

## POLITICAL INSTITUTIONS AND PROCESSES

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### ELIMINATION OF POLITICAL DUALISM TO ESTABLISH PARLIAMENTARY DEMOCRACY IN UKRAINE

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#### Abstract

Ukraine's political system, operating under a semi-presidential model, is marked by pronounced political dualism: the blurred division of powers between the president and the prime minister leads to persistent conflicts, fosters corruption, and contributes to political instability, the excessive concentration of power, and the lack of effective oversight and impeachment mechanisms, while the imbalance of constitutional provisions lead to frequent institutional crises and divisions among branches of government. A parliamentary democracy may represent the optimal form of governance for Ukraine, offering greater accountability, stability, and a reduction in corruption. A constitutional reform that limits presidential powers and designates the prime minister as the head of government accountable to parliament is essential for eliminating political dualism. Such changes will contribute to effective governance and the democratic development of Ukraine in the face of contemporary challenges. This article examines the issue of political dualism under the semi-presidential system in Ukraine and argues for the necessity of transitioning to a rationalized parliamentary system. It analyzes the historical stages of the development of Ukraine's constitutional model, identifying its weaknesses, particularly the excessive concentration of executive powers in the hands of the President. The author conducts a comparative legal analysis of governance models in France, Germany, Slovenia, and Austria, and presents empirical data from the Worldwide Governance Indicators (WGI), which demonstrate the advantages of parliamentary republics in ensuring checks and balances, accountability, and institutional capacity. The article proposes three scenarios for the development of the form of government in Ukraine, identifying rationalized parliamentarism as the optimal model capable of ensuring both democratic oversight and effective public administration in the post-war period.

**Keywords:** parliamentary democracy, political dualism, constitutional reform, semi-presidential system, government accountability, parliamentary oversight, democratization, rationalized parliamentarism.

#### Introduction

The theoretical foundations of parliamentary democracy are based on the works of leading political scientists who have examined the impact of different forms of government on democratic stability. Lijphart (1999), in his prominent work *Patterns of Democracy*, argues that parliamentary systems offer stronger government accountability to the legislative branch, which is critically important for democratic development. Shugart and Carey (1992), in their book *Presidents and Assemblies*, note that parliamentary systems are less prone to conflicts between the executive and legislative branches, thereby promoting political

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stability. Wilson (2005), in his study Ukraine's Orange Revolution, emphasizes that the semi-presidential system in Ukraine fosters instability and corruption due to the ambiguous division of powers between the president and the prime minister.

In a parliamentary system, the government is accountable to the parliament, which provides a clear mechanism of oversight and allows for the swift replacement of the government through a vote of no confidence. This is particularly important for Ukraine, where corruption remains a serious issue. According to the Transparency International Corruption Perceptions Index (2024), Ukraine ranks 105th out of 180 countries, indicating a high level of corruption. Research by Cheibub (2007) demonstrates that parliamentary systems tend to exhibit lower levels of corruption due to greater transparency and government accountability.

Therefore, the study of the constitutional foundations of the genesis of parliamentarism in Ukraine, in the context of implementing political reform, represents a relevant and timely direction in contemporary political and constitutional-legal scholarship. As Stavnichuk notes, parliament and parliamentarism are today regarded as essential attributes of a democratic state, which underscores the necessity of analyzing the development of representative institutions (Stavnichuk, 2001, p. 7). Following the end of the full-scale war, Ukraine will inevitably face the challenge of not only physical reconstruction but also institutional recovery. One of the key components of this transformation will be the revision of the constitutional order, particularly the model of governance. The current semi-presidential system, which has revealed its flaws under crisis conditions through the dominance of one branch of power, requires critical reconsideration to prevent authoritarian tendencies in the future.

The aim of this study is to conduct a theoretical and empirical analysis of eliminating political dualism in Ukraine through a transition to parliamentary democracy, to justify the necessity of constitutional reform in order to ensure government accountability, political stability, and a reduction in corruption, as well as to develop proposals for the redistribution of powers among branches of government based on the comparative experience of European states.

### **Methodology**

To achieve the objective of this study – justifying the feasibility of Ukraine's transition to a parliamentary model of governance through the elimination of political dualism – a comprehensive methodological framework has been applied. Comparative legal analysis enabled a detailed examination of power distribution models in EU countries (Germany, Austria, Slovenia, France). The analysis covers constitutional provisions, special legislation, and constitutional practice regarding votes of confidence, emergency powers, and procedures for government formation.

A structural-functional approach was employed to identify the specific features of executive dualism in Ukraine by analyzing conflicts of authority between the President and the Prime Minister, including cases of cohabitation and political dependence of the Cabinet on the Presidential Office. The dynamics of inter-institutional relations were interpreted based on analytical reports. Scenario forecasting was used to model potential governance trajectories for post-war Ukraine: rationalized parliamentarism; technocratic (formal) parliamentarism; and authoritarian backslide (a "presidential vertical").

### **Political Dualism as a Challenge to the Development of Parliamentarism: Evolution, Reform Attempts, and Deficiencies**

The evolution of Ukrainian parliamentarism has been accompanied by a gradual redistribution of powers between the executive and legislative branches. Historically, constitutional drafts and reforms – particularly the 1992 draft Constitution and the 2004 amendments – envisioned an enhanced role for the parliament to mitigate inter-branch conflicts and ensure effective representation of the people's interests. In this context, comparative legal analysis is of particular significance, as the experience of European states demonstrates a positive trajectory in the distribution of powers, which fosters democratization and strengthens government accountability.

Despite the progress achieved, the current structure of state power in Ukraine reveals significant systemic issues, creating an urgent need for political system reform, particularly the elimination of political dualism. The mixed form of government is conflict-prone not only in constitutional-legal terms but also institutionally, as it critically depends on the continuous interaction of various institutions, which manifests in complex mechanisms of joint decision-making (Koliukh, 2019, p. 177). It is evident that political dualism, characteristic of semi-presidential systems, frequently results in tensions between the president and the prime

minister. Ukraine, governed by a mixed parliamentary-presidential model, faces a fundamental conflict of legitimacies and executive duality.

Both institutions – the president and the parliament – derive their mandates through general elections, creating ongoing competition for influence over the executive branch. This structure results in a fragmentation of powers, wherein the prime minister, who *de facto* heads the government, is forced to operate under constant pressure from the president. This pressure manifests in policy disagreements and administrative conflicts. The phenomenon has deep institutional roots, reflecting not only constitutional divisions but also the influence of Ukraine's political and legal culture.

At the same time, as practice demonstrates, both institutions tend to shift toward political synthesis, thereby increasing the risk of corruption. The study by Sedelius and Mashtaler (2013) documents 76 cases of intra-executive conflicts in eight Central and Eastern European countries between 1991 and 2011, which have had a detrimental impact on government stability. A transition to a parliamentary system would eliminate this dualism by making the prime minister the head of government accountable to the parliament (Sedelis & Mashtaler, 2013).

The experience of leading European states, particularly Germany and Estonia, demonstrates that a properly organized parliamentary form of governance provides significantly greater efficiency compared to presidential systems in which power is concentrated in a single office (Maslov, 2015). The proposed reform envisions that the President will assume purely ceremonial functions, be stripped of the right to initiate legislation, exercise veto power, and enjoy legal immunity. Real executive authority would be transferred to a directly elected chancellor or prime minister, who would lead the party list and form the government with the support of a parliamentary majority.

This approach would bring Ukraine closer to European democratic standards by promoting a more transparent and accountable model of state governance. Since the adoption of the 1996 Constitution, the formation of a new socio-political system began; however, the reform process lacked adequate scholarly justification and a coherent strategic framework. The constitutional and legal status of the President of Ukraine, as established by the 1996 Constitution, introduced a mixed (semi-presidential) system of governance in which the President, despite a formally neutral position regarding the branches of power, in practice primarily interacts with the executive branch.

The experience of the Venice Commission (1997, 2010) indicates that the initially envisaged strong executive authority under the President was accompanied by mechanisms of checks and balances. Nevertheless, over time, the actual concentration of power in the President's hands and ongoing confrontation with the parliament became increasingly evident. The 2004 constitutional reform was partially aimed at redistributing excessive powers, yet the current constitutional design remains flawed and continues to generate numerous institutional contradictions.

Among the key shortcomings of the 2004 reforms are the imbalance of powers, the inadequacy of oversight mechanisms, and the absence of an effective impeachment procedure for removing the Head of State. Furthermore, critical issues such as administrative-territorial division, local self-government, citizen access to the Constitutional Court, judicial reform, and the scope of parliamentary immunity were left unaddressed. These deficiencies hinder the realization of the current Constitution's potential and create conditions for manipulation during political conflicts.

On September 30, 2010, the Constitutional Court of Ukraine issued Ruling No. 20-rp/2010 (Constitutional Court of Ukraine, 2010). This decision reinstated the 1996 version of the Constitution, restoring extensive powers to the President, including the authority to appoint the Prime Minister and ministers without parliamentary approval, and completely annulled the 2004 reform. This return to a presidential-parliamentary system was widely perceived as a step backward in the country's democratic development and provoked criticism from international organizations, particularly the Venice Commission (Venice Commission, 2010).

The 2014 parliamentary reform was primarily associated with electoral changes and the political events of that period, particularly the adoption of the Law "On Elections of People's Deputies of Ukraine." It also concerned adjustments in the structure and powers of the parliament. The parliamentary reform launched in 2016 remains incomplete to this day. The main challenge lies in the lack of a systematic approach to reform (Laboratory of Legislative Initiatives, 2022). As a result, the reforms of 2004, 2010, 2014, and 2016 failed to eliminate the problem of political dualism, merely redistributing powers without addressing the core issue – the conflict that fuels political instability, institutional contradictions, and a decline in public trust in political institutions.

### Presidential Powers and Institutional Barriers to Parliamentary Democracy

The issue concerning the status of the Head of State begins with the ambiguity of the constitutional definition of presidential powers. Article 102 designates the President as the guarantor of state sovereignty, territorial integrity, adherence to the Constitution, and human rights – formulations that are largely declarative and fail to clearly regulate the President's role within the system of state authority. The excessive level of immunity, as prescribed by Article 105, results in a lack of accountability for both action and inaction, while the provisions concerning elections and the duration of presidential powers (Article 103) create a discrepancy between the *de facto* and *de jure* status of the presidency, thereby contributing to institutional conflict.

The ambiguous list of presidential powers outlined in Part One of Article 106 of the Constitution is characterized as normatively declarative, undermining the logical coherence of the constitutional system. The doctrine of “implied powers”<sup>1</sup> enables the President to act beyond the constitutionally defined scope of authority, a practice that has been affirmed by rulings of the Constitutional Court of Ukraine. This issue is further exacerbated by unconstitutional provisions in the current legislation concerning the regulation of presidential powers, the absence of a clear legislative mechanism (e.g., a Law of Ukraine “On the President of Ukraine”), and inconsistencies in the procedures of counter-signature of presidential acts. Together, these factors create opportunities for opaque political processes and inter-institutional conflicts.

The procedures for terminating the powers of the President also require reconsideration. Impeachment, as outlined in Article 111, is an almost impractical mechanism due to an excessively high voting threshold, while other grounds for early termination of presidential authority are characterized by vague legal formulations. The substitution of the President in cases of early termination through the temporary assumption of duties by the Chairperson of the Verkhovna Rada poses additional risks to the balance of power among branches of government. Overall, these deficiencies in the current constitutional framework highlight the need for fundamental reforms aimed at eliminating political dualism and establishing effective mechanisms of checks and balances within the system of public governance.

The strategic reform of the Constitution of Ukraine must be based on a clear methodological framework that incorporates the experience of leading democratic countries and envisions the formation of a national idea reflecting the principles of the rule of law, human rights, and the autonomy of state policy. The reform should be organized in a way that ensures effective interaction between the actors of the constitutional process and the broader public, and must be accompanied by an active information campaign aimed at increasing citizens' awareness of their role in public governance. In this way, the modernization of the fundamental law will serve as a unifying mechanism for addressing nationwide challenges of statehood and advancing Ukraine's democratic development.

In Ukraine, the debates over changing the form of government continue, particularly with regard to transforming it into a presidential-parliamentary republic. Zabolotna (2023), an analyst at the Centre of Joint Action, argues that such terminology is artificial, as in global practice only mixed or parliamentary models are recognized. The experience of post-Soviet countries demonstrates that the strengthening of presidential power often leads to authoritarianism. Ukraine is already exhibiting signs of power concentration in the hands of the president, which undermines parliamentarism. At the same time, the practice of developed democracies proves that a strong parliament enhances transparency, reduces corruption, and contributes to effective governance.

A transition to a parliamentary republic would ensure the stable development of the country, as decision-making would become a collective process rather than being concentrated in the hands of a single individual. It is essential to engage in a broad public discussion on the future political system of Ukraine. A strong parliament would make it possible to form a coalition government that takes into account the interests of various political forces and regions. This would reduce the influence of oligarchs, promote government accountability, and protect the country from the risks of authoritarianism.

The core concept is rationalized parliamentarism<sup>2</sup>, which entails enhancing oversight procedures over the government, particularly through the introduction of a constructive vote of no confidence and

<sup>1</sup> The doctrine of “implied powers” originates from the United States, and it refers to presidential powers “that are not explicitly provided for in the Constitution but derive from its content and pertain to the specific nature of presidential activity in extraordinary situations, particularly in cases of military aggression” (Constitutional Court of Ukraine, 2020).

<sup>2</sup> Rationalized parliamentarism is a model that emerged after World War II as a response to governmental instability and parliamentary fragmentation during the interwar period (e.g., in France and Germany).

the expansion of parliamentary powers in regulating the legislative process. This approach aims to establish a more transparent, accountable, and stable political system aligned with contemporary European democratic standards. A reorientation of the system of governance toward a parliamentary republic is viewed as a potentially optimal solution for overcoming administrative dualism.

However, in contemporary Ukraine, there are numerous factors that hinder the implementation of any form of purely parliamentary governance. Koliukh notes that “in modern Ukraine, there are many factors that impede the introduction of purely parliamentary forms of governance.” (Koliukh, 2019, p. 179). Parliamentary rule functions effectively in countries with authoritative and competitive political parties that, based on broad public support and mutual compromise, are capable of forming effective coalitions in parliament and subsequently a government that is not limited to representatives of a single political force.

Since gaining independence in 1991, Ukraine has experienced a low level of public trust in political parties as institutions. This complicates the formation of stable coalitions and effective governance, both of which are critical for the successful operation of a parliamentary system (Koliukh, 2019, p. 179). Moreover, political parties in Ukraine often remain dependent on external funding, particularly from oligarchs, business structures, and financial-industrial groups. This dependence leads to the lobbying of these actors’ interests in parliament, which may result in the adoption of laws that contradict the Constitution and other legal norms, thereby violating the principle of the rule of law (Sachko, 2022, p. 78).

Additionally, the absence of clear legislative regulation of the status of the parliamentary opposition results in its perception primarily as an “anti-government” force – an institution opposing the ruling coalition. In democratic systems, however, the opposition plays a constructive role by monitoring the majority’s actions, adjusting its initiatives, representing minority interests, and supporting socially significant projects. The lack of legal recognition of the opposition’s status in Ukraine limits its ability to effectively perform these functions (Sachko, 2022, p. 78). Furthermore, low political culture and tolerance, along with corruption and lack of professionalism among a significant portion of the parliamentary corps, remain persistent issues (Sachko, 2022, p. 79).

### **Expansion of Presidential Powers in Wartime: The Ukrainian Experience and Alternatives (The Cases of Austria and Germany)**

Following Russia’s full-scale invasion of Ukraine in February 2022, there has been a notable concentration of executive power in the hands of President Volodymyr Zelenskyy. This reflects a broader trend wherein presidential powers tend to expand during wartime due to the need for centralized command and resource mobilization (Devine et al., 2020).

In Ukraine, according to Article 106 of the Constitution, the president serves not only as the Head of State but also as the Supreme Commander-in-Chief of the Armed Forces, a status that grants broad authority under martial law. Since the onset of the war, the Presidential Administration has significantly increased its influence, leading to a relative weakening of the role of the parliament and other state institutions. For instance, from the beginning of the war until July 2023, the Verkhovna Rada passed over 90% of bills submitted by the president, in contrast to only 35% of government-initiated proposals (Lebediuk, 2023, p. 97). While such measures may be justified in times of emergency, it is essential to ensure that they do not result in the prolonged weakening of democratic institutions and the principle of the rule of law. In our view, this situation illustrates the inherent risks associated with the concentration of power during crises: rather than safeguarding the balance of power, such arrangements tend to legitimize its centralization. Therefore, eliminating dualism through a transition to a parliamentary system represents a preventive measure against authoritarian tendencies both during wartime and in the post-war period.

Although the experience of full-scale war in Ukraine may create the illusion of effectiveness of the semi-presidential model with a dominant president, this is not a sufficient basis for preserving or legitimizing the continued concentration of power. The semi-presidential system, following the logic of a “leader-executor,” in which the president assumes a leading role while the prime minister functions as an administrative implementer of the presidential agenda, has proven to be effective primarily due to President Zelenskyy’s parliamentary majority. This majority ensured control over key appointments and facilitated the implementation of the president’s political agenda during the crisis (Sedelius et al., 2024).

However, it is precisely this institutional convenience that served as a precondition for the de facto expansion of presidential powers not envisaged by the Constitution. Government dependence on the president increased, parliamentary autonomy was curtailed, and presidential influence over the information sphere, law enforcement bodies, and the judicial system was significantly strengthened.

Such a transformation contradicts the principle of checks and balances and creates a dangerous precedent – the use of martial law as a justification for dismantling institutional equilibrium.

In this context, it is important to emphasize that there is no empirical evidence to support the claim that a presidential model is inherently more effective than a parliamentary one during times of crisis. On the contrary, systems with a symbolic president and a strong prime minister – as demonstrated by the experience of developed democracies – are capable not only of ensuring stability and flexibility in decision-making, but also of maintaining the democratic accountability of the executive branch.

Therefore, the transition to a parliamentary republic in Ukraine – with clearly defined powers for the prime minister and a ceremonial role for the president – is not merely a political choice but a necessary institutional step toward preserving democracy and overcoming political dualism, which continuously reproduces conflicts of legitimacy and weakens the system of governance.

Parliamentary republics also exhibit a tendency toward the strengthening of executive power during crises (Raunio & Wagner, 2017). However, such systems possess mechanisms of parliamentary oversight that can constrain excessive power concentration.

For instance, in Austria, the regulation of power distribution in times of crisis is governed by the Federal Constitutional Law of Austria (B-VG), which provides specific mechanisms to ensure democratic legitimacy even under threat. Unlike the constitutions of other countries – such as France or Germany – Austria's Constitution does not contain an explicit provision for a "state of emergency." Instead, the constitutional framework is adapted through other articles: Article 18 B-VG affirms the principle of legality of government actions; Article 36 B-VG defines the role of the National Council; Article 50 B-VG governs the ratification of international treaties; and Article 82 B-VG regulates the entry into force of legislation (Bundes-Verfassungsgesetz (B-VG)). These provisions allow for a limited adaptation of governance in cases where the parliament is unable to convene.

Parliament does not cease its operations during war or crisis, provided it remains physically capable of convening. In cases where the National Council is unable to meet, its powers are temporarily delegated to the Standing Subcommittee of the Main Committee (Ständiger Unterausschuss des Hauptausschusses). This body is authorized to: review and approve international treaties; authorize the deployment of armed forces; and adopt legislative measures in the field of national security (§ 55 Abs. 3 B-VG).

Thus, Austria's constitutional model ensures the continuity of parliamentary oversight during wartime through special procedures, particularly via the Standing Subcommittees of the Main Committee. The government cannot usurp power even under extraordinary circumstances, as parliament retains essential competencies: control over military deployments, ratification of international agreements, and the protection of human rights. This underscores the resilience of the parliamentary model even in periods of crisis – a lesson that may prove valuable for Ukraine as it seeks to reform its system of governance.

In Germany, the parliamentary system demonstrates its ability to preserve the balance of powers and democratic oversight even under wartime conditions, preventing the usurpation of authority by the executive branch. The Basic Law of the Federal Republic of Germany (Deutscher Bundestag, 1949) contains a comprehensive set of provisions regulating the functioning of state institutions during periods of threat or war, while ensuring both effective state response and institutional stability.

According to Article 115a GG (Deutscher Bundestag, 1949), the Bundestag, together with the Bundesrat, is empowered to declare a state of defense (Verteidigungsfall) in the event of an armed attack or its imminent threat. Following such a declaration, under Article 115b GG, command of the armed forces is transferred to the Federal Chancellor. However, this shift does not dismantle parliamentary control: the Bundestag retains key competencies, including legislative authority, government oversight, and budgetary supervision.

If the Bundestag is unable to convene due to extraordinary circumstances, its functions are temporarily delegated to the Joint Committee (Gemeinsamer Ausschuss), as provided in Article 115e GG (Deutscher Bundestag, 1949). It is important to note that the Bundestag retains the exclusive right to authorize any military operations, including international missions under NATO, the UN, or the EU. This authority is enshrined in the Basic Law (Article 87a(2) GG) and further elaborated in a separate statute – the Parliamentary Participation Act (Deutscher Bundestag, 2004). Thus, even in crisis situations, the armed forces cannot be deployed without prior parliamentary approval. In the fiscal domain, the Bundestag also has the authority to adopt emergency defense budgets, as stipulated in Article 115c GG. These decisions are made through a special procedure and remain subject to parliamentary oversight, thereby precluding any unilateral financial actions by the executive branch.

Another notable feature of the Basic Law is the preservation of fundamental rights even during wartime. Article 115f GG (Deutscher Bundestag, 1949) stipulates that any restriction of rights must be proportional, justified, and remain within constitutional bounds, while the operation of the Federal Constitutional Court (Bundesverfassungsgericht) continues uninterrupted. This ensures legal oversight even under crisis legislation, in contrast to the practice of so-called “sovereign executive” power.

Thus, the German parliamentary system operates during wartime in accordance with the logic of checks and balances, which remain intact even in the face of military aggression. Instead of full centralization of power in a single institution or individual, the Grundgesetz provides for the distribution of emergency powers, preserving the legitimacy of the political system. This makes Germany’s experience a valuable reference point for countries seeking constitutional reform, such as Ukraine. Given the challenges posed by war and political dualism within Ukraine’s semi-presidential system, the German model of rationalized parliamentarism may serve as a guiding framework in shaping a new governance model.

The experience of countries such as Austria and Germany demonstrate that parliamentarism not only withstands the challenges of war and emergency but also ensures the continuity of legitimate decision-making without concentrating power in a single office. In contrast to the Ukrainian model, which in times of crisis tends to concentrate excessive authority in the hands of the head of state, often justified by the need for swift decision-making, parliamentary systems exhibit a high degree of adaptability under crisis conditions without compromising democratic balance. These systems do not preclude rapid response but establish a flexible and accountable decision-making framework in which even the enhancement of executive power remains temporary, proportional, and constitutionally constrained.

Thus, the German and Austrian models reaffirm the rationale for Ukraine’s transition to rationalized parliamentarism, which ensures not only political stability but also serves as a systemic safeguard against the usurpation of power under the pretext of a state of emergency. In this context, parliamentary democracy does not fall short of presidential or semi-presidential systems in terms of functional effectiveness, but it significantly surpasses them in its capacity to protect rights, freedoms, and the democratic order of the state in the long term.

## ***Discussion***

### **Possible Scenarios for the Development of Parliamentary Democracy in Post-War Ukraine**

#### **Scenario 1. Rationalized Parliamentarism**

Following the end of the full-scale war, Ukraine will face the necessity of a structural revision of its governance model. The development of parliamentary institutions and their capacity to ensure a balance of power, democratic accountability, and institutional resilience within a new security and geopolitical context – will become particularly relevant. One of the most compelling arguments for introducing rationalized parliamentarism in Ukraine is the experience of the French Fifth Republic, which emerged as a response to the deep institutional crisis of the Fourth Republic, characterized by parliamentary fragmentation, frequent government resignations, and political instability. Against this historical backdrop, the 1958 Constitution was adopted, establishing a system with strong executive leadership and, at the same time, a “rationalized” parliament – i.e., a legislative body with limited capacity to block government action without proposing a responsible alternative (Ertaş, 2023).

A key mechanism of this institutional design is Article 49.3 of the French Constitution, which allows the government to tie the adoption of a bill to a vote of confidence: if the parliament does not express a vote of no confidence within 24 hours, the bill is considered automatically adopted. This provision became particularly relevant in March 2023, when the government of Prime Minister Élisabeth Borne (from President Macron’s party Renaissance) initiated the adoption of pension reform without a vote in the National Assembly (Ertaş, 2023). Despite widespread public opposition and the absence of a parliamentary majority, the government was able to advance the reform by invoking this mechanism, thereby preserving governance stability and political continuity.

Although the use of this “nuclear option” has drawn criticism for potentially undermining parliamentary pluralism, the underlying logic of rationalized parliamentarism is not to suppress the legislature, but rather to prevent governmental collapse, as seen during the Fourth Republic. Similar mechanisms exist in other countries. For example, Article 67 of the German Basic Law provides for a constructive vote of no confidence, whereby the parliament can remove the sitting chancellor

only if it simultaneously elects a successor by majority vote. This approach not only ensures continuity of governance but also requires political responsibility from the parliamentary opposition.

For post-war Ukraine, which will require not only a democratic but also an effective and stable system of governance, the concept of rationalized parliamentarism offers the potential to combine the principle of popular representation with the efficiency of the executive branch. Under crisis or transitional conditions, parliamentary fragmentation already a traditional feature of Ukrainian politics may lead to recurring government crises.

Rationalized parliamentarism, through the introduction of a constructive vote of no confidence, mechanisms of budgetary accountability, limitations on procedural abuse, and the strengthening of the prime ministerial institution and committee system, could help avoid cyclical destabilization without reverting to presidential dominance.

The experience of modern France demonstrates that the rationalization of parliament does not entail its devaluation; on the contrary, it strengthens governmental accountability, while maintaining clearly defined and limited competencies for exceptional institutional cases. In the context of Ukraine's post-war reconstruction, when it will be necessary to implement unpopular yet strategic reforms – both social and economic – the presence of rationalized decision-making procedures within the executive branch will serve as a tool for effective governance, while preserving the democratic mechanism of oversight.

The experience of the Republic of Slovenia as a parliamentary republic serves as a compelling example of how the instruments of rationalized parliamentarism can ensure political stability, effective governance, and the protection of democratic order, even under crisis conditions. The 1991 Constitution of Slovenia (as amended), drafted during the country's transition to independence, established not only a classical parliamentary form of government, but also introduced a number of safeguards designed to protect the balance of powers without excessive concentration of authority in the executive branch.

One of the central elements of rationalized parliamentarism in Slovenia is the constructive vote of no confidence, enshrined in Article 116 of the Constitution (Skupščina RS, 1991). According to this provision, the National Assembly (Državni zbor) may express no confidence in the sitting Prime Minister only if it simultaneously elects a new head of government by a majority vote. This approach, which mirrors the German model, helps prevent governmental deadlock and political sabotage by the parliamentary opposition, as any initiative to change the executive must be accompanied by a constructive alternative.

In times of crisis – such as a state of emergency, armed conflict, or pandemic – the Slovenian model allows for the temporary delegation of powers to the executive only under clearly defined conditions. According to Article 92 of the Constitution of Slovenia (Skupščina RS, 1991), a state of emergency may be declared only by the parliament, and solely in cases where the existence of the state is threatened. If the parliament is unable to convene, the President of the Republic may take provisional measures, which must be immediately confirmed by the National Assembly at the earliest opportunity.

During the COVID-19 pandemic, Slovenia did not declare a formal state of emergency, but instead acted under the Infectious Diseases Act (Državni zbor RS, 1995). The government adopted epidemiological restrictions through delegated acts, which were subject to parliamentary oversight and judicial review. The Constitutional Court of Slovenia repeatedly emphasized the necessity of ensuring that all measures were proportional, lawful, and temporary, thereby maintaining legal restraint even under crisis conditions (Bardutzky & Zagorc, 2020).

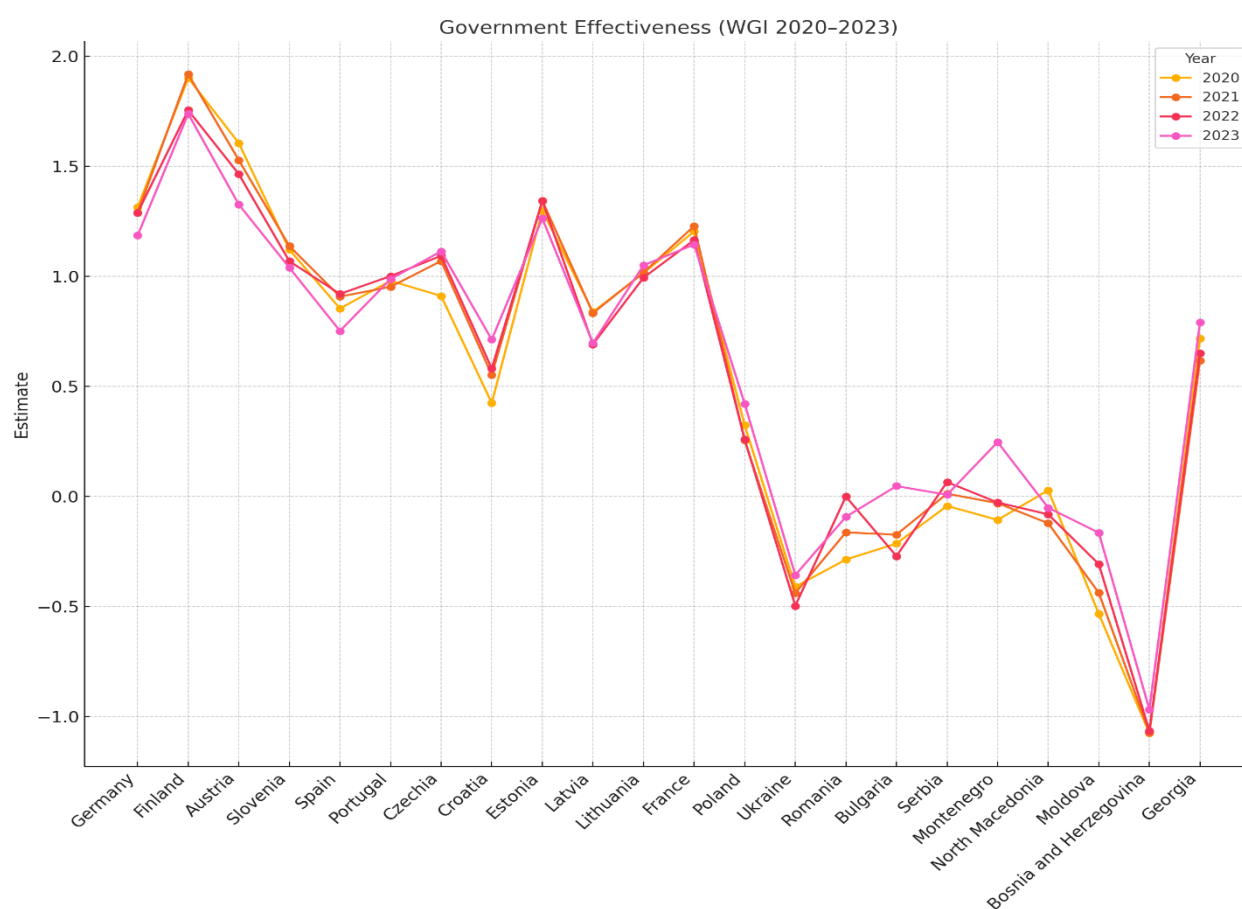
Moreover, Slovenia has established a clear division of powers among the parliament, the government, and the presidency, with the latter performing primarily ceremonial functions, such as representing the state abroad and formally appointing the government based on parliamentary vote outcomes (Article 111 of the Constitution). All appointments including those of the Prime Minister, government ministers, and Constitutional Court judges – require direct parliamentary approval, thereby precluding any practice of “presidential initiative” without democratic oversight. This experience demonstrates that even in a small yet dynamic state, the parliamentary model can ensure not only democratic legitimacy, but also efficiency and stability. The Slovenian case is particularly valuable for Ukraine's post-war transition: the combination of a constructive vote of no confidence, flexible crisis legislation, and an effective parliamentary committee system provides a resilient model without the risk of power usurpation.

Thus, the experience of Slovenia confirms that rationalized parliamentarism is capable not only of ensuring political stability, but also of establishing an effective system of governance free from the conflicts of legitimacy that are typical of semi-presidential systems in transitional democracies. Its practices deserve close examination in the context of reforming Ukraine's constitutional architecture.



Data from the Government Effectiveness Index (2020-2023) (Fig. 1) indicate that high government effectiveness is not an automatic outcome of a particular form of government. As shown in the analysis of 23 countries, parliamentary systems include both high-performing states (e.g., Germany, Austria, Finland, Slovenia) and those with medium or low effectiveness scores (e.g., Slovakia, Latvia, Lithuania, Croatia). This suggests that parliamentary governance alone does not guarantee executive performance without a robust party system, efficient coalition management, and a functional procedural framework for government operations.

For instance, Slovakia and Croatia, both parliamentary republics, consistently exhibit lower levels of government effectiveness compared to other parliamentary countries such as Germany or Finland. Contributing factors may include unstable or ad hoc coalitions, frequent government turnover, intra-party conflicts, and populist political agendas.



**Fig. 1. Government Effectiveness (according to WGI 2020–2023)**  
(compiled by the author based on data from the World Bank’s Worldwide Governance Indicators)  
(World Bank Group, 2024)

This confirms that the advantages of rationalized parliamentarism can be realized only when institutions are supported by the quality of political culture, institutional continuity, and a mature party system. Otherwise, a parliamentary system risks becoming fragmented or even destabilized. For Ukraine, this implies that the shift toward rationalized parliamentarism must entail not only a restructuring of the system of governance, but also the development of the parliament’s actual capacity to form an effective government, exercise oversight, and ensure stable administration. It is the combination of a parliamentary form with institutional depth – not its mere declarative adoption – that ensures the effectiveness and resilience of a democratic system in times of crisis and reconstruction.

### Scenario 2. Technocratic Parliamentarism

In contrast, technocratic parliamentarism describes a situation where, although a parliamentary system formally operates, there is no genuine political backing for the executive. Governments are formed as temporary technical compromises, lacking clear political accountability. This usually results from the collapse of a parliamentary majority, fragmentation of the party system, high levels of political conflict, and the absence of mechanisms that enforce coalition stability.

An illustrative example is Italy in the 2010s, where technocratic governments such as the cabinets of Mario Monti (2011-2013), Giuseppe Conte (2019-2021), and Mario Draghi (2021-2022) emerged not because parliament endorsed a coherent political agenda, but as enforced responses to governmental crises. These administrations often relied on broad but situational alliances, significantly reducing the efficiency of the political process and reinforcing an apolitical style of governance (Huntington & Pasquino, 2013).

Technocratic parliamentarism is not a standalone form of governance, but rather a symptom of a weak political system incapable of forming stable coalitions. It temporarily fills a functional deficit but does not resolve it and, in some cases, even deepens the crisis of representation.

In the context of Ukraine, it is critically important to avoid the temptation of formal parliamentarism without accompanying internal party reform and the establishment of rationalized mechanisms. Otherwise, there is a risk of ending up with precisely a technocratic model – fragile, personalized, and one that continually depends on external “stabilizers” such as the president, foreign donors, or security institutions.

### Scenario 3. Threat of Backsliding to Authoritarianism

One of the potential yet high-risk scenarios for Ukraine in the post-war period is the establishment of a strictly centralized model of executive power, conventionally referred to as a “presidential vertical.”<sup>1</sup> In such a case, the dominant political trend is the consolidation of authority in the hands of the head of state, with the effective marginalization of the role of parliament, the government, and independent institutions. This scenario represents a backslide from the semi-presidential model toward personalized governance, which entails a high risk of undermining the democratic balance.

This type of system is frequently justified by the rationale of “effective leadership in crisis,” particularly under prolonged martial law, national security threats, and the necessity of quick decision-making. However, the core characteristics of authoritarian backslide include: concentration of executive power in the presidency (exercised through control over the government, parliament, and judiciary); delegitimization of parliament as a perceived “institution of political weakness”; substitution of the government by presidential appointees; weakening or dismantling of mechanisms of checks and balances; and the instrumentalization of security forces and the media apparatus for political consolidation. Even within the European Union, comparable tendencies have occurred at early stages of democratization – for instance, in Hungary after 2010.

In the Ukrainian context, the legal framework of martial law presents a particular risk factor, having already led to a diminished role for the parliament (for example, in 2022-2023 the Verkhovna Rada adopted more than 90% of bills submitted by the President (Lebediuk, 2023); to a decline in the institutional autonomy of the government, as key decisions are increasingly channelled through the Office of the President; and to an institutional ambiguity in the distribution of political responsibility. The president currently determines foreign policy, personnel policy, and exercises control over the Security Service of Ukraine (SBU), the National Anti-Corruption Bureau (NABU), military doctrine, and information policy, and in certain cases, also directs strategic reforms.

### Conclusion

The study has demonstrated that political dualism, inherent in the mixed model of governance, reproduces a conflict of legitimacies, dual executive authority, and institutional instability, particularly under martial law conditions. Such a system hinders the harmonious interaction between branches of power and the establishment of principles of effective institutional “co-existence” (Chudnovskyi, et al., 2020), where cooperation is based on clearly defined roles, mutual respect, and a shared objective, rather than competition for authority. Drawing on the experiences of advanced European democracies – most notably Germany, Slovenia, Austria, and France – a transition toward a model of rationalized parliamentarism appears to be

<sup>1</sup> The term “presidential vertical” is an informal designation describing a centralized system of governance in which the president exerts significant influence over the executive branch at all levels. This structure can yield both positive and negative consequences for the democratic development of a country.

a prudent course of action. This form of parliamentary republic assigns the central role in government formation to the parliament, while simultaneously incorporating institutional safeguards to prevent political fragmentation and irresponsible cabinet turnover.

Constitutional reform in Ukraine must entail a clear delineation of powers among the president, parliament, and government, thereby laying the groundwork for more deliberate and strategic decision-making at the state level. This, in turn, should foster the development of a "new mindset" within the political process – one oriented toward long-term planning, national interests, and the pursuit of consensus, rather than reactive measures or narrow partisan gains. The president should primarily perform representative functions, relinquishing legislative initiative, the right of veto, and unlimited immunity. The key figure of executive authority should be the prime minister, who is formed by a parliamentary majority and bears full responsibility for public policy before the highest representative body of the people. To achieve this, a revision of the current constitutional provisions is required, particularly Articles 102, 103, 105, and 106, which currently permit an excessive concentration of power in the hands of the head of state and blur the lines of accountability, thereby undermining the foundation for constructive institutional "co-existence."

At the same time, empirical data indicate that a parliamentary form of governance does not automatically guarantee effective administration. An analysis of the Government Effectiveness Index (WGI) across European countries from 2020 to 2023 reveals significant variability in the performance of parliamentary republics. For instance, Germany, Austria, Finland, and Slovenia exhibit high levels of governmental effectiveness, whereas Croatia, Slovakia, and Lithuania show medium or even low performance. This suggests that the effectiveness of parliamentarism depends on numerous factors, including the maturity of political culture, the capacity to form stable coalitions, and the willingness of political actors to adhere to the principles of a "consensual polity," where societal consensus forms the foundation for governance. Given these considerations, the upcoming reform must go beyond a mere alteration of the formal architecture of power to establish institutional foundations for a stable, accountable, and effective parliamentary system that enhances government responsibility to the national community. Therefore, constitutional reform – particularly in the post-war period – is not only a legal reconstruction but also a strategic rethinking of the political system aimed at ensuring its resilience and capacity for self-development through the cultivation of "new political thinking" and the promotion of constructive "coexistence" among all branches of power. Only through a transition to a clear, balanced, and rationalized parliamentary system can Ukraine build a viable model of governance that aligns with public expectations and contemporary challenges. Thus, eliminating political dualism and establishing a parliamentary democracy must become not just a response to the current institutional crisis, but a strategic direction for Ukraine's post-war state-building, one that prevents authoritarian tendencies and supports the consolidation of a just and democratic social order.

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