

“UKRAINIAN” POLITICAL REGIME: A NEW CONCEPT FOR POSTWAR PRODEMOCRATIC HYBRID POLITICAL REGIME IN UKRAINE?

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Abstract. *In Ukraine, the rule of law and the attributes of formal democracy have been formally realised. It can be argued that in a country with a weak democratic political culture, democratic institutions can function mainly as administrative instruments. In this sense, democracy in Ukraine is more of a method of public policy. The actions of Russia in Ukraine, which prove its imperialistic intentions, are leading to more populist democratic aspirations, and democratisation in Ukraine is a kind of consequence of external threats. Russian aggression is thus encouraging Ukraine's pro-Western aspirations to become a member of the democratic alliances of NATO and the EU. At the same time, the West demands evidence of democratisation - effective anti-corruption policies, economic reforms, control of the oligarchs, etc. In turn, such processes force the acceleration of internal reforms by removing both institutional (bureaucracy and centralisation) and factual (nepotism, corruption) obstacles. Although Ukraine is in a kind of 'grey', buffer zone, it is slowly moving towards democracy rather than authoritarianism and could be an unique example for other post-soviet states. The aim of this study is to theorise a 'Ukrainian' political regime by analysing the wartime development of democracy as a public policy in Ukraine.*

Keywords: *“Ukrainian” political regime; Democratisation; Security policy; Russian aggression against Ukraine; Hybrid political regime; Public policy.*

Introduction

The war that Russia launched in Ukraine in 2022 has undoubtedly had significant consequences for the country's social fabric, economy and democracy itself. Even if there are examples of basic democratic attributes such as free, periodic elections being respected even during wartime, the current situation in Ukraine poses new challenges for the analysis of democracy and the country's political regime. Although there are various definitions of democracy, this article will be written in the spirit of Robert Dahl's criteria for democracy and Taras Kuzios' criteria for a hybrid political regime. Also, Charles Tilly's process analysis method will be used to analyse the state of Ukrainian democracy.

It must be stressed that the degree of democracy in Ukraine during the war is effectively determined by the country's Constitution, in particular Article 83 thereof, and that the very functioning of democracy as such in a country constrained by the martial law is complicated, but necessary. It states that parliamentary elections are not possible during wartime, especially in view of the security requirements and the need to ensure that citizens are able to express their civil will. The spirit of this article of the Constitution also extends to the powers of the country's President. Constitutional stability is one of the main objectives of these restrictions imposed in the context of martial law. Thus, in analysing the scenarios of the Ukrainian political regime, it is necessary to mention the factors that are currently influencing them.

The aim of this article is to provide an overview of the "Ukrainian political regime" as a concept and its potential to emerge and evolve not only in post-war Ukraine, but also in the surrounding region.

To achieve the aim, methods of scientific discourse analysis on hybrid political regimes, legal acts and other documents (defining democratisation and de-democratisation processes), will be applied and data systematization, comparison, descriptive methods will be used.

Preconditions for a hybrid political regime and its longevity

As a post-communist country, Ukraine has always balanced between autocracy and democracy. It has also been constantly confronted with the factors of "Russification" and Europeanisation. However, it is not stuck in such a state. Rather, it is in a kind of "grey zone", a hybrid political regime (HPR), which, in the absence of full democracy or full autocracy, is the preference of the political elite. Although, from a historical perspective, it is possible to sketch various scenarios for the political status of states. This reflects the prospects of authoritarianism, democracy or the rise of hybrid political regimes. And here the connotative meaning of the term Ukrainian political regime emerges.

In analysing the concept of hybrid political regime, it is worth noting and perhaps applying analytical approaches based on Dahl's criteria of democracy, or, as he puts it, polyarchy. (Dahl, 2007). According to Dahl, there are five principles for the functioning of democracy that must be applied as a basis in all democracies, although no one has actually managed to achieve this yet:

Effective participation, whereby in the process of making binding decisions, citizens must have an adequate and equal opportunity to make their preferences known before the final decision is taken. They must be given adequate and equal opportunities to put issues on the agenda and to present arguments in support of a particular decision.

Equality of voting in the decision-making phase: every citizen must be given an equal opportunity to express a choice that will be considered equal to the choice expressed by any other citizen. Specific choices must be evaluated when determining the outcome in the decision-making phase.

Informed understanding: every citizen must have an adequate and equal opportunity to know and evaluate (within the time necessary to make a decision) the choice on the matter at hand that is in the best interests of that citizen.

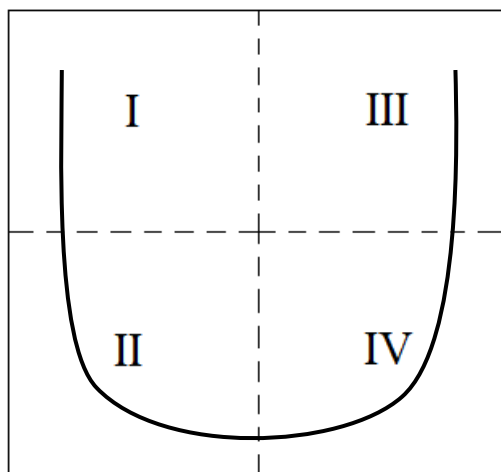
Control of the agenda: the demos must be able to decide what to put on the agenda for matters that must be decided by democratic means.

Involvement of citizens in the political decision-making process: the demos must include all adult members of the association who are subject to the collective decisions of the association that bind them, except for those temporarily residing in the State and those with proven mental incapacity. (Dahl, 1989).

These five criteria of the democratic process, as identified by Dahl, allow us to define a certain analytical approach to democracy.

The overall configuration of the processes of state governance in Ukraine shows that attempts to introduce authoritarianism from above, as Kuchma and Yanukovych tried to do in their time, face cumulative resistance from three sets of factors (structural, institutional and organisational). Ukraine's prospects of becoming an authoritarian state after the war are thus rather limited. This, in turn, may help the country to break out of its hybrid state and envisage a democratic future, despite the failures of democracy, the rise of populism, or the protracted post-war threat from Russia. Additional factors driving Europeanisation are the looming threat from the East, intensive labour migration to Western countries and the reforms introduced in return for financial stability provided by the EU and the IMF.

In the scholarly debate on the nature of Ukraine's hybrid political regime, we are formulating the question of the duration of this political regime - its short-term or long-term nature. The answer to this question implies the beginning of the answer to the next question: is the HPR a transitional and therefore short-term regime, or is it a separate (independent) and therefore long-term form of state-citizen interaction. For this purpose, a model of the interaction between the processes of democratisation and de-democratisation is used, which makes it possible to partially predict the prospects for the permanence of a hybrid political regime.



Picture 1. The case of a model of interaction between democratisation and de-democratisation processes

Source: A model of the relationship between democratisation and de-democratisation processes (Lotiuk, 2022).

[K. Lotiuk. Processes and Conditions of Democratisation and De-democratisation in Ukraine – Klaipeda: publishing house of Klaipeda University, 2022. - p. 153]

Here:

Sectors I, III - a categorical distinction between the processes of democratisation and de-democratisation, where they deny and destroy each other.

Sectors II, IV - the interconnection between the processes of democratisation and dedemocratisation, where they complement each other and limit each other's extremes: in the case of democratisation (II), a pro-democratic hybrid political regime emerges; in the case of dedemocratisation (IV), a pro-authoritarian hybrid political regime emerges.

This pattern of the relationship between democratisation and dedemocratisation processes indicates that political regimes are only "at risk" of survival if they are pro-democratic or pro-authoritarian or some other "hybrid", i.e. if they are located in sectors II or IV in Picture 1.

This model of the relationship between democratisation and de-democratisation processes does not presuppose a predefined characterisation of the HPR as good or bad. Such a political regime is a product of the times, in this case one of the processes inspired by post-communist and post-democratic developments and the geopolitical situation. The model presented here is intended to draw attention to the fact that the study of hybrid political regimes is particularly relevant today.

According to T. Kuzio, who represents the prevailing conception of hybrid political regimes as an unviable, and therefore temporary(?), combination of democratic and authoritarian rule, six characteristics of a hybrid regime can be observed in Ukraine, which are characteristic of both Kuchma's reign and the little-changed pre-war, post-Euromaidan revolution reality:

- - citizens are only partially represented or their views are partially ignored, especially at local government level;
- - low political participation, not to mention electoral participation as an attribute of delegated democracy;
- - frequent violations or manipulation of the rule of law;
- - election results do not appear legitimate to citizens;
- - low trust in public institutions;
- - poor state performance. (Kuzio, 1998)

In Ukraine, democracy has failed to consolidate since the end of the Cold War. Once again, the hybridity of the political regime in Ukraine is a result of the political, socio-economic and geopolitical environment that has developed. There have been numerous attempts to change the country's institutional set-up, particularly in the context of the extension of presidential powers. The form of government is parliamentary-presidential. Attempts to establish a system of presidential rule are associated with the monopolisation of power. (Whitmore, 2004). Every time Yanukovich, or even earlier Kuchma, tried to expand his powers, Parliament and the public have stood in the way. 2018 m. Tymoshenko's idea of a parliamentary system with a strong prime minister is, for the time being, an impossible project. It will be difficult to implement due to competing elite groups and lack of public support. Although the current Ukrainian governance model is far from perfect, Ukrainians tend to have a divided executive, which prevents the concentration of power. In Ukraine, the form of government has changed six times (1991, 1995, 1996, 2004, 2010 and 2014), while the regime itself has changed only once. In this respect, fundamental change took place during the Orange Revolution and finally matured after Euromaidan.

The peculiar mix of formal and informal institutions (including competitive elections, the lack of rule of law and the dominance of informal politics in the political process) has proved to be a fairly robust political construct in Ukraine. This hybrid regime emerged during Kuchma's reign and survived the Orange Revolution and Euromaidan. It is reasonable to assume that it will also survive the war.

Moreover, according to Hudson and Gibaja, the war in Ukraine shows that democracy itself is becoming a barrier to an authoritarian agenda in any state. The declining Russian influence in Ukraine, at least to the extent that it existed before the Orange or Euromaidan revolutions, is a factor in the escalation of permanent war. (Hudson and Gibaja, 2022).

The cases of other countries, such as Hungary and Poland, suggest that the so-called "grey area" between democracy and autocracy is geographically expanding. In this respect, EU membership does not negate the hybridity of the Hungarian and Polish political regimes; on the contrary, according to Bazoki and Hegedus, the survival of Hungary and Poland in the EU does not only imply the sustainability of the hybrid political regime, but also the provision of space for it and its legitimization. (Bazoki and Hegedus, 2018). Thus, as hybrid political regimes become more and more widespread, they can be characterised as a form that, in one or another case, depending on the economic, social and political situation of the state, can be even more logical and effective than a 'pure' democratic political regime that does not achieve consolidation.

State of the political regime in Ukraine in a military context.

Even in the military context of the current socio-economic and political processes in Ukraine, there is a political consensus - Ukrainian political actors and civil society unanimously acknowledge that the continuity of governance, albeit hybrid, in a given period is crucial for

the country's survival. Holding elections in the context of active hostilities is considered impractical and dangerous. It should be noted that no political group has challenged the extension of the current Parliament's term of office before the Constitutional Court, not for lack of competition, but because it is generally agreed that the constitutional provisions on continuity apply unequivocally in times of war, thereby confirming the legitimacy of the Ukrainian leadership.

The Ukrainian government has taken steps from the get go to protect itself from Russian manipulation by restricting political movements that are linked to Moscow or support its position on the war. At the beginning of the conflict, the Ukrainian National Security and Defence Council suspended the work of several political structures linked to Russia, and the Ukrainian Parliament adopted a similar measure, which was signed into law by President Zelensky on 14 May, 2022 (Проект Закону, 2022). It bans political parties that justify or deny Russia's armed aggression against Ukraine.

Nevertheless, we cannot view the situation of the hybrid political regime in Ukraine solely through the constraints of the ongoing war. The current processes affecting democracy, although highly influential, are temporary. Of course, while some of the democratic reforms mentioned earlier are continuing, most of the constraints, particularly with regards to the democratic transition of power, will be lifted after the war, but we cannot rule out the long-term prospect of a hybrid political regime in the context of the long-term consequences of the war for democracy.

The ongoing war has had a significant impact on the functioning of Ukraine's key democratic institutions, and we have had to adapt to the challenges. The executive branch, in particular the institution of the President, has considerably strengthened its role and further consolidated its powers. The demands of wartime decision-making, which required a quick and effective response to rapidly changing situations, necessitated a more centralised approach to governance. (Budjeryn, 2024) However, this concentration of power has also attracted criticism from both domestic and international observers, who have raised concerns about possible violations of political checks and balances. Reports point to a reduction in regular consultations between the President's Office, the government and the Verkhovna Rada, which were interrupted immediately after the invasion and have not yet been fully restored. (Fedirko, Kudelia, 2025) There have also been accusations that President Zelensky relies on a small inner circle of trustees to make decisions, which raises questions about the transparency and inclusiveness of governance processes. The need for decisive leadership in wartime is not denied, but it is essential to ensure that this does not undermine democratic accountability.

Internal and external factors influence the processes of democratisation and de-democratisation and their interrelationship in such a contradictory way that, ultimately, the institutionalisation of democracy raises the question of the "appropriate political regime". Given that post-democracy is not a normative model alternative to democracy, the relationship between democratisation and de-democratisation in a country is perhaps best described by a D or D-shape.

According to the Economist Intelligence Unit's Democracy Index, Ukraine, as one of the hybrid political regimes, showed an improvement in political pluralism in 2020, although a slight downward shift was already observed in 2024. (EIU, 2024). The 2019 elections highlighted higher electoral standards and were characterised by greater fairness and transparency. In this respect, although the political spectrum of the country (pro-Western political wing, oligarchs and pro-Russian political forces) has remained largely unchanged, the periodic elections at all levels of government have prevented the emergence of more pronounced authoritarianism, which suggests that the interrelationship between

democratisation and de-democratisation in Ukraine is taking on the characteristics of a process whereby the processes of democratisation and de-democratisation are forming a kind of whole, interacting in one direction, i.e. In other words, they are not only mutually exclusive, but they can complement each other and limit those extremes of each other that hinder the emergence of a sustainable pro-democratic political regime in a post-democratic context.

Table 1 shows a far from exhaustive list of cases of pro-democracy and pro-authoritarian divides in the processes of democratisation.

Table 1. Pro-democratic and pro-authoritarian divides in the processes of de-democratisation

Source: The case of modelling the interaction between democratisation and de-democratisation processes (Lotiuk, 2022). [K. Lotiuk. Processes and Conditions of Democratisation and De-democratisation in Ukraine – Klaipeda: publishing house of Klaipeda University, 2022. - p. 151]

Key features of the pro-democratic orientation of de-democratisation	De-democratisation process	Key features of the pro-autocratic orientation of de-democratisation
Co-existing with minoritarian solutions as operationally necessary. In individual cases, subsequently adopted by minoritarian decisions	Non-majoritarian solutions	Single, mostly one-person decisions
A certain amount of distrust of those in power is a precondition for their democratic control	Declining trust in democratically elected governments	The sharp decline in trust in democratically elected rulers reflects the expectation of "strong arm", autocratic rule
Control and oversight, which is really just quasi-oversight and quasi-control, has the public's approval. The public partly needs this because politics is currently very complex and citizens do not always understand what is in their best interest	Control and oversight by political elites	Control and oversight of the political elite becomes systemic coercion and, in some cases, violence, and politicians become less and less subject to public scrutiny and evaluation, protecting group and personal interests under the guise of the public good
Focus on popularity ratings and winning the next democratic elections	Personalisation of policy	Orientation towards single-government in the context of controlled and non-transparent elections
Efforts by politicians to use direct dialogue with the public to maintain/regain political power in democratic elections. Public resistance to the technocratisation of politics	Populism	As an effort to overturn and change the conventional order, by persuading and winning the support of the public itself
Securing loyalty to a democratic political regime	Strengthening voter identification	Elimination of individual population groups from the electoral procedure
Temporary and usually caused by external circumstances or force majeure, a restriction on human rights and freedoms	Restrictions on human rights and freedoms	Systematic and persistent violations of human rights and freedoms

The unequivocally pro-authoritarian processes of de-democratisation are: the widening of the gap between the rulers and the citizens; the extreme polarisation of political forces; political corruption; the oligarchisation of politics; the prohibition of political pluralism; and the emergence of political movements based on racism or radical nationalism. Finally, let us note once again that our attempt to develop a theoretical model of the interaction between

democratisation and de-democratisation processes focuses on the area of post-communist and post-democratic development.

To summarise the relevant highlights of the scientific discourse on the modelling of the interplay between democratisation and dedemocratisation processes mentioned here, let us emphasise that what we have been referring to as the decline of democracy for almost the last two decades should not be exaggerated. In fact, as democracy is being challenged, more effective forms of political governance, which are essentially democracy-oriented, are being sought.

One example of pro-democracy reforms - the efforts to establish institutions to limit and destroy oligarchic clan rule - has been one of the axes of change in the Ukrainian Constitution. As you know, according to the experts interviewed, the relationship between politicians and oligarchs in Ukraine can be described as closely intertwined, and neither was destined to "play by the rules". Oligarchic interests explain the results of almost all presidential elections in Ukraine, including the victory of Mr Zelensky in 2019. The consensus of the oligarchs in this case presupposes an agreement on the division of power, in particular on the election of the next successor. In fact, there has been no consensus among the oligarchs/elites in Ukraine, and there is no reason to believe there will be any in the near future. Ukrainian politics oscillates between forced compromises, where the majority of the elite temporarily recognises the right of the main player to power, and a "struggle of all against all". As long as the aim of the struggle is the distribution of wealth rather than the interplay of principles and rules, no sustainable compromise (elite consensus) will be possible in principle. This is why oligarchic competition is a prominent feature of Ukrainian politics (unlike in Russia or Belarus, where such competition is limited and is not about wealth but about devotion to the country's "patron"). This is true of all presidents, starting with Kuchma, and there is no indication that it will be any different in the case of Mr Zelensky. (Way, 2018) The bad thing is that the infighting of the oligarchs weakens the state, while the good thing is that oligarchic competition allows for a change of power and stops authoritarianism from taking hold. The role of the oligarchs in situation of military aggression is obvious and, in a time of war, it is to the benefit of both the state and the oligarchs themselves. Although the US Helsinki Commission judges that the oligarchs in Ukraine have 'hijacked the state' (Senate Hearing, (2017), the richest individuals in Ukraine almost uniformly support the government in its war against Russia.

At the same time, Ukraine is at war for its survival and is seeking to accelerate its democratic reforms, especially in the light of its supranational aspirations. However, this creates political, economic and social pressures, where the immediate demands of wartime can sometimes conflict with the procedural and institutional needs of deepening democracy. Of course, given today's realities, efforts are being made, where possible, to maintain and even strengthen democratic practices, such as participatory democracy initiatives at local level through citizens' assemblies or the digitisation of civic engagement.

In essence, Ukraine's hybrid political regime is characterised, in the case of a wartime situation, by an intensified tension between the need to contain an existential threat, dictated by a strong, centralised leadership, and a commitment to democratic values, which are a fundamental part of the country's national identity. Ukraine's long-term trajectory could depend on the outcome of the war, the resilience of its democratic institutions and a continued sustained commitment to reform, especially once a military and diplomatic solution to the conflict is reached. Further research must be completed before further conclusions.

Conclusions

The claim that democracy is the best and perhaps the worst form of governance is becoming a classic. In this sense, when the idea of democracy is abused, the second part of the statement becomes more and more relevant, given that anyone can seek to be elected and represent the people. Nevertheless, it is also worth raising the derivative claim, which arises in the context of this article, that democracy can be a self-destructive phenomenon. Observing the personalisation of politics, the rise of the radical right and left, aggressive nationalism, racism, extremism, populism, we can say that these defective processes are nothing more than the use of the fruits of democracy to destroy democracy itself. This makes the hybrid political regime that is developing in Ukraine more sustainable in the given case of Ukraine and in the context of the internal and external processes that are affecting the country. This is where the meaning of calling such a hybrid political regime a "Ukrainian political regime" comes into play, summarizing the idea of not universality but suitability for one country or another. Here, the terms "suitability" and "sustainability" are brought together in a single meaning.

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