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THE INSTITUTION OF PRIME MINISTER AND GOVERNMENT IN A HYBRID REGIME IN UKRAINE (1996–2021)

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Abstract
Hybrid regimes are characterised by a balancing act between democracy and authoritarianism, with neither political regime type being dominant. The balancing of the state between democratic and non-democratic modes of functioning can take the form of a state transforming from authoritarianism to democracy and a form of regression from democracy to authoritarianism, when the democratic system is upset by non-democratic mechanisms. The functioning of the political system in Ukraine during the years 1996–2004 was such that the authoritarian aspects of Ukraine's hybrid regime overshadowed its democratic elements. Steven Levitsky and Lucan Way (2002; 2013) refer to this phenomenon as "competitive authoritarianism". This term denotes regimes where authoritarian features are more prevalent than democratic ones, according to the concept. Since 2004, the Ukrainian political system has transitioned towards a hybrid regime that places more emphasis on democratic characteristics. In the following twenty years, the Ukrainian hybrid regime was transformed between democratic-authoritarian hybrid regime (as a result of the events of the "Orange Revolution", and the "Revolution of Dignity") and authoritarian-democratic hybrid regime (during presidency L. Kuchma and V. Yanukovych). The hybridity of the political regime also translated into the functioning of the chief state bodies. The aim of this study was to find an answer to the question whether and to what extent did the hybridity of Ukraine's political regime imply on the specificity of the functioning of the institutions of the prime minister and government in the state. The research hypothesis is that the hybridity of the Ukrainian political regime, as a stage of transition from authoritarianism to democracy, partly contributed to changing the traditional order of functioning of the institutions of prime minister and government in the state just formally losing the head of state's dominant role in the process of government functioning.

Keywords
hybrid regimes, prime minister, government, political system of Ukraine

Introduction

Hybrid regimes are characterised by a balancing act between democracy and authoritarianism, which can take the form of a state transforming from authoritarianism to democ-

racy and a form of regression from democracy to authoritarianism, when the democratic system is upset by non-democratic mechanisms. The process of systemic transition in a given case is protracted and, consequently, there is no change of political regime into one of the model solutions: democracy or authoritarianism. Larry Diamond (1996), when analysing the end of the process of the "third wave of democratisation", noted the emergence of a new phenomenon: some states were not transforming into liberal democracies, but were reaching the so-called intermediate states of political regimes placed somewhere between democracy and authoritarianism. In turn, Andrzej Antoszewski (2014, 7) emphasises that "even states considered to be consolidated post-communist democracies are not free from authoritarian threats arising from the frailty of institutional arrangements or political practice". The given threats of non-democratic mechanisms undoubtedly impinge on the functioning of the supreme organs of the state, causing the smooth functioning and distribution of systemic competences to be significantly disturbed.

The functioning of the political system in Ukraine after 1996 is described in Freedom House reports as partly free or electoral democracy, characterised by the consolidation of a hybrid regime resulting from the balancing act between authoritarianism and democracy. The timeframe covered in this article spans from 1996 to 2021, with the primary focus being the analysis of the institutions of the Prime Minister and the Government under the conditions of a hybrid regime in Ukraine, following the implementation of the Ukrainian constitution (initial caesura). The "Orange Revolution", which led to amendments in the Ukrainian Basic Law, resulted in transformations of the presidential-parliamentary system of government (1996–2006), of the Ukrainian state into a parliamentary-presidential one (1996–2006, and 2014 until now). Considering the end caesura, the end of 2021 was adopted, mainly because on February 24, 2022 Russia attacked Ukraine and since then the Ukrainian state has been operating under martial law, which introduces Ukraine to a completely different reality of state functioning in the political and legal dimension (Ukaz Priezidienta Ukrainy No. 64, 2022). Given that the Prime Minister of Ukraine, as in other countries (e.g. Poland, the United Kingdom, Russia, Italy, or the Chancellor in Germany), is an integral part of the government, the study of defining the institution of the Prime Minister in Ukraine within the framework of the functioning of the hybrid regime mainly boils down to defining the status of the Cabinet of Ministers of Ukraine.

The main research assumption concerns the answer to the question of whether and to what extent does the hybridity of Ukraine's political system imply on the specificity of the functioning of the institutions of prime minister and government in the country? The research hypothesis is that the hybridity of the Ukrainian political system, as a stage of transition from authoritarianism to democracy, has partly contributed to changing the traditional order of functioning of the institutions of Prime Minister and Government in the State by just formally losing the head of state's dominant role in the process of government functioning.

1. How to define the place of the institution of Prime Minister and Government in hybrid regimes

An in-depth analysis and operationalisation of the category of hybrid regimes is beyond the scope of this article, so the task has been undertaken to provide only an outline of the theoretical category itself and to address in this plan the specifics of the functioning of the

Prime Minister and the Government in hybrid regimes. The American Freedom House Foundation has been monitoring political transitions globally since 1998, introducing a typology through projects such as "Freedom in the World" and "Nations in Transit" (specifically focusing on regimes in communist countries). This typology categorises states into consolidated democracies (averaging indicators between 1.00 and 2.99), semi-consolidated democracies (3.00–3.99), transitional or hybrid regimes (4.00–4.99), semi-consolidated authoritarianism (5.00–5.99), and authoritarian regimes (6.00–7.00), utilising data from 1997 onwards. The typology is defined on the basis of the following criteria: quality of governance at central and local level, electoral process, development of civil society, independence of the media, quality and independence of the judiciary, and level of corruption. Each of these indicators has a gradation from 1 (maximally democratic) to 7 (maximally authoritarian) (Freedom House Methodology, 2012; Freedom House Reports, 1997–2021).

As already noted in the introduction, the analysis of hybrid regimes comes down to an examination through the prism of the transformation of the state from one type of political regime to another, involving a balancing act between democracy and authoritarianism. We are faced with a situation where the state sheds the features and mechanisms inherent in authoritarian regimes while adapting democratic principles, or the state introduces non-democratic mechanisms based on the assumptions of a façade democracy. As it is not possible to quickly move away from one type of political regime and adopt a new one, therefore, at some stage such a regime has a mixture of features of both democracy and authoritarianism. The issue of hybrid regimes has been addressed more than once by Polish and foreign researchers. Notable among them are Gulermo O'Donnell (1996), Larry Diamond (1996), Terry Karl (1995), Lucan Way and Steven Levitski (2002; 2013), Jan Holzer and Stanislav Balik (2009), Thomas Carothers (2002), Andrzej Antoszewski and Ryszard Herbut (2021), Roman Bäcker (2014), Gennady Shypunov (2008), Dmitriy Furman (2003), and Maryana Prokop (2015, 2020). The multiplicity and plurality of theoretical research approaches to regimes situated between democracy and authoritarianism has caused a peculiar problem in capturing the category of hybrid regimes. Researchers use various terms such as incomplete democracy, guided democracy, managed democracy, semi-democracy, delegative democracies, illiberal democracies, semi-authoritarian regime, competitive authoritarianism, grey zone, managed pluralism regime, dominant power regime, and anocracy (Prokop 2017, 37–38, 2020, 19–44).

When trying to determine what factors imply on the state's belonging to the intermediate zone between democracy and authoritarianism, G. O'Donnell and T. Carothers agree that it is determined by the socio-economic crisis and the limitation of political pluralism, which bring about the lack of developed pluralism within the party system and the absence of civil society. In this case, the political stability of the state is linked to the economic stability of the state (Carothers 2002, 5–19; O'Donnell 1996, 55–69). An important element of hybrid regimes according to Antoszewski and Herbut (2001, 34–38) is the concentration of power in the hands of a head of state coming from competitive elections. O'Donnell (1996, 55–69) believes that these regimes are characterised by low institutionalisation of power and the fact that winning an election gives the winner the right to rule as he or she sees fit.

Analysing hybrid regimes, Maryana Prokop (2020, 44, 46–53) defines them as states that possess the essential features of both democracy and authoritarianism, where the process of evolution between the autonomous points of the continuum is long-lasting and

none of the actors participating in political life (authorities, the people, NGOs) seek to change the system through revolutionary changes. The researcher indicates that a state's political system should fulfil three conditions for a state to be considered a hybrid regime: it should simultaneously possess the characteristics essential for democracy and authoritarianism (the criterion of possessed characteristics), the evolution process should be long-term (the time criterion), and there should be no aspirations on the part of the ruling elite/nation to change the political regime (the criterion of seeking transformation). In creating a tool for the study of hybrid regimes, the researcher included four indicators: power alternation, power sharing, political pluralism, and political activism. The result of the study by means of indicators was the establishment of hybrid features for the essential features of democracy and authoritarianism: partial guarantee of conditions for alternation of power, striving for the introduction of a monopoly of executive power, partly limited political pluralism, and sporadic political activity of the society with elements of political apathy. For the purpose of the article, the author's approach to the power-sharing index was adapted, which assumed that, in the case of the presence of democracy in the state, the principle of the tripartite division of power is fully realised, while in the case of authoritarianism there is a domination of the executive with a possible deprivation of political significance of the parliament. In the case of the hybridity of the political system of the state, there is an aspiration of the head of state to introduce a monopoly of executive power (Prokop 2020, 44, 46–53). The given assumptions of the indicator form the ground for the present reflections on the findings of the status of the institution of the Prime Minister (and, for that matter, of the entire government) in hybrid regimes.

According to Vitaliy Lytvyn (2008), the following factors are important for measuring government stability: Government Duration (the time between the start and end of a particular government's existence); Longevity of Government (the durability of a government based on its model; indicators of general government instability, the average number of changes in government between elections); Government Volatility Index (the average number of changes in government composition); and Government Stability Index (a percentage representing the government's actual functioning). The Ukrainian systems of balanced semi-presidentialism underwent a noticeable transition from the dominance of presidents and prime ministers to a heightened emphasis on personalisation within the governance structures. This was particularly evident in the increased powers wielded by either presidents or prime ministers, leading to a more intricate dynamic of executive dualism. As the hybrid regime moves towards increased democracy, both the government and parliament take on more significant roles and functions, resulting in a partial shift towards a parliamentary system. Due to the fact that this system of governance frequently shifted between various options (changed from one option to another and vice versa), often occurring concurrently with changes in Ukrainian presidential leadership (Lytvyn 2017, 26; Lytvyn, 2022, 38). Conversely, in scenarios where authoritarian traits are prominent, power tends to concentrate more either through presidentialisation or premierisation, often described as the personalisation of power, as observed in case in Hungary. According to Freedom House reports, Hungary was classified as a partly free country after 2020, whereas in 2019, it was categorised as a free country (Freedom House Reports, Freedom in the World 2020–2023).

Based on the outline of the analysis of hybrid regimes when analysing the Ukrainian political system, it is worth noting the specifics of the organisation and functioning of

the executive with regard to the relationship between the head of state and the government. The constitutional changes of 2004 in Ukraine led to the transfer of the role of the dominant executive from the President to the Prime Minister, who de facto became the real head of government. Taking into account the peculiarities of hybrid regimes, in the Ukrainian case study model of the functioning of the supreme state bodies, with extended competences of the head of state (according to the assumptions of the 1996 constitution), the dominance of the president's power may carry the risk of the president abusing his powers. In turn, the transfer of creative and control functions with regard to the government to the legislative body (amendment of 2004). It's important to note that prior to the constitutional amendments of 2004, which took effect in 2006, both the parliament and the president had the authority to dismiss the government. This setup reflected a mixed or semi-presidential system known as president-parliamentary. However, in 2006, the president's power to dismiss the government was revoked, leading to the adoption of a parliamentary-presidential model within the mixed or semi-presidential system. It may bring about the threat of a certain dependence of the government's functioning on the political situation in the state, which has happened very often in Ukrainian conditions. The unstable economic situation in the state and the political crisis may also be reflected in the unstable functioning of the government, e.g. through frequent changes in its composition, under conditions of tensions between the ruling party and the opposition, as the functioning of the parliament depends on its activities (appointment of the government, vote of no confidence and vote of confidence, approval of the programme, and approval of the state budget (Zakon Ukrajiny 2014b, art. 85).

The presidential aspiration to a monopoly of executive power is largely based on assumptions typical of non-democratic regimes involving exceeding the powers of the head of state and attempts to subordinate other bodies (parliament, government). In his reflections, Juan J. Linz (1995, 310) points out that a leader or a small leadership group wields power with poorly defined formal boundaries that are easily predictable. However, it is characteristic of intermediate regimes between democracy and authoritarianism that, unlike authoritarian regimes, actions are not fully realised and more often take the form of aspirations rather than real steps. This is because the facades of the principle of the tripartite division of power, which is an essential feature of democracy, are realised in the state. The complete separation of tasks and competences between the branches of government can, in turn, lead to the disruption of the state as a unified whole. Likewise, the supremacy of a single organ or group of organs contradict the assumptions of the principle of the tri-partition of power (Bäcker and Czwołek 2005, 3–11; Banaszak 2012, 280; Prokop 2022, 142–150). In more authoritarian hybrid regimes, the role of governments is often constrained, with their independence curtailed as they primarily function as tools of the ruling party or the head of state. Instead of acting autonomously, they execute directives from above, resulting in a concentration of power among a select few or a single political entity. This undermines democratic norms and accountability.

The status of the institution of the Prime Minister and the Cabinet in Ukrainian hybrid regimes, within the framework of the article will be analysed in terms of the legal principles defining the functioning of the entire Cabinet of Ministers in the state. The key question is whether the institution of the Prime Minister and the Cabinet in the Ukrainian legal system has been fully defined. It is also extremely important to determine whether the Basic Law has given the Head of State instruments to influence this body and whether

he has used them by abusing and/or exceeding his powers. Given the research field of the work, the actions of the President vis-à-vis the Parliament are not considered.

2. The legal status of the Prime Minister and the Cabinet of Ministers in Ukraine

A common solution for many states in the case of the functioning of the government is the phenomenon of "interpenetration" of the competences of the head of state and the parliament. The symbiosis of these competences concerns the procedures for the nomination and approval of the Prime Minister and members of the government, the adoption of the state budget and the formal discharge of its execution, and the expression of a vote of no confidence or a vote of confidence in the government. This leads, in many cases, to dual accountability of the government before the head of state and the parliament. The type of political system determines the emergence of a given duality of government accountability. As Waldemar Żebrowski (2005, 19) points out, in parliamentary systems, members of the government are accountable for policy-making to parliament while in presidential systems to the head of state, and in mixed systems to parliament and the president.

In Ukraine, the procedure for the appointment of the government has changed more than once, as amendments to the Basic Law have resulted in a balancing act between a presidential-parliamentary and a parliamentary-presidential form of government. The constitution passed in 1996 gave broad powers to the head of state also in the aspect of creation and control over the Cabinet of Ministers. However, in this case the question of what happens if the candidate for prime minister proposed by the head of state does not receive parliamentary approval was not regulated (Konstytucija Ukrajiny 1996, art. 114.) Another noteworthy aspect was the provision in art. 115 of the Constitution, where the government was to submit its powers to the newly elected president, and an amendment to the constitution in 2004, which entered into force in 2006, made it mandatory for the government to submit its powers to the newly elected Verkhovna Rada, the unicameral parliament of Ukraine. In most countries the term of government is dependent on the term of parliament, and, for example, according to the Polish Constitution the Prime Minister submits his resignation at the first session of the newly elected Sejm, the bicameral parliament of Poland (Constitution of the Republic of Poland 2007, art.162). In presidential systems – for example in the USA – the entire system's functioning is contingent upon the length of the presidents' terms in office.

The model of power that the 1996 Basic Law introduced was largely a political compromise between the head of state and parliament. The application of the provisions of the Constitution in practice led to an abuse of power on the part of the President. It was necessary to apply amendments to the most important piece of legislation in order to guarantee the application of the principle of the separation of powers. This became possible only at the end of 2004, when the *Law on Amendments to the Constitution of Ukraine* was passed, which was the result of an agreement among the political elite during the "Orange Revolution". A result of this was the election of Viktor Yushchenko as president of Ukraine (Zieliński 2007, 15–17). Perhaps noteworthy is the fact that the status of the Cabinet of Ministers was unregulated for a very long time, as it was only in 2006 that the *Law on the Cabinet of Ministers of Ukraine* was passed, which sorted out the principles of the functioning of the government (Zakon Ukrajiny, 2007), and the lack of regulations in

turn enabled President Leonid Kuchma to abuse his powers in relation to the government and to act contrary to the competences assigned to him under the Constitution. This was because many aspects of the government's functioning were not legally regulated and the President acted at his discretion. Later, the attempt to legally regulate the status of the Cabinet was met with opposition from the President in the form of a veto, which caused tensions between the head of state and the parliament. The Bill of Law on the Cabinet of Ministers of Ukraine was vetoed as many as eight times by Leonid Kuchma in various editions (only in 2001 he did it 5 times) (Hurska-Kowalczyk 2011, 152–154). The law on the Cabinet Ministers of Ukraine has been changed several times, including in 2008 (Zakon Ukrajiny, 2008) when it was amended once; in 2010 (Zakon Ukrajiny, 2011) it was amended fourteen times. Most recently in 2014 (Zakon Ukrajiny, 2014b), the law was amended thirty-seven times. Viktor Yanukovych's 2010 presidential election victory led to pressure on the Constitutional Court of Ukraine, which declared the amendment to the Constitutional Law adopted as part of the "Orange Compromise" to be inconsistent with the Ukrainian Constitution and restored the pre-2004 provisions. The subsequent political crisis in the State in the form of the "Revolution of Dignity" (Euromaidan) led not only to the removal of Yanukovych from power but to the adoption of a resolution by the Verkhovna Rada of Ukraine to reinstate certain provisions of the Ukrainian Constitution, following the 2004 amendment (Zielinski 2007, 15–18; Zakon Ukrajiny 2014a; Konstytucija Ukrajiny 1996; Riszennia Konstitucijnogo Sudu 2010). To sum up the topic, it should be noted that the 2004 amendment to the Constitution was invalidated by the Supreme Court of Ukraine (SCU) verdict in 2010, only to take effect again four years later on the basis of the parliament's restoration of its legal status.

Thus, given the time caesura of the work, it is relevant to refer to the functioning of the institution of the Prime Minister within the framework of the assumptions of the 1996 Constitution in 2010–2014, and according to the amendments in 2004 as well as amendments in the years 2004–2010 and 2014–2021. It's important to highlight that in the 1996 edition of the constitution the timeframe spans from 1996 to 2006 and from 2010 to 2014. In the 2004 edition, which became effective in 2006, the timeframe encompasses the years from 2006 to 2010, as well as from 2014 until the present. In the 1996 Constitution, there is a provision that the Cabinet of Ministers is responsible to the President and is subject to control; it reports to the Verkhovna Rada of Ukraine within the scope provided for by Article 85. Within the provisions of the article, the competence of the Parliament vis-à-vis the Government included considering and deciding on the programme of government activity (item 11), exercising control over the operation of the Cabinet of Ministers of Ukraine in accordance with this Constitution (item 13). According to the 2004 amendments, the wording of Article 113 was changed: the Cabinet of Ministers is responsible to the President and the Verkhovna Rada and is subject to the control of the Verkhovna Rada within the limits of the given Basic Law. Only the parliament possesses the authority to remove the entire government or the prime minister. This represents the primary and fundamental deviation from the 1996 Constitution, as it strips the president of the power to resign (exercise control) and establish a government. (Konstytucija Ukrajiny 1996; Riszennia Konstitucijnogo Sudu 2010).

According to the 1996 legal state, it was up to the President to appoint and dismiss the Prime Minister with the approval of the Verkhovna Rada. At the request of the Prime Minister of Ukraine, he could appoint members of the Cabinet of Ministers of Ukraine,

heads of other offices of central executive authorities, and heads of local state administration (Konstytucija Ukrajiny 1996, art. 106). Under the amendment (from 2004 to 2006) the power to appoint and dismiss the prime minister and the government was transferred to the legislature, and the head of state was given only the right to propose candidates at the request of a coalition of parliamentary factions, which is formed within thirty days of the first meeting of the Verkhovna Rada (Zakon Ukrajiny 2005, art. 154, item 2). It is largely reduced to the formal presentation of candidates proposed by the Verkhovna Rada. The president was only left with the ability to propose the candidature of the Minister of Defence and the Minister of Foreign Affairs to the parliament. He also lost the right to create, reorganise, and abolish ministries and other central executive bodies at the request of the Prime Minister. The Cabinet of Ministers was vested with this power (Zakon Ukrajiny 2005, Articles 83, 106, 116; Zakon Ukrajiny 2014a, Articles 8–9).

It remains interesting that the Constitution of Ukraine does not directly refer to the vote of confidence for the government, compared to other countries, e.g. according to the Constitution of the Republic of Poland, the Prime Minister, within fourteen days from the day of their appointment by the President, presents to the Sejm (Parliament) the programme of activities of the Council of Ministers with a motion to grant it a vote of confidence, by an absolute majority of votes in the presence of at least half of the statutory number of deputies (Constitution of the Republic of Poland 2007, art. 154 item 2). The process of acceptance of the government and its programme should be regarded as the procedure for a vote of confidence. It is worth noting that, unlike the Polish legislature, where the vote on the vote of confidence takes place after the Prime Minister presents the programme of activities of the future government, the Ukrainian legislation has separated the procedure adopted in other countries into two stages: the appointment of the government and the acceptance of the programme of government activities. One month after the appointment of the personal composition of the Cabinet of Ministers of Ukraine, the Prime Minister presents the programme of government at the first plenary session of Parliament. Approval of a given programme requires a majority of the constitutional composition of the Verkhovna Rada of Ukraine (450 deputies), at least 226 deputies. The Legislature has the option to either approve the programme of government or refer it, within fifteen days, for reconsideration, i.e. for further elaboration. The absence of any decision in relation to the programme of activities means that it has not been approved. Moreover, it imposes a kind of blockage on the functioning of the government, since if the programme is not approved; the presenting Cabinet of Ministers cannot present the programme again within a year (Prokop 2022, 145–147; Zakon Ukrajiny 2010, art. 227; Zakon Ukrajiny 2014b, art. 11). It should be clarified that in this scenario, the government's programme approval is distinct from the vote of confidence or investiture in the government. The non-approval of the programme does not signify the government's inability to form. Consequently, in Ukraine, this process is somewhat conditional.

However, despite this, the non-acceptance of the programme of the Cabinet of Ministers of Ukraine does not have any legal consequences for the latter, such as in the legal system of other countries like Poland, Germany, and France. This, however, creates a certain discrepancy with the wording of Article 114 of the Basic Law (Konstytucija Ukrajiny 1996) according to which the Prime Minister of Ukraine directs the work of the Cabinet of Ministers of Ukraine and directs for its implementation the programme of activity, approved by the Verkhovna Rada of Ukraine. According to item 6 of Article 116 of the

Constitution, the Government prepares the draft budget and secures its implementation after its adoption by the Parliament and presents a report on its implementation to the Verkhovna Rada. On this basis, we can argue that, given the supremacy of the Constitution of Ukraine in the legal system, the non-approval of the Government's programme creates a certain dissonance, as in this case it remains unclear what programme the Government is supposed to implement. This raises doubts as to whether, in this case, once the composition of the Government has been established, the procedure for approving the programme is not a kind of formality, and the procedure for appointing the Government should be regarded as the proper form of a vote of confidence in the Government.

The procedure of a vote of no confidence boils down to a resolution of parliament expressing disapproval of the actions of the entire Government, the Prime Minister, or an individual minister. In the Ukrainian State, the expression of a vote of no confidence by the Verkhovna Rada in the government amounts to the resignation of the entire government. Following the resignation of the government, the Ukrainian parliament has sixty days to form a new cabinet. It is worth noting in particular that the Ukrainian Constitution has not provided for the application of a vote of no confidence in a single member of the government (minister), treating the government as a collegial body jointly making decisions and therefore jointly responsible for them (Zakon Ukrajiny 2014a, art. 114–115; Zakon Ukrajiny 2014b, art. 14).

As Ukrainian researcher Volodymyr Kobryn (2018, 116–117) points out, defining the status of the Prime Minister and the Government in the Ukrainian legal system requires several significant changes. First, the Basic Law and the *Law on the Cabinet of Ministers* should be complemented with the wording that the Prime Minister heads the Cabinet of Ministers of Ukraine and directs its policy, and, following the example of the Constitution of the Republic of Poland, the wording of Article 116 on the competences of the government should be complemented with the competences of the Prime Minister, as the Ukrainian Basic Law does not mention them. The researcher calls for the completion of the procedure of a vote of confidence of the Verkhovna Rada against the Prime Minister and the restoration of the extended form of official acts of the Head of State requiring the procedure of the Prime Minister's countersignature (Kobryn 2018, 116–117). This is regulated by the provisions of Article 106 item 31 in both the Constitution and the 2004 amendment; however, the latter significantly reduced the number of official acts of the President requiring countersignature from thirteen to three.

The amendments to the Basic Law of Ukraine undoubtedly had a positive impact on the functioning of Ukraine's political system, primarily regulating the functioning of the Cabinet of Ministers, which, in combination with the 2006 enacted *Law on the Cabinet of Ministers of Ukraine* that encompasses the amendments made in 2008, 2010, and 2014, provides the premises for the implementation of the principle of separation of power. This is because previous conditions and the lack of specific legal provisions largely gave the President the opportunity to abuse his powers over the government. Following the enactment of the Constitution in 1996, President Kuchma largely subordinated all executive power. The head of state, according to the provisions of the Basic Law, had creative powers in relation to the government on the proposal of the Prime Minister to appoint the members of the government, the board of directors of the central executive bodies, as well as the chairpersons of the local institutions of state administration. However, there was no provision in the Constitution that the President had the right to dismiss them at the

proposal of the Prime Minister, which he used on more than one occasion (Konstytucija Ukrajiny 1996, Articles 105–106).

An important tool of the president's influence on the government under the Constitution is the right to suspend the execution of normative acts of the Cabinet of Ministers. The amendment, on the other hand, somewhat limits this tool of presidential influence by giving the president the ability to suspend the implementation of acts of the government that are contrary to the Constitution, while at the same time asking the Constitutional Court to examine their constitutionality (Zakon Ukrajiny 2005, Article 106, item 15). Thus, the constitutional amendments took away the President's ability to block the functioning of the Cabinet of Ministers. It is noteworthy that President Petro Poroshenko did not suspend any executive act of the Cabinet in his five years in office, whereas Viktor Yushchenko, who was in office a term earlier, did so more than ninety times, of which as many as eighty-seven times in 2009 alone, and in most cases the Constitutional Court of Ukraine declared these acts in compliance with the Basic Law. Ukrainian researcher Artem Salivanov (2010, 37) points out that the actions of the third president, to a large extent, were of a personal nature, based on a political conflict of interest, rather than stemming from a concern about the unconstitutionality of issued legislation. From 2007 to 2010 Yulia Tymoshenko served as the Prime Minister of Ukraine. The government was composed of parties such as "Batkivshchyna" (Yulia Tymoshenko) and "Our Ukraine – People's Self-Defense" (Viktor Yushchenko). Despite the fact that the Party of Regions won in the 2007 elections (garnering the most seats), it was not a part of the ruling coalition. The situation between President Yushchenko and Prime Minister Tymoshenko resembled a form of cohabitation, albeit only partially. In other words, there was conflict between the president and the government even though the president's party was involved in the government. Leonid Kuchma, despite having broad competences, often went beyond them, interfering in the activities of the judiciary, parliament and the Cabinet of Ministers. Under Presidents Yanukovych and Zelensky, the parliamentary majority facilitated the formation of a government that aligned with the policies of the president (Antyrejtynh).

3. Research findings

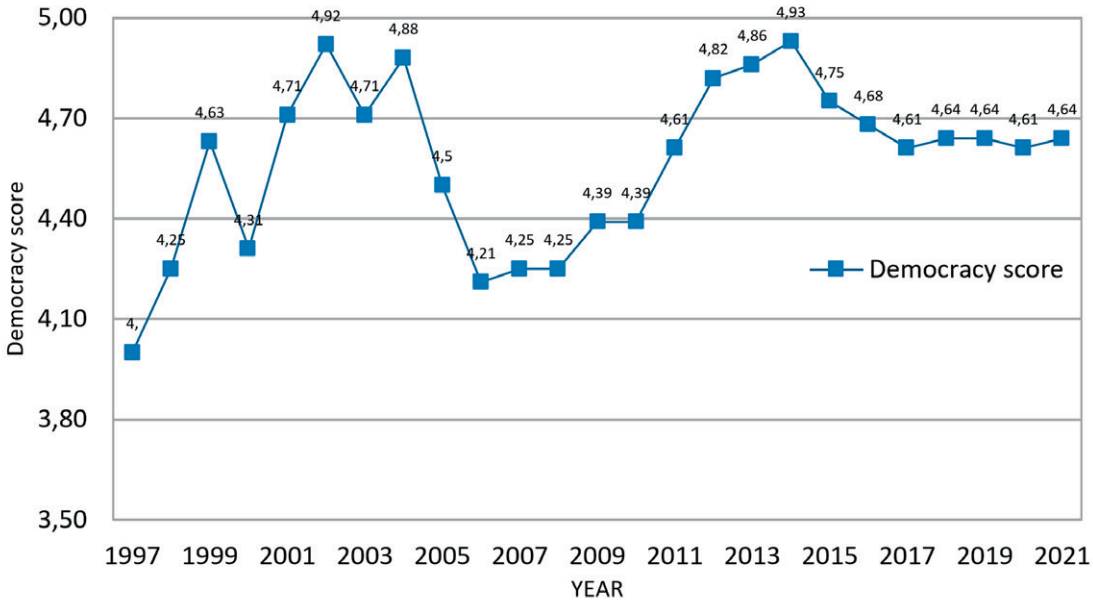
Based on the methodology from the FH reports, where transitional or hybrid regimes represent a score between 4.00 and 4.99, and the typology of hybrid regimes proposed by M. Prokop (2017), taking into account the criterion of relevance features for democracy and authoritarianism, distinguishes between a democratic-authoritarian hybrid (when democratic features dominate the state with tendencies towards non-democratic solutions) and an authoritarian-democratic hybrid (when authoritarianism dominates through violations of all freedoms in democracies with manifestations of democratic mechanisms). The researcher also points to a situation where there is a balance of democratic and authoritarian characteristics in commensurate dimensions, and in this case it is difficult to determine which type of political regime is dominant, and therefore calls it a classical (balanced) hybrid (Prokop 2017). Matching the typology with the score from the FH Reports, it can be determined that a score of 4.00–4.45 would represent a democratic-authoritarian hybrid, 4.46–4.55 would represent a classical hybrid, while a score for 4.56–4.99 would represent an authoritarian-democratic hybrid. Ukraine was categorised as a hybrid regime in the FH Reports from 1996 to 2021, the score balancing between 4.00

(lowest in 1997) and 4.93 (highest close to semi consolidated authoritarianism in 2014) (Report Freedom House Nations in transit, 1996–2021).

Analysing the result in terms of presidents, in the case of Viktor Yushchenko, after his victory in the third round of the elections (occurring after the repeated second round of the election), there were claims that the "Orange Revolution" had brought about huge changes for the Ukrainian State and that the next step was to establish a democratic state. However, the promises made on the Maidan during the "Orange Revolution" were not fulfilled and, as a consequence, there was a split in the Orange coalition formed by the presidential party "Our Ukraine" and Yulia Tymoshenko's Fatherland Party. As a consequence, the president in 2007 issued a decree to shorten the term of office of the Verkhovna Rada and to set early elections (Ukaz Priezidienta Ukrainy 355, 2007). The political system under President Yushchenko was a democratic-authoritarian hybrid, with the exception of 2005, when a classical hybrid was formed. After Yanukovych came to power and his actions in relation to revoking the amendment of the Basic Law, which restored the strong position of the head of state, there is a transformation in Ukraine towards an authoritarian-democratic hybrid (from the perspective of a democratic state, this should be considered a regression towards authoritarianism). After the overthrow of Yanukovych's government as a result of the "Revolution of Dignity", President Petro Poroshenko won the 2014 elections in the first round. That year, the 2004 amendment to the Constitution was reinstated. Ukraine's political system during this period, despite still being an authoritarian-democratic hybrid, sees an improvement in FH reports from 4.93 in 2014. 4.64 in 2018 and 2019. Under the presidency of the current president Volodomyr Zelensky, the score for the hybrid regime remained unchanged at 4.64 until 2022, which we can see as largely a consolidation of the hybrid regime. Interestingly, one of President Zelensky's actions on 21 May 2019 was the decision to dissolve the Verkhovna Rada and set early parliamentary elections for 21 July 2019. The President based his decision on the provisions of Article 90(1) of the Constitution of Ukraine, specifying the obligation within 30 days to form a parliamentary majority (coalition) (Ukaz Priezidienta Ukrainy 303, 2019). President Zelensky's actions largely failed to comply with the provisions of the Constitution, as the conditions set therein for shortening the parliamentary term were not met.

According to Lytvyn (2022, 41–42), Ukraine's political transition from 1991 to 2021 was not a singular, completed process. The president-parliamentary system under the presidencies of Kuchma and Yanukovych led to an increase in centralisation and monopolisation of power, resulting in an autocratic hybrid regime. Conversely, the premier-presidential semi-presidentialism model, especially during Yushchenko's presidency and partly under Poroshenko and Zelensky, decentralised and demonopolised power, fostering democratisation and resulting in an electoral democracy. It is difficult not to agree with his point that the primary challenge within Ukraine's ongoing transition is rooted in the tendency of presidents seeking dominance over both the executive branch and the entire political system. This inclination significantly contributes to the autocratisation of Ukraine's political regime, hindering the country's democratic transition. Therefore, building a democratic Ukraine necessitates reforms aimed at correcting its system of governance.

Graph 1. Ukraine democracy index 1997–2021



Source: *own elaboration based on Freedom House Reports 1997–2021.*

The indicators from the Freedom House report above suggest that authoritarian tendencies were prevalent in Ukraine's hybrid political regime during the second term of office of Kuchma and throughout Viktor Yanukovych's presidency. Conversely, Yushchenko's assessment of the political system during his presidential tenure indicates a shift toward more democratic tendencies within the hybrid regime. Under President Poroshenko, the democracy rating index for the hybrid regime began to improve in comparison to Yanukovych's rule. President Zelensky's administration has followed a similar trend. Analysing the obtained result for hybrid regimes in terms of the functioning of the Prime Minister and the government, it is worth noting that political instability and the possibility of crises in the state will translate into a shaky process of functioning of the supreme state bodies as well. Taking into account the research assumption of the present study – whether and to what extent the hybridity of the political system of Ukraine implies on the peculiarities of the functioning of the institutions of the Prime Minister and the government in this country – it was decided to check the frequency of changes of the head of government and, therefore, of the entire Cabinet of Ministers under the conditions of the existence of a hybrid regime in Ukraine.

During Kuchma's presidency, this period was a case of authoritarian-democratic-hybrid regime. During his term of presidency, the prime ministers were Pavlo Lazarenko (Hromada Party, 28.05.1996–19.06.1997), Valeriy Pustovoitenko (People's Democratic Party, 16.07.1997–22.12.1999) Viktor Yushchenko (Non-partisan on that time, 22.12.1999–29.05.2001), Anatoliy Kinakh (Party of Industrialists and Entrepreneurs of Ukraine, 29.05.2001–21.11.2022), Viktor Yanukovych (Party of Regions, 21.11.2002–7.12.2004 and 28.12.2004–5.01.2005), and Mykola Azarov (Party of Regions, 7.12.2004–28.12.2004, 5.01.2005–24.01.2005).

During Yushchenko's term of office, the prime ministers were Yulia Tymoshenko (24.01–8.09.2005 and 18.12.2007–04.03.2010) from the Fatherland Party in coalition with

the presidential party Our Ukraine; Yuriy Yehanurov (8.09.2005–04.08.2006) from the Our Ukraine party, and Viktor Yanukovych (4.08.2006–18.12.2007) from the opposition Party of Regions. During this period, the provisions of the constitutional amendment were in force and the appointment of the government was in the hands of parliament. This was in contrast to the rule of President Yanukovych, where the provisions of the 1996 constitution were reinstated and it was the president who nominated the prime minister and, on his proposal, the ministers. During Yanukovych's term of office, the prime ministers were Mykola Azarov (1.03.2010–28.01.2014) and Serhiy Arbuzov (28.01–27.02.2014) from the Party of Regions. After Yanukovych was removed from power (after his flight to Russia), until the election of President Poroshenko (Petro Poroshenko Bloc), the duties of head of state were performed by the speaker of parliament Oleksander Turchynov (People's Front), and the function of prime minister was performed by Arseniy Yatsenyuk (27.02.2014–14.04.2016) partly also during Poroshenko's term of office (People's Front).

Table 1. Prime Ministers of Ukraine 1996–2023

No.	Prime Minister	Party	Appointment	President	Party
1.	P. Lazarenko	Hromada	President or Parliament	L. Kuchma	Non-partisan
2.	V.Pustovoitenko	People's Democratic Party			
3.	V. Yushchenko	Non-partisan			
4.	Kinakh	Party of Industrialists and Entrepreneurs of Ukraine			
5.	V. Yanukovych	Party of Regions			
6.	M. Azarov	Party of Regions			
7.	V. Yanukovych	Party of Regions			
8.	M. Azarov	Party of Regions			
9.	J. Tymoshenko	Fatherland Party	Parliament	V. Yushchenko	Our Ukraine
10.	Y. Yekhanurov	Our Ukraine			
11.	J. Tymoshenko	Fatherland Party			
12.	V. Yanukovych	Party of Regions			
13.	M. Azarov	Party of Regions	President or Parliament	V. Yanukovych	Party of Regions
14.	S. Arbuzov	Party of Regions			
15.	A. Yatsenyuk	People's Front	Parliament	(acting) O. Turchynov	People's Front
16.	V. Groysman	Petro Poroshenko		P. Poroshenko	Bloc of Petr Poroshenko
17.	O. Goncharuk	Non-partisan	Parliament	V. Zelensky	Servant of the People
18.	D. Shmyhal	Non-partisan			

Source: *Own elaboration*.

It is worth mentioning that during this period the right to appoint the government returned to the parliamentary majority of the Verkhovna Rada of Ukraine. Another prime minister during Poroshenko's term was Volodymyr Groysman (14.04.2006–29.08.2019) coming from the presidential bloc. Governments during Zelensky's presidency were headed by non-partisan candidates: Oleksiy Goncharuk (29.08.2019–4.03.2020), and Denys Shmyhal (4.03.2020-until now) (Priemjer-Ministry Ukrainy: hto, koly ta skilki chasu kieruvav uriadom, 2020).

The development of the research results within the framework of this article has made it possible to analyse the content of Ukrainian legislation in the context of the functioning of the institutions of the Prime Minister and Government in Ukraine. The multiple amendments to the Basic Law in Ukraine affected the functioning of the Cabinet of Ministers of Ukraine, as they implied the balancing of Ukraine between the president-parliamentary and parliamentary-presidential systems, which translated into the transfer of the government's responsibility into a dualism of responsibility to the president and parliament. During the periods of the president-parliamentary system (1996–2004/2006 and 2010–2014), the government bore collective responsibility, subject to dismissal by both the president and the parliament. However, from 2004/2006 to 2010 and since 2014, only the parliament holds the authority to dismiss the government. This implies that the dual responsibility of the government, in case of its resignation, is exclusive to the president-parliamentary setup and not applicable to the parliamentary-presidential arrangement of a mixed or semi-presidential republic. Semi-presidentialism embodies a constitutional structure that regulates inter-institutional and procedural dynamics. It involves an elected president, commonly chosen by the populace for a specific term, usually as the head of state, and sometimes holding dual roles as both the head of state and the head of the executive branch. Moreover, it encompasses roles for a prime minister and cabinet, all of whom are collectively responsible to the parliament (Elgie, 1999, 2–18; 2004, 314–320). The understanding of semi-presidentialism is rooted in its approach to the formation, function, and accountability of the cabinet and the broader executive system. This system is characterised by the unique involvement of both the president and parliament in cabinet formation, influenced by legal regulations and political dynamics within the parliament. Semi-presidentialism further institutionalises a "dual executive" model, where both the president and the prime minister/cabinet hold executive powers, albeit with differences in authority and influence. The semi-presidential systems of government, characterised by nearly equal powers between presidents and prime ministers (governmental cabinets), are known as balanced semi-presidentialism or semi-presidentialism of balanced power (Lytvyn 2016, 51; 2017, 19; Lytvyn, 2022, 38–39). Matthew Søberg Shugar (2005, 324), adapting from Duverger's (1980) original and influential definition, presents three defining characteristics of semi-presidentialism: a directly elected president; a president with significant constitutional authority; the presence of a prime minister and cabinet, dependent on the confidence of the parliamentary majority.

The analysis of the legal dimension for the functioning of the Prime Minister and the Government in Ukraine allowed us to conclude that the amendment of the Basic Law significantly improved the conditions for the functioning of the Cabinet of Ministers. Therefore, an index score of 1.0 was used for the amendment of the constitution, while a score of 0.5 was used for the 1996 Constitution. In the event that the legal status of the Cabinet of Ministers of Ukraine is not regulated, the result is 0. Partial regulation is assigned a score

of 0.5 (up until 2008), significant regulation is scored at 0.75 (up until 2014), and full regulation receives a score of 1.0 (after 2015). In the absence of the suspension of the validity of legal acts of the Cabinet of Ministers, or their recognition on the Constitutional Court of Ukraine as being suspended, the result is 1.0.

Table 2. Legal status of government in Ukraine 1996–2021

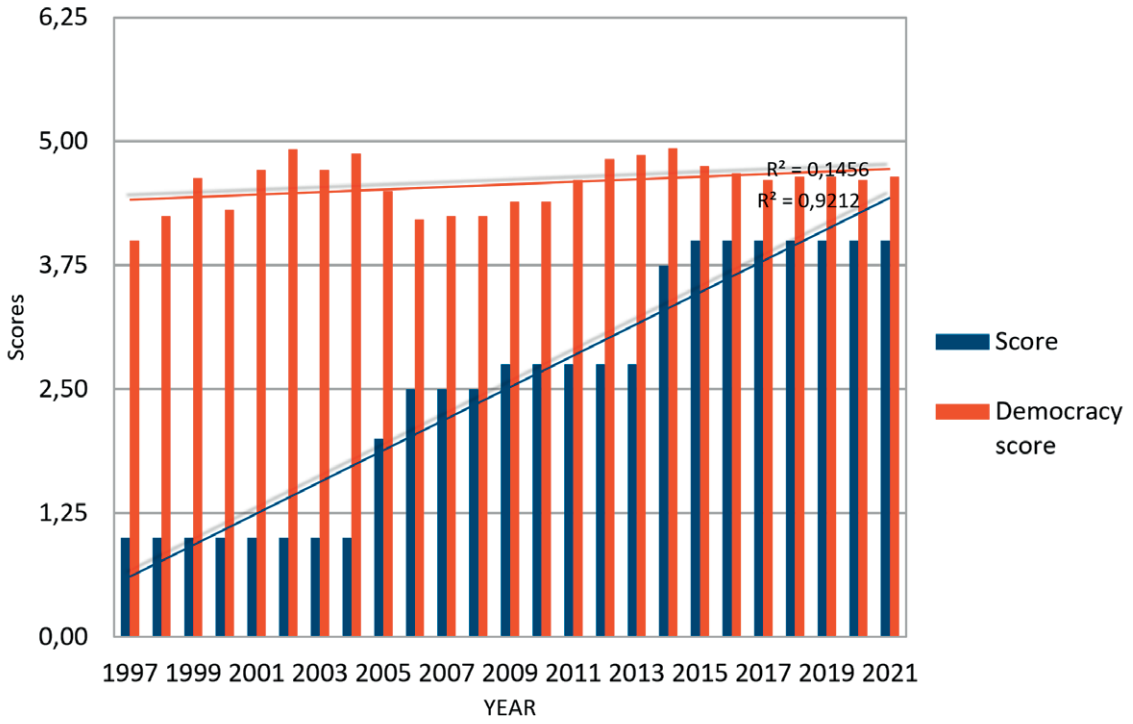
Year	Legal status of government	1996 Constitution/ 2004 amendment	Suspension of legislation	Appointment of government President/ Parliament	Score	Democracy score (DS)
1996	0	0.5	0	0.5	1.0	—
1997	0	0.5	0	0.5	1.0	4.00
1998	0	0.5	0	0.5	1.0	4.25
1999	0	0.5	0	0.5	1.0	4.63
2000	0	0.5	0	0.5	1.0	4.31
2001	0	0.5	0	0.5	1.0	4.71
2002	0	0.5	0	0.5	1.0	4.92
2003	0	0.5	0	0.5	1.0	4.71
2004	0	0.5	0	0.5	1.0	4.88
2005	0	1.0	0	1.0	2.0	4.50
2006	0.5	1.0	0	1.0	2.5	4.21
2007	0.5	1.0	0	1.0	2.5	4.25
2008	0.5	1.0	0	1.0	2.5	4.25
2009	0.75	1.0	0	1.0	2.75	4.39
2010	0.75	0.5	1.0	0.5	2.75	4.39
2011	0,75	0.5	1.0	0.5	2.75	4.61
2012	0.75	0.5	1.0	0.5	2.75	4.82
2013	0.75	0.5	1.0	0.5	2.75	4.86
2014	0.75	1.0	1.0	1.0	3.75	4.93
2015	1.0	1.0	1.0	1.0	4.0	4.75
2016	1.0	1.0	1.0	1.0	4.0	4.68
2017	1.0	1.0	1.0	1.0	4.0	4.61
2018	1.0	1.0	1.0	1.0	4.0	4.64
2019	1.0	1.0	1.0	1.0	4.0	4.64
2020	1.0	1.0	1.0	1.0	4.0	4.61
2021	1.0	1.0	1.0	1.0	4.0	4.64

Source: *Own elaboration.*

In the case of the suspension of the execution of acts and their recognition by the court as consistent with the Constitution, the result is 0. Regulations concerning the appointment of the government by the head of state and accountability only to the president are scored at 0.5, while the appointment of the government by the parliament and the accountability of the government to both the president and parliament are assessed as 1.0. It has been established that when all four criteria for the functioning of the government are met and the overall score is between 3.5 and 4.0, the legal status of the government

is guaranteed at the level of a democratic state. A score between 2.0 and 3.25 indicates a guarantee of the legal status of the government at the level of a hybrid regime. A score below 2.0 indicates that the legal status is unregulated or may suggest that the government is functioning under the conditions of an authoritarian state.

Figure 2. Trends for Ukraine's government status score and democracy score



Source: *Own elaboration.*

On the basis of the results obtained for the status of the government in Ukraine from 1997 to 2021, a comparison was made with the democracy score for the same period. In the juxtaposition of the variables, the score for correlation is 0.22304338, which means that there is a weak relationship between the variables. Scale $|rs|<0.2$ – no linear relationship; $0.2\leq|rs|<0.4$ – weak relationship; $0.4\leq|rs|<0.7$ – moderate relationship; $0.7\leq|rs|<0.9$ – fairly strong relationship; $|rs|\geq0.9$ – very strong relationship (Filipek, 2018). This gives grounds to speculate that the hybridity of Ukraine's political system don't imply on the status of the prime minister and government in the state. However, it is worth noting the trends related to the scores, in case for the democracy score (DS) up to 2004 (presidency of L. Kuchma) there is an upward trend from 4.00 to 4.88 (except 2000, DS=4.31). The score becomes close to that of semi-consolidated authoritarianism (5.00–5.99). In the case of the provisions defining the legal status of the Ukrainian government, the result was 1 point out of 4 possible. After the Orange Revolution and constitution changes (2005–2010), there is an improvement in the status of the government in Ukraine and a change in the score (DS=4.21–4.39 – hybrid regimes 4.00–4.99). H however, it is still falling within the democratic-authoritarian hybrid regime (4.00–4.45), (classical hybrid regime DS = 4.46–4.55, semi-consolidated democracy DS=3.00–3.99) and also the legal status of govern-

ment increased to 2.75. The score for the status of the government continued to increase between 2011 and 2021 thus leading to its consolidation from 2.75 to 4.00. The DS score, on the other hand, balances between 4.61 (2011, 2017 and 2020) 4.93 (2014) indicating that Ukraine's political system during this period was an authoritarian-democratic hybrid regime (4.56–4.99), and from 2015 there is a decrease, however still categorising it as an authoritarian-democratic hybrid regime.

Thus, in the given case, it should be concluded that the hybridity of Ukraine's political system, does not have a significant impact on the status of the state government. The confirmation of the given assumption is evidenced by the fact that the improvement and consolidation of the status of government takes place during the period when Ukraine's hybrid regime evolved from a democratic-authoritarian to an authoritarian-democratic hybrid regime, The legal status of the government in the state increased from a score of 1.0 to 4.0.

Summary

The evolution of Ukraine's governmental structure and the role of the Prime Minister within it reflect a complex interplay of constitutional amendments, political dynamics. From the initial provisions of the 1996 Constitution to subsequent amendments and legal reforms, Ukraine has navigated a path towards a more balanced distribution of powers between the President, Parliament, and the Cabinet of Ministers. Subsequent amendments, particularly those enacted in 2004 and beyond, aimed to rectify this imbalance by curtailing the President's powers and enhancing parliamentary oversight. These changes transferred key responsibilities such as the appointment and dismissal of the Prime Minister and government to the Parliament, thereby reducing the President's direct influence over the executive branch. By regulating the procedure for the appointment of the Prime Minister and ministers, the President's roles in this plan were limited to merely proposing a candidate for Prime Minister at the request of a collation of parliamentary factions and nominating candidates for Minister of Foreign Affairs and Defence.

The conducted research on the status of the Government and the Prime Minister in Ukraine from 1996 to 2021 made it possible to solve the research problem posed in the introduction: whether and to what extent the hybridity of the political system of Ukraine implies on the specificity of the functioning of the institutions of the Prime Minister and the government in the country. It also verified the research hypothesis posed: that the hybridity of the Ukrainian political system as a stage of transition from authoritarianism to democracy has partly contributed to changing the traditional order of functioning of the institutions of the Prime Minister and Government in the State by losing the head of state's dominant role in the process of government functioning. In order to establish the methodological assumptions made, it was necessary to analyse the legal status of the Prime Minister and the Government in Ukraine, as well as to determine what hybrid features in relation to the functioning of the government were introduced by the given system.

Analysing the issue of the status of the Government and the Prime Minister in Ukraine, it is worth noting that, in the Ukrainian legal system, for a long time, the status of the Cabinet of Ministers of Ukraine was not fully defined. This was mainly influenced by the lengthy process of enacting the *Law on the Cabinet of Ministers of Ukraine*. As due to the

political crisis in the state caused by the Orange Revolution. the law was not enacted until 2006 (Zakon Ukrajiny 2007).

The analysis of Ukraine's government status and democracy score from 1997 to 2021 reveals a weak relationship between the hybridity of Ukraine's political system and the status of its government. Despite fluctuations in the democracy score, which ranged from 4.00 to 4.93, indicating shifts between democratic-authoritarian and authoritarian-democratic hybrid regimes, the status of the government steadily improved and consolidated over the same period, increasing from 1.0 to 4.0. Utilising data on the government's status in Ukraine spanning from 1997 to 2021, an examination was conducted alongside the corresponding democracy score over the same timeframe. Upon juxtaposing these variables, it was found that the correlation score stood at 0.22304338, indicating a weak relationship between them. This suggests that the hybrid nature of Ukraine's political system did not significantly impact the legal status or functioning of its government. The findings underscore the complexity of Ukraine's political landscape and the importance of examining multiple factors to understand its governance dynamics effectively. However, research indicates that regime hybridity can indeed impact the status and functions of the president (Prokop, 2020; Pietnoczka, 2018), when the president's role is influenced, it can result in either a weakening or strengthening of their authority, which consequently affects the government as well. By undermining the implementation of the principle of the separation of powers and by pursuing the dominance of executive power. However, in the case of research on the political system of Ukraine and the status of the government in the country, these assumptions have not been confirmed. The author of this paper is aware that this does not mean that these assumptions can be applied to all cases of hybrid regimes.

Thus, the hypothesis posed in the introduction is not confirmed. A feature of a hybrid regime is, among other things, the upsetting of the implementation of the principle of the separation of powers, through the dominance of the executive. In this case, the dominance of the executive manifests itself in the fact that the legal status of the Prime Minister and the Government has not been defined for a long time. Under the 1996 constitution, the prime minister was chosen by the president, yet the parliament ratified the PM's appointment via a vote of confidence. Similarly, both the president and the parliament had the authority to remove the government. This system operated under a president-parliamentary framework. After the 2004 amendment, these powers passed to the legislative body. Following the constitutional revision in 2004 (up to 2014), these authorities were exclusively retained by the parliament. This is because the president lost them both from the point of view of formation government formation and the authority to terminate the government's functions. Only during the term of office of Viktor Yanukovych (2010–2014) were the rules from before the amendment in force. Thus, the Cabinet of Ministers of Ukraine as a body of executive power has not been significantly influenced by the hybridity of the Ukrainian political system, as despite the change of the hybrid regime from democratic-authoritarian to authoritarian-democratic, there is a significant improvement and consolidation of the status of the government.

The role of the president in the functioning of the government has been only partly and formally limited, with the exception of the period 2010–2014. This reduction is mainly attributed to the change in the system of government from presidential-parliamentary to parliamentary-presidential. Further research on the issue requires establishing the re-

lationship between the theoretical dimension (taking into account the provisions of the constitution) and the real one. For example, the fact that every president after 2010 enjoyed the support of the parliamentary majority, which deals with the formation of the government. Therefore, he had/could have had a real impact on the government in practical terms. This is evidenced by the fact that prime ministers after 2010 came from the same party as the head of state.

Literature

Antoszewski, A. (2014). Wyboista droga ku demokracji i autorytaryzmowi w świecie postkomunistycznym. *Wrocławskie Studia Politologiczne*, *16*, 7–23.

Antoszewski, A., & Herbut, R. (2001). *Systemy polityczne współczesnego świata*. Arche.

Antyrejtynh: Vid Kuchmy Do Zelensskoho. Hto z prezydentiw chastishe poruszuvav Konstytuciju (2021, czerwiec 28). *Liga.net*.

Bäcker, R. (2014). Reżimy hybrydalne. In: J. Juchnowski, R. Wiszniowski (eds/.), Studia nad współczesnymi systemami politycznymi. Podmioty i procesy demokratyczne: księga dedykowana profesorowi Andrzejowi Antoszewskiemu Toruń: Wydawnictwo Adam Marszałek, 37–46.

Bäcker, R. (2014). Reżimy hybrydalne. In: J. Juchnowski, R. Wiszniowski (eds.), *Studia nad współczesnymi systemami politycznymi. Podmioty i procesy demokratyczne: księga dedykowana profesorowi Andrzejowi Antoszewskiemu*. Toruń: Wydawnictwo Adam Marszałek, 37–46.

Bäcker, R., & Czwołek, A. (2005). Autorytaryzm. Podstawowe zagadnienia teoretyczne. *Dyskurs. Czasopismo Politologiczne*, *2*, 3–12.

Banaszak, B. (2012). *Porównawcze prawo konstytucyjne współczesnych państw demokratycznych*. Wolters Kluwer Polska.

Carothers, T. (2002). End of Transition Paradigm. Journal of Democracy. *Journal of Democracy*, 5–19.

Diamond, L. (1996). Is the Third Wave Over? *Journal of Democracy*, *7(3)*, 20–27.

Duverger, M. (1980) A new political-system model: semi-presidential government, *European Journal of Political Research 8(2),* 165–187.

Elgie, R. (1999). The Politics of Semi-Presidentialism. In: R. Elgie (ed.), *Semi-Presidentialism in Europe*, Oxford University Press.

Elgie, R. (2004). Semi-Presidentialism: Concepts, Consequences and Contesting Explanations. *Political Studies Review*" vol 2, nn 3, 314–330.

Filipek, R. (2018). Analiza korelacji i istotności parametrów. Avaible at https://home.agh.edu.pl/~romanf/Wprowadzenie_do_MATLAB/_build/html/Analiza_istotnosci.html#Analiza-korelacji-i-istotno%C5%9Bci-parametr%C3%B3w accessed on [06.07.2023].

Furman, D. (2003).Politiczeskaja sistiema Cowriemiennoj Rossii i jejo żezniennyj cykł. *Swobodnaja Mysl, 11*, 2–10.

Holzer, J., & Balik, S. (2009). *Postkomunistyczne reżimy niedemokratyczne. Badania nad przemianami w teorii politycznej w okresie po transformacji ustrojowej.* Ośrodek Myśli Politycznej.

Hurska-Kowalczyk, L. (2011). *Opozycja polityczna na Ukrainie (1991–2006)*. Wydawnictwo Adam Marszałek.

Karl, T. (1995). The Hybrid Regimes of Central America. Journal of Democracy. *Journal of Democracy*, *6(3)*, 72–86.

Kobryn, W. (2018). Premjer-ministr Ukrajiny u systemi strymuwann ta protywah władу suczasnoji konstytucijnoji modeli. *Ukrajinsskyj czasopys konstytucijnoho prawa*, *4*, 113–121.

Konstytucija Ukrajiny. (1996). (VVR), 1996, N 30, st. 141.

Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997. (2007). Dz.U z 1997 nr 78, poz 483.

Levitsky, S. & Way L. A. (2002). The Rise of Competitive Authoritarianism, *Journal of Democracy*, 13, (2), 51–66.

Levitsky, S., & Way, L. A. (2013). The Durability of Revolutionary Regimes. Journal of Democracy. *Journal of Democracy*, *24(3)*, 5–17.

Linz, Juan J. (1995). Totalitaryzm i autorytaryzm, In: *Władza i społeczeństwo, wybór i opracowanie* J. Szczupaczyński, t. 1, Warszawa, 303–325.

Lytvyn V. (2016). Theory and Typology, Challenges and Consequences of Semi-Presidentialism Within Republican Form of Government and Prospects for its Reformation in Ukraine. *The Annals of the University of Bucharest: Political Science Series*. Vol. 18. No. 1, 35–65.

Lytvyn, V. (2008). Konceptualne wyznaczennia poniattia „uriadowa stabilnist». Naukovyj wisnyk *Użhorodśkoho uniwersytetu. Serija: Politolohija, Sociolohija, Fiłosofija*, 10, 37–42.

Lytvyn, V. (2017). The Stages of Installation and Institutional, Procedural, Political and Behavioral Attributes of Semi-Presidentialism in Poland and Ukraine: Comparative Analysis. *Studium Europy Srodkowej i Wschodniej*, 8, 15–30.

Lytvyn, V. (2022). Never-ending political transition in Ukraine at the background of the experience of Central and Eastern European countries: Dynamics and correlation of political regimes and systems of government. *Studium Europy Środkowej i Wschodniej*, 18, 29–47.

Methodology Freedom House, (2012) avaible at https://freedomhouse.org/report/nations–transit–2012/methodology#.VSWnR9ysUXN accessed on [06.09.2023].

Nations in Transit Methodology, https://freedomhouse.org/reports/nations-transit/nations-transit-methodology accessed on [06.07.2023].

O'Donnell, G. (1996). Delegative democracy. *Journal of Democracy*, *5(1)*, 55–69.

Pietnoczka, P. (2018). Ewolucja pozycji ustrojowej prezydenta na Ukranie. *Studia politologiczne*, *47*, 220–237.

Prokop, M. (2015). Demokratyczno-autorytarna hybryda: Redefinicja kategorii teoretycznej. *Historia i Polityka*, *13(20)*, 13–46. http://dx.doi.org/10.12775/HiP. 2015.002.

Prokop, M. (2017). Typologia reżimów hybrydalnych. Ujęcie teoretyczno-metodologiczne. *Historia i Polityka*, *21(28)*, 27–42.

Prokop, M. (2020a). *Badanie nad reżimami hybrydalnymi. Case study systemy polityczne Ukrainy i Rosji w latach 2000–2012*. Wydawnictwo Uniwersytetu Jana Kochanowskiego.

Prokop, M. (2022). Prawne instrumenty oddziaływania głowy państwa na parlament. Case studies systemów politycznych Federacji Rosyjskiej, Republiki Białorusi i Ukrainy. *Przegląd Sejmowy*, *1(168)*, 137–153. https://doi.org/10.31268/PS.2022.90

Reports Freedom Hause, Freedom in the world, https://freedomhouse.org/report/freedom-world accessed on [06.10.2023].

Reports Freedom Hause, Nations in transit, https://freedomhouse.org/event/report-launch-nations-transit-2023 accessed on [06.10.2023].

Riszennia Konstitucijnogo Sudu u sprawi za konstitucijnim podanniam 252 narodnich dieputatiw Ukrainy shchodo Vidpowidnosti konstitucii Ukraini (konstitucijnosti) Zakonu Ukrainy „Pro wniesiennia zmin do Konstitucii Ukrainy" vid 8 grudnia 2004 roku" N 2222-IV (sprawa pro dodierzannia procedury vniesiennia zmin do Konstitucii Ukrainy). (2010). N 20-rp/2010 vid 30.09.2010.

Shugart, M. (2005). Semi-Presidential Systems: Dual Executive And Mixed Authority Patterns. *French Politics*, *3,* 323–351, doi:10.1057/palgrave.fp.8200087.

Priemjer-Ministry Ukrainy: hto, koly ta skilki chasu kieruvav uriadom, 2020, https://24tv.ua/premyer_ministri_ukrayini_hto_koli_ta_skilki_chasu_keruvav_uryadom_n1160357 accessed on [06.10.2023]

Shypunow, H. (2008). Teoretyko-metodolohicznizasady analizu hibrydnych politychnyh rezhymiv: Ukrajińskyj kontekst. *Naukovizapysky [Nacionalnoho universytetu „Ostrozka akademija"], Politychni nauky, 3*, 89–102.

Sielivanov, A. (2010).Konstitucijnie prawosuddia i konstitucijna jurisdikciia w Ukraini (doktrinalnie wiznaczennia), *Prawo Ukrainy* ,6, 34–44.

Ukaz Priezidienta Ukraïni Pro wwiediennia woєnnogo stanu w Ukraïni N 64/2022. (2022).

Ukaz Priezidienta Ukraïny N303/2019 Pro dostrokowie pripiniennia pownoważen' Wierchownoï Rady Ukrajiny ta priznaczennia pozaczergowich wiboriw. (2019).

Ukaz Priezidienta Ukraïny N355/2007 Pro dostrokowie pripiniennia pownoważen' Wierchownoï Rady Ukrajiny ta priznaczennia pozaczergowich wiboriw. (2007).

Zakon Ukrajiny Pro Kabinet Ministriw Ukrajiny. (2007). (VVR), 2007, N 11, st.94.

Zakon Ukrajiny Pro Kabinet Ministriw Ukrajiny. (2008). (VVR), 2008, N 25, st.241

Zakon Ukrajiny Pro Kabinet Ministriw Ukrajiny. (2010). (VVR), 2011, N 9, st.5

Zakon Ukrajiny Pro Kabinet Ministriw Ukrajiny. (2014). (VVR), 2014, N 13, st.222.

Zakon Ukrajiny Pro Rehłament Werchownoji Rady Ukrajiny. (2010). (VVR), 2010, N 14–15, N 16–17, st. 133.

Zakon Ukrajiny Pro vidnowłennia diji okremych połozeń Konstytuciji Ukrajiny. (2014). (VVR), 2014, N 11.

Zakon Ukrajiny Pro vnesennia zmin do Konstytuciji Ukrajiny. (2005). (VVR), 2005, N 2, st. 44.

Zieliński, E. (2007). *System konstytucyjny Ukrainy*. Wydawnictwo Sejmowe.

Żebrowski, W. (2005). *Współczesne systemy polityczne. Zarys teorii i praktyka w wybranych państwach świata.* Olsztyńska Szkołą Wyższa im. Józefa Rusieckiego.