich (186 votes)<sup>43</sup>. The party joined forces with the Socialist (33 seats) and Communist (21 seats) parties and nominated Yanukovich for the post of prime minister. However, this government didn't last that long either. In 2007, after early parliamentary elections, Viktor Yanukovich gave way to liberal prime minister Yulia Tymoshenko. Yulia Tymoshenko's bloc won 156 seats in parliament and was able to form a government by uniting with Viktor Yushchenko's party “Our Ukraine – People's Self-Defense” (72 seats)<sup>44</sup>.

Thus, despite the country sliding towards autocracy before the middle of the decade, then after the “Orange Revolution” and the constitutional amendments of

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<sup>41</sup> “Ukraine Verkhovna Rada (Parliament), Elections held in 2002”, Inter-Parliamentary Union, accessed June 6, 2024, [http://archive.ipu.org/parline-e/reports/arc/2331\\_02.htm](http://archive.ipu.org/parline-e/reports/arc/2331_02.htm).

<sup>42</sup> “The Elections of the President of Ukraine. Repeating voting, 26 December, 2004”, Central Election Commission of Ukraine, accessed June 6, 2024, <https://www.cvk.gov.ua/pls/vp2004/wp0011e.html>.

<sup>43</sup> “Ukraine Verkhovna Rada (Parliament), Elections held in 2006”, Inter-Parliamentary Union, accessed June 6, 2024, [http://archive.ipu.org/parline-e/reports/arc/2331\\_06.htm](http://archive.ipu.org/parline-e/reports/arc/2331_06.htm).

<sup>44</sup> “Ukraine Verkhovna Rada (Parliament), Elections held in 2007”, Inter-Parliamentary Union, accessed June 6, 2024, [http://archive.ipu.org/parline-e/reports/arc/2331\\_07.htm](http://archive.ipu.org/parline-e/reports/arc/2331_07.htm).

2004, the trend turned in the opposite direction. Democracy indices assess the state of the country at this time as follows:

*Table 6 Sustainability of Democracy in Ukraine in 2000-2009*

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
2000	4	4	Partly Free	-0,61	Electoral autocracy
2001	4	4	Partly Free		Electoral autocracy
2002	4	4	Partly Free	-0,52	Electoral autocracy
2003	4	4	Partly Free	-0,59	Electoral autocracy
2004	4	3	Partly Free	-0,67	Electoral autocracy
2005	3	2	Free	-0,29	Electoral autocracy
2006	3	2	Free	0,05	Electoral democracy
2007	3	2	Free	0,06	Electoral democracy
2008	3	2	Free	0,09	Electoral democracy
2009	3	2	Free	0,06	Electoral democracy

As we can see, in 2005-2006, the country moved into the category of free and democratic and maintained this trend throughout the second half of the decade. According to the Voice and Accountability index, since the middle of the decade, Ukraine has even exceeded the global average. And only after President Yanukovych was elected president, the situation changed for the worse.

**2010-2019.** In the 2010 presidential election, Viktor Yanukovych defeated Yulia Tymoshenko in the second round with 49% of the vote<sup>45</sup>. He managed to immediately form his own government, headed by prime minister Mykola Azarov. In the same year, Yanukovych initiated a return to the Constitution of Ukraine as

<sup>45</sup> "Elections of the President of Ukraine", Central Election Commission of Ukraine, accessed June 6, 2024, <https://www.cvk.gov.ua/pls/vp2010/WP0011.html>.

amended before 2004. Two years later, in 2012, parliamentary elections were held in the country, where the Party of Regions received 185 votes<sup>46</sup> and together with its allies, it formed a new government headed by the same Azarov.

The presidency of Yanukovych was marked by an increase in corruption and political repression. In particular, in 2011, Yanukovych's most popular opponent, politician Yulia Tymoshenko, was arrested. In the same year, she received a seven-year prison sentence in the case of abuse of power when concluding gas contracts with Russia two years before<sup>47</sup>

In 2014, a “Revolution of Dignity” took place in the country, which ended with the overthrow of Viktor Yanukovych and new presidential and parliamentary elections. They were won by the pro-Western liberal coalition led by Petro Poroshenko. He took the post of president, receiving 54.70% in the first round of voting, and his party won a majority in the Verkhovna Rada (131 seats) – however, not an absolute one, so he had to form a coalition<sup>48</sup>. In the same year, Ukraine returned to the constitutional amendments of 2004.

In 2019, new presidential and parliamentary elections took place in the country. In the presidential election, Vladimir Zelensky defeated Poroshenko in the second round with 73% of the vote<sup>49</sup>, and in the parliamentary elections, Zelensky's party “Servant of the People” won an absolute majority of seats in parliament (254 out of

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<sup>46</sup> “Ukraine Verkhovna Rada (Parliament), Elections held in 2012”, Inter-Parliamentary Union, accessed June 6, 2024, [http://archive.ipu.org/parline-e/reports/arc/2331\\_12.htm](http://archive.ipu.org/parline-e/reports/arc/2331_12.htm).

<sup>47</sup> “The court sentenced Tymoshenko to seven years in prison” (October 11, 2011), Korrespondent, accessed June 6, 2024, <https://korrespondent.net/ukraine/politics/1270836-sud-prigovoril-tymoshenko-k-semi-godam-tyurmy>.

<sup>48</sup> “Early elections of People's Deputies of Ukraine on October 26, 2014”, Central Election Commission of Ukraine, accessed June 6, 2024, [https://www.cvk.gov.ua/vibory\\_category/vibori-narodnih-deputativ-ukraini/pozachergovi-vibori-narodnih-deputativ-ukraini-26-zhovtnya-2014-roku.html](https://www.cvk.gov.ua/vibory_category/vibori-narodnih-deputativ-ukraini/pozachergovi-vibori-narodnih-deputativ-ukraini-26-zhovtnya-2014-roku.html).

<sup>49</sup> “Presidential elections in Ukraine 2019”, Central Election Commission of Ukraine, accessed June 6, 2024, <https://web.archive.org/web/20190424061802/https://www.cvk.gov.ua/pls/vp2019/wp300pt001f01=720.html>.

450)<sup>50</sup>. Interestingly, the second place was taken by the pro-Russian party “Opposition Platform – For Life”, which won 43 seats in parliament.

Democracy indices assess the state of the country during this period as follows:

*Table 7 Sustainability of Democracy in Ukraine in 2010-2019*

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
2010	3	3	Partly Free	-0,08	Electoral autocracy
2011	4	3	Partly Free	-0,13	Electoral autocracy
2012	4	3	Partly Free	-0,28	Electoral autocracy
2013	4	3	Partly Free	-0,32	Electoral autocracy
2014	3	3	Partly Free	-0,14	Electoral autocracy
2015	3	3	Partly Free	-0,09	Electoral autocracy
2016	3	3	Partly Free	0,00	Electoral autocracy
2017	3	3	Partly Free	0,01	Electoral autocracy
2018	3	4	Partly Free	-0,03	Electoral autocracy
2019	3	3	Partly Free	0,02	Electoral autocracy

Thus, in the first half of the decade, the level of rights and freedoms deteriorated slightly, but Viktor Yanukovych failed to build a strong and stable autocracy. After his overthrow, the situation improved, and Ukraine rose to the global average.

**2020-2024.** Ukraine met the beginning of the 2020s with a new president (Vladimir Zelensky) and a new ruling party (“Servant of the People”). In the beginning, this led to an improvement in the situation with rights and freedoms. However, in 2022, authoritarian tendencies intensified in Ukraine due to the

<sup>50</sup> “Early elections of People's Deputies of Ukraine on July 21, 2019”, Central Election Commission of Ukraine, accessed June 6, 2024, [https://www.cvk.gov.ua/vibory\\_category/vibori-narodnih-deputativ-ukraini/pozachergovi-vibori-narodnih-deputativ-ukraini-21-lipnya-2019-roku.html](https://www.cvk.gov.ua/vibory_category/vibori-narodnih-deputativ-ukraini/pozachergovi-vibori-narodnih-deputativ-ukraini-21-lipnya-2019-roku.html).

beginning of war with Russia. A number of parties have been banned in the country (mainly due to pro-Russian positions): “Opposition Platform – For Life”, “Party of Shariy”, the Socialist Party, etc.<sup>51</sup> The presidential and parliamentary elections in 2024 were postponed until the end of the war.

Democracy indices assess the situation during this period as follows:

*Table 8 Sustainability of Democracy in Ukraine in 2020-2022*

Year	Freedom in the World (Political Rights)	Freedom in the World (Civil Liberties)	Freedom in the World (type of political regime)	Voice and Accountability (Worldwide Governance Indicator)	V-Dem (type of political regime)
2020	3	4	Partly Free	0,09	Electoral democracy
2021	3	3	Partly Free	0,07	Electoral democracy
2022	4	4	Partly Free	-0,02	Electoral autocracy

Thus, if at the beginning of the decade the country improved its performance, then after the beginning of the war with Russia, the situation with democracy and rights and freedoms worsened. So far the situation is not so dramatic as to talk about a transition to a full-fledged dictatorship. However, the country's future looks uncertain.

## Conclusions

From the entire post-Soviet history of Ukraine, the following five conclusions can be drawn:

1. Ukraine has been balancing between the presidential and parliamentary systems all the years of independence. However, in the end it did not come to either

<sup>51</sup> ““OPFL”, “Party of Shariy” and not only: the National Security Council decided to stop the activities of a number of parties” (March 20, 2022), Unian, accessed June 6, 2024, <https://www.unian.net/politics/opzzh-partiya-shariya-i-ne-tolko-snbo-reshil-ostanovit-deyatelnost-ryada-partiy-novosti-ukraina-11751409.html>.

the first or the last and retained a semi-presidential form of government. At the same time, we can trace a stable pattern: the more the balance of power shifts towards the president, the more the country is inclined to authoritarianism. This happened in the second half of the 1990s and early 2000s under president Leonid Kuchma and in the first half of the 2010s under president Viktor Yanukovych. On the other hand, a shift in the balance towards parliament means democratization, which is especially evident in the second half of the 2000s (during the first period of the 2004 constitutional amendments) and in the second half of the 2010s (during the second period of the amendments).

2. Ukraine faced dramatic political polarization in the 2004 presidential elections. The situation was in many ways similar to the Russian presidential elections of 1996. And although the president of Ukraine had fewer powers than the Russian president, the election result determined the country's path for the near future. The political conflict was resolved differently than in Russia. If in Russia one side completely suppressed the other, then in Ukraine the parties were able to agree on a political compromise. As a result, the country turned into a semi-presidential republic with a weak president. This has provided a more flexible government system, where the opposition can sometimes gain some power without waiting for the next presidential election.

3. The parliamentary system with a weak president in 2004 was perceived as more beneficial not only by liberals, but also by conservatives. Unfortunately, the conservatives were interested in it only at the moment when they found themselves in opposition. In an environment where the winner gets everything, it is beneficial for the loser to distribute power between different subjects. However, president Viktor Yanukovych, after coming to power in 2010, immediately initiated the repeal of the

2004 amendments. Perhaps he could have further strengthened his power after some time, as the president of Russia did in the 2000s, but this process was interrupted by the “Revolution of Dignity” in 2014.

4. It is extremely difficult to remove a popularly elected president who has lost the popularity and trust of citizens and even his own party, as we can see from the example of the events of 2014. This applies to both the presidential and semi-presidential systems. Due to the problem of dual legitimacy, the president may try to retain power even in conditions of loss of popularity and confrontation with parliament. He is especially helped in this by the powers that allow him to appoint the heads of military and police formations.

5. The example of Ukraine shows that even a semi-presidential republic with a weak president can pose a danger in war conditions if the president has significant powers in the field of defense and foreign affairs. In a parliamentary republic, the parliament can at any time remove from office the head of the executive branch (prime minister), who conducts the war ineffectively or continues the war despite the possibility of its termination. However, in a presidential and semi-presidential republic, the whole country becomes hostage to the military strategy that the president wants to pursue.

## Chapter 4. Conclusions

From the post-Soviet history of Russia and Ukraine, several general conclusions can be drawn regarding the forms of government:

1. In both countries, the form of government has had a profound impact on the dynamics of power and the political regime. We see that the balance of power between the president and parliament often correlates with the level of democracy. Strengthening the power of the president, as a rule, leads to authoritarian tendencies, while strengthening the role of parliament usually contributes to democratization and restraint of executive power. Ukraine in the conditions of a semi-presidential republic with a strong president (from the early 1990s to the mid-2000s and in the first half of the 2010s) gradually leaned towards authoritarianism, while in the conditions of a semi-presidential republic with a weak president (in the second half of the 2000s and in the second half of 2010s years) it was becoming a more free and democratic. According to some estimates, the most free and democratic period in Russia's history was in the early 1990s, when the country was a semi-presidential republic, and after the change of the form of government to a presidential one, the country steadily moved towards strengthening authoritarianism.

2. Although the semi-presidential form of government is more democratic than the presidential one, it has many similar disadvantages. For example, a semi-presidential system can also lead to conflicts between the president and parliament due to the problem of dual legitimacy. This happened in Russia in 1993, when parliament opposed the president, and in Ukraine in 2014, when parliamentary majority sided with the opposition during anti-presidential protests. In both cases, the conflict led to a large-scale political crisis and human casualties. This could have

been avoided if both countries were parliamentary republics, where parliament can easily replace the head of the executive branch who has become unpopular and has lost legitimacy.

3. Both the presidential and semi-presidential systems lead to the polarization of society and the political elite. Since the presidency means too much, a serious struggle is breaking out for it. Political forces must decide which camp they support and actively fight against representatives of the opposite camp. The presidential elections in Russia in 1996 and the presidential elections in Ukraine in 2004 are vivid examples of polarization. At the same time, in the conditions of a parliamentary republic, the struggle becomes much less sharp and pushes political forces not to polarization, but to compromises and the search for allies. As a result, radical political forces may become more moderate if they want to join the ruling coalition.

4. In both countries, presidential control over military and law enforcement agencies has affected both domestic and foreign policy conflicts. Since all people with guns obey one person, he can force his idea of the right conflict resolution strategy. Inside the country, the president can use the army and police to suppress the opposition, even if other authorities oppose it. In relations with other countries, the president can start a military conflict and continue it, even when a change of strategy is necessary. Vivid examples in Russia are the internal political conflict of 1993 and the war with Ukraine 2022-2024, vivid examples in Ukraine are the internal political conflict of 2014 and the war with Russia 2022-2024. In a parliamentary republic, there is a simple and understandable mechanism that forces the head of the executive branch to listen to someone else's opinion – a vote of no confidence. In a presidential and semi-presidential republic, there is only an impeachment mechanism. However, this procedure is much longer and more complicated. It

requires the uniting of the entire political elite against the president and coordinated actions, which politicians are often unable to do.

5. This topic requires further development. According to the scheme I have used, it is possible to study the history of other post-authoritarian countries and trace the causes and consequences of changes in forms of government. The most promising in this regard are other post-Soviet republics (Belarus, Georgia, Armenia, Kyrgyzstan), as well as Middle Eastern and African countries that have changed their form of government in recent decades (Tunisia, Iraq, Turkey).

If we can prove a stable connection between the form of government and the political regime, then the main recommendation for the democratization of post-authoritarian countries will be the establishment of a parliamentary republic (at least temporarily, until the emergence of strong and stable democratic institutions). As we can see, this form of government would help to avoid many of the problems that Russia and Ukraine faced in the post-Soviet period of their history. And similarly, new democracies will be able to avoid them by establishing this more effective and productive form of government.

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